

include YOUTH

**Response to DoJ Strategy for supporting and challenging
women and girls in contact with the justice system**

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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

In our response to the pre-consultation we noted our concerns that the specific needs of younger women and girls would get overlooked if there was not an attempt to draw out a separate strategy addressing the younger age group. We are disappointed that the Department did not consider this option. As a result the specific and distinctive needs of girls and younger women in relation to early intervention, prevention and community provision and pathways into custodial detention have not been explored sufficiently.

We welcome the emphasis on addressing the factors and structural causes of women being brought into contact with the justice system and the recognition that many young women and girls are themselves victims of crime, have experienced multiple traumas and are extremely vulnerable. The strategy correctly outlines the need for cross departmental approaches and the critical importance of securing commitments from many other government departments apart from the Department of Justice.

We welcomed the approach made to us by departmental officials to engage directly with young people from Include Youth in relation to this consultation. On this occasion, we were unable to take up this offer due to existing pressures and demands that our young people were under but we are hopeful that in the future we may be able to establish an opportunity for direct engagement with some young people.

Specific Comments

Background and Context

Are there key facts, figures and trends that are missing?

While we are informed that 205 girls have been referred to the Youth Justice Agency we are not given further breakdown in terms of the profile of these girls. We would be keen to know what percentage of that number are care experienced, and also what the age breakdown is within that group.

It would also be beneficial to have data on prosecutions, convictions, and disposals for children and younger women. Similarly, we would like the document to have a breakdown of the details on custodial detention of girls, in terms of numbers detained under remand, PACE or sentence, age profile and the number of care experienced girls detained.

It would also be beneficial to have reoffending rates for girls provided within the document.

We are deeply concerned that 73% of women had a physical and/or mental health condition and 36% showed signs of self-harm at the time of their detention. These figures emphasize the need for a supportive welfare approach to be adopted rather than a punitive one.

While broad figures are provided on vulnerabilities of women and girls at the time of detention, in terms of physical and mental health conditions, signs of self-harm etc, these are not broken down by age category. We would like this information to be provided specifically for children and girls in terms of their vulnerability profile at the time of detention. This information should include details on girls who are at risk of CSE, those at risk of paramilitary contact and/or intimidation, those with addiction issues, mental health concerns, speech and language needs.

It would also be useful to have information on the education status of girls who come into contact with the justice system, in relation to for example, those with statements of SEN, those suspended or excluded from school, those not engaged in mainstream education.

We would welcome reference being made to the minimum age of criminal responsibility and the fact that given our extremely low age of criminal responsibility, this strategy will potentially cover how girls from 10 years of age will be treated. There is a need to clarify the reach of this strategy in terms of the age that it will cover.

Strategic Context – is there anything you want to add or change?

We think the section on strategic context is comprehensive in its content.

We would recommend that *A Life Deserved: A Strategy for Looked After Children and the Children's Services Co-operation (NI) Act 2015*, should be referenced within this section.

We welcome the reference to the Youth Justice Review but would welcome more detail about how this strategy will seek to incorporate specific and relevant recommendations emerging from the youth justice review, especially in relation to early intervention, diversion, bail, use of custody as a last resort, PACE, need for suitable alternative accommodation, rehabilitation and reintegration, delay and criminalisation of care experienced young people.

We would seek further detail on how this strategy and subsequent implementation plans will link in with the outworking of the proposals to establish an integrated care and justice campus. The proposals for the care and justice campus do not specifically detail gender specific interventions or tailored programmes both within the proposed Secure Care Centre or the wider campus provision. It will be interesting to see how

this strategy could inform the care and justice campus proposals in relation to services for girls.

We welcome the reference to international human rights and children's rights standards in relation to women and children in the youth justice system. We would recommend reference also being made to UN Committee on the Rights of the Child Concluding Comments and Recommendations, as well as General Comment No.24.

We would recommend reference being made to the Independent Inquiry into Child and Sexual Exploitation in NI. This inquiry is particularly relevant given the fact that it has been estimated that CSE is an issue of concern for 33% of those involved in the youth justice system and in terms of assessed levels of risk it is estimated that 54% of young people involved in the youth justice system were at significant risk of CSE as compared to 12% of those not involved.¹

Do you agree with the title?

We are concerned that the use of the term 'empowerment' may overlook the impact of wider structural issues and the socio-economic context which undoubtedly result in young women and girls being brought into contact with the justice system and increase the risk of young women and girls entering the justice system. While we acknowledge the importance of making positive choices, we know that many young women feel they do not have access to appropriate choices and that circumstances beyond their control make it hard for them to 'make changes'.

We are not entirely comfortable with the use of the word 'challenge' within the title of the strategy and would prefer it to read 'strategy for supporting women and girls in contact with the justice system'.

Do you agree with the vision? How would you enhance it?

We would suggest the following amendment to the vision – 'Ending Harm by addressing societal and structural factors that lead women and girls into the justice system'.

Do you agree with the overarching priorities?

We broadly support the overarching priorities. We would strongly advocate that early intervention and prevention is led and delivered by community and voluntary sector providers and welfare oriented statutory providers, rather than by justice providers.

We would suggest that the priority of 'robust alternatives to custody and management of women in the community' is reworded to 'robust and suitable alternatives to custody and provision of supports in the community'.

¹ Child Sexual Exploitation in NI: Report of the Independent Inquiry, November 2014, page 82

Do you agree with the principles?

We broadly agree with the principles but would like to suggest inclusion of 'age appropriate' and 'rights focussed'.

Do you agree with the proposed strategic themes?

We broadly agree with the proposed strategic themes. We support the intention to promote and provide community solutions to reduce women's offending and re-offending and will look forward to seeing how the Department will practically deliver on this, in terms of ensuring sustained support for existing provision from the community and voluntary sector.

Prevention and Diversion

We support the acknowledgement that women and girls have better outcomes with a health or welfare-led response as opposed to a 'punitive' criminal justice approach and as an organisation we strongly advocate that keeping children out of the criminal justice system completely must be an overriding goal of any child rights focused justice system. Prevention and early intervention initiatives are at their best when it delivered by non- justice agencies. This is true for services and programmes delivered to all ages but especially for children. Early intervention and prevention programmes for girls will differ significantly to those delivered to adults and this distinction must be made within the Strategy.

In order to understand how we can best prevent and divert young women from the justice system we must have full and complete information on the profile of those young women and children who are already within the system and understand their pathways in. This information should be drawn out from the wider data on female adults in the system. It would also be beneficial to chart the pathways of young women when they have exited the system to understand what services and interventions are needed to prevent re-entry.

The provision of mental health services, drug and alcohol addiction services, tailored education support structures, employability and training support programmes, suitable and safe accommodation, are all vital to prevent girls and young women coming in to contact with the youth justice system.

We agree that purposeful and engaging activity can help divert young women from engagement in the youth justice system. 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 and those young people at risk of entering the justice 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 Department in the development of suitable education and training programmes for young women and girls both within and on the edges of the justice system.

We agree that there is value in co-designing any early intervention and prevention programme with women and girls who have experience of the justice system.

Partnership with the community and voluntary sector is key but we are concerned that many programmes currently being delivered by the community and voluntary sector are under threat due to financial instability and the difficulty in securing core and sustained funding. We would welcome details on how the Department will seek to ensure vital services being delivered to vulnerable young women are protected, especially when it is clear that these services are redirecting young women away from the justice system. 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.

The impact of having a criminal record can present a further barrier to young women who have had contact with the youth justice system and there must be a thorough understanding of how damaging a criminal record can be. We would ask that the Department return to the recommendations of the 2011 Youth Justice Review in relation to how criminal records impact on young women. Recommendation 21 of the Youth Justice review stated that:

- young offenders should be allowed to apply for a clean slate at age 18
- diversionary disposals should not attract a criminal record or be subject to employer disclosure
- for those very few young people about whom there are real concerns and where information should be made available for pre-employment checks a transparent process for disclosure of information, based on a risk assessment and open to challenge, should be established. ²

² A Review of the Youth Justice System in Northern Ireland, September 2011, Department of Justice, page 85.

Young people already face numerous barriers to employment, and we are concerned that young women with convictions and criminal records find it doubly hard to access employment, education and training. Employers and trainers in Further Education and Higher Education sectors may be reluctant to engage with a young person who has declared a conviction. There can also be lack of awareness on behalf of the employer in understanding the implications or seriousness of the disclosed offence or record. Non conviction information such as informed warning, cautions and diversionary youth conferences can significantly decrease the chances of a young person gaining employment or accessing training. We would welcome reference being made to the impact of criminal records on girls and young women, within the strategy.

While we welcome the detail on current and promising practices in relation to prevention and diversion, it is unclear how these examples will relate to the outworking of the strategy. Is it the intention to provide support to these programmes or develop similar programmes?

We are broadly supportive of the key priorities under prevention and early intervention.

We support the intention to listen to girls in the contact with the justice system. We agree that increased collaboration is essential, particularly with key stakeholders in the community and voluntary sector. We support the establishment of accessible and wrap around services and ask that consideration is given to the development of age specific services. Cross departmental buy in is vital to the success of any future implementation plan.

In the community

We believe that more work needs to be done to increase knowledge on what community provision is most effective at keeping young women and girls out of the justice system and especially custody.

We broadly agree with the key priorities listed but would welcome more distinctive priorities being developed specifically for girls and young women.

We agree that alternatives to remand and custody should be explored. While we are aware that the numbers of young women detained in Woodlands Juvenile Justice Centre are low, we are still concerned that custody is not always used as a last resort.

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 custody, including children in care, Catholic children, children with mental health issues or learning disabilities.'³

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.'⁴

Recommendation 19 of the Youth Justice Review stated that 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.⁵ In 2019/20, 30.9% of admissions to Woodlands involved young people subject to care orders and 20.8% were in voluntary accommodation.⁶ CJI have noted their continued concern that care experienced young people are over represented in the justice system.

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.

³ 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

⁴ 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

⁵ A Review of the Youth Justice System in NI, 2011, page 78

⁶ YJA Annual Workload Statistics 2019/2020

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’.⁷

It is critical that this strategy addresses the pathways of girls into custodial detention, makes a commitment to address any inappropriate use of custody and sets out what steps will be taken to ensure safe and effective alternatives are available.

Custody and Reintegration

We are broadly supportive of the key priorities listed but would welcome age specific priorities and the development of tailored rehabilitative and restorative practice for girls and young women both within custody and in the community. This practice must be trauma informed and address mental health needs. We believe the list of delivery proposals in relation to developing bespoke rehabilitative support and pathways are weak and vague and could be expanded considerably.

As part of our submission to the consultation on the care and justice campus we considered what services should be provided both within the proposed new Secure Care Centre and on exit from the Centre. These suggestions may support thinking around how this strategy can identify specific interventions that would support the prevention of girls and young women’s re-entry into the justice system.

On exit from the Secure Care Centre we recommended the following services:

Tailored education and training provision - 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

⁷ NIHRC Annual Statement 2019, page 32

young people as they move from a pre-vocational programme such as Give and Take to mainstream employment, education and training.

Access to a 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.

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

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.

Increased capacity in social services –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.

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. 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.

Framework for Delivery

We noted in our response to the pre-consultation that we were concerned that the specific needs of girls and younger women would get lost in the overall wider strategy. While we welcome the references to specific existing policies/strategies and proposals

which deal with young people in the justice system within the body of the document, we do not think the needs of girls have been reflected in key priorities and delivery actions under each theme.

We note that the document states that 'key actions for women and girls may be outlined and delivered separately'. Does this mean that there may be specific actions aimed at girls in the justice system, within the Delivery Plans?

Concluding Comments

We welcome the opportunity to comment on the strategy and are keen to provide continued support to the Department as they move forward with future plans. We are happy to provide clarification on any of the points raised within our response.