



Northern Ireland
Assembly

COMMITTEE FOR
HEALTH, SOCIAL SERVICES AND
PUBLIC SAFETY

OFFICIAL REPORT
(Hansard)

**Youth Justice Agency
of Northern Ireland**

18 February 2010

NORTHERN IRELAND ASSEMBLY

**COMMITTEE FOR
HEALTH, SOCIAL SERVICES
AND PUBLIC SAFETY**

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Members present for all or part of the proceedings:

Mrs Michelle O'Neill (Deputy Chairperson)

Mr Thomas Buchanan

Mr Alex Easton

Mr Sam Gardiner

Mrs Dolores Kelly

Mr Conall McDevitt

Mrs Claire McGill

Ms Sue Ramsey

Witness:

Mr Andrew MacQuarrie) Youth Justice Agency of Northern Ireland

The Deputy Chairperson (Mrs O'Neill):

We now have an evidence session with the Youth Justice Agency. I welcome Mr Andrew MacQuarrie, who is a youth conference service co-ordinator for the priority youth offender project. I invite Andrew to make a presentation, after which members will ask questions.

Mr Andrew MacQuarrie (Youth Justice Agency of Northern Ireland):

Thank you for your time this afternoon. I am one of several youth conference service co-ordinators who work for the Youth Justice Agency. I received a varied brief of what you want to hear today, ranging from information on domestic abuse and violence to the work of the youth

conference service. I hope that the information that I present is relevant, and I am willing to answer members' questions.

The Justice (Northern Ireland) Act 2002 outlines the legislative framework for convening a youth conference to provide recommendations to the Public Prosecution Service (PPS) or the youth court and thereby resolve incidents of crime involving offenders who are under 18 years of age. The youth conference draws together the key stakeholders who are connected to an offence to discuss the impact that the offence had on them, to suggest how amends can be made and to prevent further offending.

A youth conference co-ordinator brings together the young person who offends, his or her family, a legal adviser, the victim of the offence, community representatives — if appropriate — and a youth diversion police officer to engage in the youth conference process. The co-ordinator also presents recommendations and a youth conference plan to either the PPS or the court to resolve the issues. A range of resolution options is laid out in legislation, including the young person making an apology, paying restitution, completing community service hours, adhering to restrictions or completing education or training programmes. All those actions can form part of a bespoke youth conference plan.

The youth conference process aims to address the needs of all the parties concerned in respect of the themes of safety, justice and control. Victims of crime can attend the youth conference face to face, through a two-way mirror, via video or telephone link or through the submission of a taped interview or a written impact statement. Figures for youth conferencing across Northern Ireland for the second quarter of the current financial year indicate that victims are present at 72% of youth conferences. Some 74% of victims stated that they were satisfied with the outcome of the conference, and 100% of victims would recommend the process to someone in a similar position, even if they are not impressed by the demeanour or attitude of the young person concerned.

More than 7,000 cases have been dealt with in Northern Ireland over the past six years. The re-conviction rate is 44.3% for court-ordered conferences and 30.7% for PPS-directed conferences. Those figures contrast with the re-conviction rates of 72.9% from custody and 49.6% for probation orders. The Ministry of Justice in England and Wales and the National Commission on Restorative Justice in Ireland have noted that consensus is emerging on the value

for money of restorative justice-related methods. They have estimated that, for every £1 spent on restorative justice methods, £8 is saved from the criminal justice budget.

The priority youth offender project is an enhanced service that is being piloted in the greater Belfast area. It has a co-located team of staff from the Youth Justice Agency and the Probation Board for Northern Ireland to deal with priority youth offenders. Those include young people who have engaged in sexual or violent offences or who are persistent repeat offenders. The level of supervision for young people who are subject to the priority youth offender project is more intense, information sharing and services are more collaborative, and closer links are developed with custody providers at Woodlands Juvenile Justice Centre and the young offenders' centre at Hydebank Wood.

A police notification scheme is also in place to monitor any contact that the police have with young people who are subject to the priority youth offender project. There are close working relationships and case planning with social services and adolescent mental-health and drugs services. The project relies on firm partnerships with community and voluntary organisations, and it is developing a range of specialist programmes and services for families and young people who are subject to the project and its supervised court orders.

The project is also piloting an intensive supervision model that is based on circles of support and accountability. Named family members, mentors and support services meet the young person every six weeks to review progress and his or her commitment to engage with the requirements of the court order, which is usually a youth conference, probation or juvenile justice centre order.

The Youth Justice Agency assessment is a tool that is used by staff to consider all the main issues that could enable a young person to desist from offending. It takes into account previous offending, family circumstances, educational and other abilities, substance misuse, community setting, lifestyle, and thinking and attitudes towards offending. Young people are offered a level of intervention by the agency in proportion to the level of risk that they pose. That can include programmes on reparation, reintegration into their community, resilience, development of personal skills or restrictions on conduct or whereabouts.

Domestic violence and abuse is one of a complex range of risk factors that can be linked to a young person's likelihood to reoffend. However, research in other jurisdictions highlights a

disproportionately high number of young people in the juvenile justice system who live in homes that are characterised by adversity, neglect, physical abuse and domestic violence. Statistics are not readily available on the links between domestic violence and young people who offend in Northern Ireland. However, several themes can be noted from a range of individual cases that have been referred to the Youth Justice Agency.

Young people have been referred for youth conferences because of displays of aggression in the home, such as criminal damage and assaults on family members or carers, and an increasing number of those young people live in statutory residential units. Cases have been referred for youth conferences in which young males have assaulted their mother or their girlfriend. There has also been a referral for a breach of a non-molestation order. Those types of domestic incidents are difficult to resolve because, in many cases, the accommodation provision will need to remain in the same context as where the incident occurred, and the victims of the assault will be the adults who will remain in a caring capacity for the young person.

Difficulties arise in the context of young relationships, especially when the injured party wishes to maintain contact with the young person who assaulted him or her. Mobile phones, text messaging and social networking sites pose difficulties in monitoring whether young people are maintaining contact with one another when they are not supposed to.

Referrals will always be made, when appropriate, to social services, child and adolescent mental-health services and any special interest community or voluntary service providers who are vital to a young person's needs, such as the Northern Ireland AD/HD Support Centre.

The impact of young people's witnessing domestic violence is difficult to quantify, and they are affected in different ways. Research suggests that young people who witness domestic violence at home may develop behavioural and conduct disorders as well as emotional and physical problems.

In closing, I will outline two case studies in which young people were affected by domestic violence.

The Deputy Chairperson:

Andrew, I remind you that you have only another minute or so to finish your presentation.

Perhaps you would pick one of the two case studies.

Mr MacQuarrie:

I will, certainly. A young person called Keith, aged 16 and from a rural part of east Antrim, had been convicted of the offences of theft and grievous bodily harm (GBH). His mother had reported serious incidents of domestic violence by former partners when her children were young. The GBH offence resulted in a youth conference order that included community service and the completion of a “choosing non-violence” programme. Recently, Keith was again referred to a youth conference because of theft from a shop, criminal damage to a member of the public’s car and an assault on a young person of his own age. The youth conference was convened in Woodlands Juvenile Justice Centre because Keith was being held in custody; that was because of his not having a bail address because relationships at home had broken down.

The victim of criminal damage to the car participated in the conference by way of a written statement, the security staff and the till operator took part via a live telephone link, and the young person who was assaulted and his mother engaged via a video link. Keith was held directly accountable by all the victims, and the main issues to be addressed were highlighted. He apologised to all the victims concerned and gave a commitment not to engage in that type of activity again. Given the gravity of the offences and additional features known to the court, Keith also consented to be dealt with by means of a custodial sentence and a youth conference order, which is another option that is available to the youth court.

The youth conference process is aimed at targeting the issues of safety, justice and control for each of the people involved. The victims’ fear of crime should reduce, and they should have a sense that justice has been done and that they can be more in control of their lives. The young offenders feel that they have accounted for their behaviour in a safe environment, that they have been treated fairly and that they can also gain more control over the choices that they make. The process should also allow the community in general to feel that the young person who offended has been held accountable and that the appropriate agencies are monitoring his or her conduct in a way that should promote enhanced community safety.

The Deputy Chairperson:

Thank you, Andrew. I want to pick up on the excellent priority youth offender project that you mentioned. I visited the young offenders’ centre at Hydebank Wood. From speaking to the staff

there, I discovered that many young people had been let down by various services. Often, those young people should not be dealt with by the criminal justice system. Had there been the proper intervention by services at various stages of their lives, many of them may not have found themselves in such a position.

The priority youth offender project's focus on inter-agency co-operation must present plenty of challenges.

Mr MacQuarrie:

The priority youth offender project ties together the Probation Board for Northern Ireland and the Youth Justice Agency. In the past, young people progressed through the orders that the agency offered the court and, subsequently, on becoming more serious or persistent offenders, they possibly went before the Probation Board, which also recommended certain orders. The project aims to close the gap between the two. Probation officers and a probation administrative team are now based on the ground floor of the building in Waring Street in which the agency has its offices. That means that there is much closer communication between the two agencies, and the supervision of young people, particularly those who are subject to orders that are supervised by the agency or the Probation Board, is much more streamlined.

The Deputy Chairperson:

Are there any challenges in getting people from the different agencies involved to work together?

Mr MacQuarrie:

Change can be difficult for any group that tries to do something different. It is a two-year pilot project, and we are approaching the end of its first year. Everyone concerned feels that it is progressing positively. The fact that staff work side by side makes communication easier and much more manageable.

Mr Buchanan:

I commend the youth conference service for its work; it is difficult to sit young offenders down and try to address the reasons why they offend.

You dealt with 7,000 cases in the past six years. Is the number of first-time offenders that you deal with increasing? Are those first-time offenders unemployed, at a loose end, from deprived

areas, and so forth? The re-conviction rate is 44.3%. Is that rate decreasing or increasing?

What does the youth conference service do when folk go through the process? Is there anything to encourage them into the workplace or into further education to try to break the cycle and encourage them in a different direction?

Mr MacQuarrie:

The business of the Youth Justice Agency is about directing young people towards more constructive ways of working and issues on their lifestyles. The agency tries to develop young people's relationships with their families; to target any substance misuse; to direct them into appropriate education or training placements; to address issues to do with where they live and to engage them with appropriate community youth providers; and to conduct cognitive behavioural work to address their thinking, attitudes and behaviour. Therefore, the agency and the Probation Board focus on working with young people to try to develop their skills and create opportunities that divert them away from crime.

The re-conviction rates are worked out in a precise way, using an international formula. The figure of 44.3% is for young people who received orders in 2005 and were re-convicted in the three years after that. Therefore, I cannot say whether the rate is going up or down, because the figure of 44.3% is just a snapshot of the most recent figures.

You asked about first-time offenders. The entire youth justice system in Northern Ireland is geared towards diverting young people from crime. When young people come to the attention of the police for the first or second time, they can receive diversionary disposals; in other words, they are diverted from court and kept out of the court process. Diversionary disposals can take the form of an informed warning, a restorative caution or a diversionary youth conference. The outcomes of those are recorded on a young person's criminal record, but only for the police, the Public Prosecution Service and the justice system to see.

If a young person receives a diversionary disposal and is filling out a job application form that asks whether the applicant has any previous convictions, he or she could honestly answer no, because diversionary disposals are classed as cautions. If that young person were completing a job application form that asked whether an applicant had any convictions, cautions or previous dealings with the police, he or she would have to disclose being in receipt of a diversionary

disposal. If young people who have received diversionary disposals reoffend, the Public Prosecution Service tends to decide that they will progress to a court. The first option for the court is to make court-ordered youth conference referrals.

Mr Easton:

Do all young offenders go through the youth conference processes?

Mr MacQuarrie:

The legislation is worded in such a way that the youth court must refer all offences for a youth conference unless it is a case in which an adult would serve life imprisonment for a similar offence and also for certain indictable offences. The court will automatically refer a young person for a youth conference. Such young people are then given information by the Youth Justice Agency as to what that is about and what will be required of them, and they decide whether they are willing and able to follow through with it. Any young people who do not follow through with the youth conference process will be dealt with via a pre-sentence report by the Probation Board; that is how a young person would have been dealt with in the past.

Mr Easton:

The re-conviction rate for court-ordered youth conferences is much lower than the rate for custodial offences. Should that be rolled out to include older people? What age group does the agency cover?

Mr MacQuarrie:

The agency covers 10- to 18-year-olds. The review of the criminal justice system around 2000 recommended that restorative justice should be the main way to deal with young people under the age of 18. It recommended that there should be a pilot scheme for the 18–25 age group, but I am not aware whether that has been implemented. England and Wales are considering whether to pilot the scheme with adults. International research shows that, if people are brought face to face with victims of crime and understand the reality of what they have done, that can have a great impact.

Mr Easton:

Do you work closely with North Down Alternatives?

Mr MacQuarrie:

We engage with any group that can add value to the process. We are willing to work with young people from areas in which they have connections with positive community groups.

Diversionary conferences for young people who are offending for the first or second time show the lowest re-conviction rates. One would expect young people in the main court-ordered youth conferences to have a larger offending history. Young people will be held in custody only for serious or persistent offending. Young people who are held in custody are much more likely to reoffend, which is why they are in custody in the first place. Those facts might give some balance to the statistics.

Mrs D Kelly:

Your presentation contained several important lessons. It is important to put victims first. It is good to hear that victims get a better sense of justice having been served as a consequence of youth conferencing. The North has one of the lowest ages of criminal responsibility — 10 years of age — and the SDLP does not support that.

I am a member of the Policing Board, and I had the opportunity to visit the Minister with responsibility for police and justice in Scotland. The Justice Ministry in Scotland decided to move the issue of youth offending to the Health Department. Do you have any views on that? There is an old saying that children learn what they live; the words of that maxim used to hang on a wall in my house. Do young people who have experienced domestic violence become perpetrators, and are there links to substance and alcohol abuse? Are there emerging trends to show that younger children are becoming involved with the justice system because of alcohol or drug misuse? What links does the agency have with clinical psychologists? If behaviour is learned in the home, surely we should consider changes to behaviour and attitude rather than locking young people up.

Mr MacQuarrie:

Clearly, locking children up in jail will not solve crime. A 12-year-old who is involved in multiple offences is not the same as a 12-year-old who is in education, has a loving family and has many supports and interests; that child is the complete opposite. Any young person who requires psychological services is referred automatically through one of the local child and adolescent mental-health services (CAMHS) teams.

Mrs D Kelly:

I know that there is a long waiting list for psychological services and that the waiting list for child and adolescent psychiatry is one of our worst. What is the agency's experience of waiting times and quick intervention?

Mr MacQuarrie:

The services work as quickly as they can. The higher the priority of need that a young person displays, the quicker the response. In the past few weeks, the Youth Justice Agency has employed a child psychologist who is available to us on a part-time basis. Therefore, we have a direct contact for people who are in high need of acute services.

Scotland takes a different approach to youth crime. The viewpoint in Scotland is that children should be dealt with through a welfare model rather than a criminal justice model. The entire Scottish system is, therefore, based on a welfare approach to youth crime as opposed to a criminal justice approach.

Mrs D Kelly:

What is your view on that? Is there any evidence to suggest that one approach is better than the other?

Mr MacQuarrie:

I cannot speak on behalf of the Youth Justice Agency on the issue, but I can speak in a personal capacity. The common-sense approach to the issue of children who are involved in crime and who have crazy life circumstances is that it is more of a welfare issue than a punitive justice issue. Domestic violence is not a common theme in all the cases that we deal with. However, a combination of family issues, alcohol and substance misuse, and unemployment directly affects the young people whom we deal with. If a survey were conducted on the postcodes of the areas in which young people who have had dealings with justice system live, it might show that there is a link between the levels of poverty and deprivation in those areas.

Ms S Ramsey:

Coming from a deprived area does not necessarily equate to a person's being involved in the criminal justice system. In saying that, there must be a balance between helping people who are

dealing with a family breakdown or alcohol and drug misuse and ensuring that those who commit crimes are held responsible and accountable for their actions. It is vital that we put victims and communities at the heart of this issue. It took some time for members of the criminal justice and youth justice system to realise that restorative justice is a positive approach to the issue.

Does the Youth Justice Agency have an input into the type of community service that the courts can impose?

Mr MacQuarrie:

There are two parts to my answer. The amount of community service that a young person must complete depends on his or her age; the agency deals with young people between the ages of 10 and 18. Under legislation, the maximum number of hours that a young person under the age of 16 can be expected to complete is 24 hours. The type of service that young people under the age of 16 should complete is based more on reparation and education. However, young people over the age of 16 can complete up to 240 hours of service in the local community. That service should focus on a victim's particular interest, a charity that he or she supports or an activity that will benefit the young person concerned. Community service is about providing young people with the opportunity to develop skills and reintegrating them in existing community services and facilities so that there are positive benefits for the young person rather than punitive measures.

Ms S Ramsey:

I am all in favour of a holistic approach and the idea that people, whatever their age, must be held responsible for their actions. That is the difference in the argument between community service and criminal conviction. I represent a constituency that has suffered severely from antisocial behaviour. Is there a facility through which people can report someone whom they have known since he or she was 14 years of age, but who is now an 18-year-old, to the courts or the adult justice system

Mr MacQuarrie:

That link is made through schemes such as the priority youth offender project. The Probation Board prepares court reports for people who are over 18 years of age. Young people who are known to the Youth Justice Agency and who have been dealt with jointly by the priority youth offender project would already be known to the Probation Board.

Ms S Ramsey:

Does the agency feed into other agencies for preventative work on family, health and education issues? If the agency is focusing on one kid in a family of two or three children, is it proactive in ensuring that those other children will not offend?

Mr MacQuarrie:

The Youth Justice Agency engages directly with the key agencies concerned, whether that be social services or education, or whether the young person has training or employment issues to deal with. The agency is also involved in joint projects with organisations such as Barnardo's and others on preventative work, providing diversionary activities for children who are at the margins of offending or are 10 or 11 years of age. The Choices programme is an inter-agency project that targets that age group. We also make connections in areas that have overarching forums that connect bodies together.

Ms S Ramsey:

I have seen some of the good work that the agency is doing. You mentioned work that is being conducted in England and Scotland. I am aware that certain areas of England have local courts and local judges. Are you moving towards that idea, in which more local people are involved?

Mr MacQuarrie:

I am not familiar with that.

Ms S Ramsey:

I would make a good judge.

Mr MacQuarrie:

That is a question that I cannot answer.

The Deputy Chairperson:

It is a matter of opinion.

Mr McDevitt:

I want to pick up on some of the victims' experiences. You said that, in 72% of cases, the victim is present at a conference.

Mr MacQuarrie:

That is correct.

Mr McDevitt:

I assume that that could mean by phone or —

Mr MacQuarrie:

The victims are present live, either in the room behind a two-way mirror, by video link or live input.

Mr McDevitt:

What proportion of victims is physically present at those conferences?

Mr MacQuarrie:

The majority are present. I cannot tell you the precise figure, but, in my experience, it is the majority. When people decide that they want to be involved, they can do so. That applies to people who, in the first instance, think that the two-way mirror might give them a sense of safety. When they see the layout of the room, they often think that they may as well be involved.

Mr McDevitt:

What support do you offer to the victims, before and after they go into a conference?

Mr MacQuarrie:

Our purpose is to provide the best service to victims that we can to enable them to engage in the process to the maximum extent that they wish to be involved.

Victims are entitled to assistance with travel expenses, childcare costs and loss of earnings if any of those factors are a barrier to their engaging in the process to the extent to which they wish. However, in my experience — I have worked for the youth conference service for the past six years — victims tend not to want to be paid expenses. Nevertheless, the option is open to them. In addition, we provide childcare and, if communication is an issue, interpreters.

Mr McDevitt:

Those are practical support measures. Do you offer victims psychological or counselling support?

Mr MacQuarrie:

We can only signpost. The Youth Justice Agency does not deal directly with victims to provide services, but we certainly signpost them to appropriate services, such as Victim Support. If the victim is a young person, perhaps someone who has been assaulted, we would direct that person towards services that are not related to criminal justice.

Mr McDevitt:

In your presentation, you mentioned young people who offend against other young people, particularly those with whom they are in a relationship. You said that it is often difficult to monitor whether people stay in contact using social media, mobile phones or text messaging. My question is innocent, because I simply do not know the answer. Is there no legislative possibility of banning offenders from using such media?

Mr MacQuarrie:

Given the circumstances in which we operate, if a young person has been involved in a physical assault against another person, the best that we can do is to make it part of his or her court order to agree not to harass or confront the other person for a period of months. That helps the victim because he or she knows, especially if he or she lives in a small town, that it will be OK if he or she happens to bump into the other person. However, if the other person approaches the victim, he or she will be in breach of the court order.

Mr McDevitt:

Is there a precedent for banning such a person from having a mobile phone or from being on a social networking site?

Mr MacQuarrie:

Although it is possible, it would be extremely difficult to police. It is possible to remove someone's mobile phone. However, it is very easy for him or her to then borrow a friend's phone.

Mr McDevitt:

Have you explored the possibility of banning people from social networking sites?

Mr MacQuarrie:

Again, that is possible in theory, but, so far, we have not had to deal with that eventuality.

The Deputy Chairperson:

There is a lot of bullying on social networking sites, and fights are organised. However, access to sites is hard to police, because someone can log on as someone else.

Those are all our questions, Andrew, so thank you very much. As the pilot project is evaluated, perhaps you will send us your findings to keep us up to date with what is happening.

Mr MacQuarrie:

I certainly will. I shall now give members a pack that includes a copy of our presentation. I did not do so earlier in case people fiddled with them during the presentation. The pack also includes a desk calendar and information to signpost members who want further information. Thank you.

The Deputy Chairperson:

Thank you.