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The Speaker



Northern Ireland
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TO ALL ASSEMBLY MEMBERS

7 July 2009

Dear Member,

DEBATE ON JUVENILE JUSTICE SYSTEM – 19 MAY 2009

I am attaching for the information of all Members a copy of a letter that I have received from Paul Goggins, Minister of State for Northern Ireland in response to the debate which took place in the Assembly Chamber on 19 May 2009 in relation to the juvenile justice system.

I have deposited a copy of the Official Report along with my letter to the Minister and his reply in the Assembly Library.

Yours sincerely,

WILLIAM HAY MLA



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SPEAKER'S OFFICE

Mr William Hay MLA
Speaker
Northern Ireland Assembly
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2 July 2009

Dear Mr Speaker

The Secretary of State has asked me to thank you for your letter of 26 May recording the outcome of the Assembly debate on youth justice in Northern Ireland and to reply on his behalf as I have ministerial responsibility for the criminal justice system.

I warmly welcome the interest shown by the Assembly in this important issue. Tackling youth crime, protecting the public and delivering better outcomes for vulnerable and marginalised young people are matters of critical importance and it was good to see the vibrant views expressed across the parties in the debate. The concluding observations of the UN Committee on the Rights of the Child (UNCRC) also provide a valuable source of informed comment to help shape the youth justice system we all want for the future.

As the debate was set in the context of the UNCRC, I should perhaps say something about the Government's commitment towards the Convention itself. The UK Government, as the State Party, signed the Convention because of a firm and enduring belief that children in the UK, and the world over, deserve the protection that such a powerful statement of intent can provide. As such, the Convention and subsequent observations by the UN Committee have underpinned many of the significant improvements to children's lives we have witnessed over the past 20 years, nationally and here in Northern Ireland. I know from the report submitted to the UN Committee prior to the UK's hearing



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last September that this view is shared within the Northern Ireland Executive and the other devolved administrations.

But, of course, the devolved structures within the UK and the evident differences in practice between jurisdictions makes it difficult for the UN Committee to report fully on each component part. Hence, while I do not deny there is always room for improvement, I am equally sure that the progress we have made in Northern Ireland, and the balanced and thoughtful nature of our approach, is not fully reflected in the concluding observations.

Youth custody was a significant theme in the UNCRC report and the debate, with calls for it to be used only as a last resort. We agree, and the figures show that we mean what we say. In 1996, 296 children were sentenced to custody in the then equivalents of Juvenile Justice Centres; in 2008/09 the number had declined to 40. This step change has allowed us to close and dispose of inadequate facilities and to invest in a single new Juvenile Justice Centre which is praised by all who have visited it, including the Criminal Justice Inspectorate and, indeed, some of the MLAs who participated in the debate. The Centre accommodates boys, up to and including the age of 17, and all girls committed to custody who were previously detained with adult female prisoners. Moreover, it provides access to a level of stability, education and health provision that very few of the young people have ever known. Some of them are able to make progress whilst others do go onto re-offend. Whilst we are not complacent it is important to note that custody is now reserved for the small number of offenders who have either committed a very serious offence or have continued to offend despite many previous attempts to turn them away from crime.

I recognise, however, that we have more to do. The Prison Service has responded to criticism of the facilities for young people in the Hydebank Wood Young Offenders Centre with the development of a robust Juvenile Improvement Plan which will address concerns around the regime, including child protection and bullying; re-furbished accommodation and greater separation from young adults; and, will provide a focus on education as a core





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activity. The Delay Action Plan will drive efficiency within the overall system and help to reduce the time taken to process cases; Electronic Monitoring will provide a realistic alternative to remands in custody; and, closer co-operation with DHSSPS and Social Services is already showing good results in reducing the number of children entering custody from the care system.

While there is an understandable focus on the small number of young people who are in custody, there have been equally significant developments in community interventions. In particular, statutory youth conferencing, firmly rooted in restorative principles, is transforming the way we deal with youth crime. Young offenders have to account, and make amends, for their behaviour; victims have a direct say in the process; and, tailored plans can be developed to meet the needs of young people and victims alike. Victim participation and satisfaction is high and re-offending rates, particularly for diversionary youth conferences, are encouragingly low.

Our commitment to the concerns of victims is strong and sustained and is clearly articulated in the five year strategy (Bridging the Gap) and annual business plan aimed at providing them with better services and experience of the criminal justice system. It is further evidenced by the substantial support we provide to Victim Support (NI) and in the processes we have set in place for meeting the needs of vulnerable victims and witnesses, many of whom are children. And that approach to protecting the vulnerable underpins the introduction of the new sentencing framework and more effective inter-agency arrangements for managing violent or sex offenders in the community.

The establishment of the Priority Youth Offenders Project in Belfast also demonstrates our clear understanding of the importance of having a joined-up approach to managing high-risk young offenders in the community and reducing the prospect of re-offending. The Project involves the Youth Justice Agency, Probation Board for Northern Ireland, the PSNI





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and others working together to identify, challenge and support those young people who have already developed significant offending patterns.

I note the comments of the UN Committee in their concluding observations and the range of views expressed in the debate on the age of criminal responsibility and the use of anti-social behaviour orders against children. I do not propose to increase the age of criminal responsibility and I remain convinced that anti-social behaviour orders provide an effective and proportionate intervention in tackling the harm and distress caused by the entirely unacceptable behaviour of a small number of people, some of whom are children, in our communities. But, as confirmed by the Criminal Justice Inspectorate last year, we have adopted a very measured and progressive approach to their use and have found other interventions such as warnings and acceptable behaviour contracts to be effective at an earlier stage.

Where of course we all agree is that it is better to prevent offending than deal with its consequences, both in terms of the financial and human cost and the waste of potential. This theme is reflected in a number of current initiatives. The draft Strategy for the Management of Women Offenders recognises that women's imprisonment has an enormous impact on children and families. It can also be seen in the draft Community Safety Strategy on which we consulted recently, and in specific projects supported by the Youth Justice Agency and the Community Safety Unit, such as the Summer Splash schemes. The Youth Diversion Scheme operated by the PSNI aims to divert young people from further offending at the earliest possible stage. The voluntary sector is also funded to play a crucial role in this area. In addition, the NIO is developing with stakeholders across the public, private, community and voluntary sectors a wider Strategy for Reducing Offending in Northern Ireland.

Thank you again for bringing the debate to my attention. I am copying this reply to the two Junior Ministers in OFNDPM who also forwarded the transcript of the debate to me for my consideration.





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However, the challenge of preventing or reducing offending and rehabilitating those young people who have offended cannot be met by the criminal justice system alone. The children we encounter have multiple deficits and complex needs. Many are from broken homes; some have fallen through the social welfare safety net, have dropped out of education and have unmet or undiagnosed health and mental health needs. They most often come from, and go back to, communities blighted by generational unemployment and poverty.

Each area of government, in meeting its own responsibilities and working collectively with others, needs to play a part in meeting this challenge. There are good examples of collaborative action. At a strategic level there is good inter-Department co-operation in areas such as domestic and sexual violence and drug abuse, all of which impact on the lives of children; and, more recently, we have established the Learning and Development Forum with officials in the Departments of Education and Employment and Learning. At a local level, Community Safety Partnerships provide an effective mechanism for focusing on local issues.

THE RT HON PAUL GOGGINS MP
Minister of State for Northern Ireland

Cross-cutting ministerial groups, such as the Executive's Ministerial Sub-committee on Children (MSC) and the proposed Inter-Ministerial Group on Offending, have a particularly important role to play because of the mandate and impetus they can provide. The MSC, on which I sit, has a broad remit for taking forward the 10-year Children's Strategy and has begun to think about the priority areas on which it should focus, including those children who are vulnerable to coming into contact with the criminal justice system. We have also agreed that the UN Committee's concluding observation will inform our work.

Thank you again for bringing the debate to my attention. I am copying this reply to the two Junior Ministers in OFMDFM who also forwarded the transcript of the debate to me for my consideration.





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In closing, I would like to leave you with this thought. The vast majority of children do not break the law and are a credit to themselves, their families and communities. A very small minority, from whom the public deserve and expect protection, can cause great harm and we have effective measures for dealing with them. It would, however, be good if between us we could help those young people who do get into trouble to find a way back to achieving their potential.

Yours
Paul

THE RT HON PAUL GOGGINS MP
Minister of State for Northern Ireland



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