

## **Department of Justice Transitioning Youth Justice**

### **About Barnardo's NI**

Barnardo's NI is the largest children's charity in Northern Ireland. We work with approximately 18,000 children, young people and families annually across more than 45 different services and programmes. We are also a leading provider of schools-based support, reaching more than 32,000 children in schools across the UK and Ireland through our NI-managed social and emotional literacy programmes.

We deliver a wide range of services across Northern Ireland, from providing family support and early intervention, to working directly with children and families who have experienced adversity and need our support. Our goal is to achieve better outcomes for more children. To achieve this, we work with partners to build stronger families, safer childhoods and positive futures.

Barnardo's NI welcomes the opportunity to comment on the Department of Justice's Strategic Framework for Transitioning Youth Justice, however we are concerned at the lack of wider consultation on this framework and engagement directly with children and young people.

Amongst our priority areas for service delivery and policy development are young people's mental health and wellbeing, children in and leaving care, and children affected by sexual abuse and exploitation. Our regional service, SEEN (Sexual Exploitation Ends Now), is a specialist child sexual exploitation service, which supports children, young people and families affected by, or at risk of, sexual abuse, and can provide specialist therapeutic support for children who have experienced sexual exploitation. The aim of SEEN is to increase safety and improving wellbeing.

We support care experienced children and young people through many of our services. Specifically, our Leaving Care service which supports young people who have been assessed as having medium to high support needs, to acquire knowledge, skills and experience that will enable them to move successfully into adulthood and live more independently. This is achieved through trauma informed, relational based work that responds to the specific and complex needs of young people leaving care.

## **1. General comments**

- 1.1 Barnardo's NI fully supports the transition to a child-centred approach to youth justice. It is paramount to give children the best start in life, not only to prevent future offending, but also to ensure that all our children have the opportunity to build the life they want.
- 1.2 The transition of the youth justice system must also be trauma-informed. As the Department's paper highlights in Annex B, many children in contact with the young justice system will have experienced Adverse Childhood Experiences (ACEs) and therefore, the support that is provided to them must take this trauma and experience into account when addressing their needs. Furthermore, a trauma-informed approach must be integrated throughout the youth justice system, not just for young people in custody.
- 1.3 We would strongly recommend that the Department engages with children and young people who have experience of the youth justice system to share their experience and views when developing this system change. It is essential that children and young people are given meaningful opportunities to engage with these plans throughout their development, and that the barriers to engagement are recognised so children and young people feel safe and are in a setting where they feel comfortable.
- 1.4 We are concerned about the disproportionate number of care experienced children and young people entering the youth justice system. Many care experienced children have experienced significant ACEs, which can contribute to the development of offending behaviour; this is often exacerbated by multiple placement moves, disruption and relationship breakdown. This new approach to youth justice must provide appropriate and necessary support to care experienced children and young people.
- 1.5 Finally, Barnardo's NI recommends that the Department of Justice publishes an update on the implementation of the Youth Justice Review, published in 2011. The Transitioning Youth Justice Strategic Framework addresses a number of the 31 recommendations made by the Review Team, and a fuller picture is needed to understand what work has been undertaken or is underway to address those outstanding recommendations.

## 2. Strand 1: Earlier Stage Intervention

- 2.1. Early intervention and prevention begins before a child has contact with the youth justice system, and even before they are “on the cusp of the criminal justice system” (p.9). The Barnardo’s NI service, LifeSkills, is a universal, highly effective, early intervention and prevention programme, designed for whole-class in school delivery for 8-14 year olds. LifeSkills concentrates on a preventative approach which shares age appropriate information with children and young people, providing them with the skills, knowledge and attitudes to make healthy choices. The LifeSkills programme builds capacity by equipping teachers with the skills to prevent risky behaviours.
- 2.2. Barnardo’s NI believes that early intervention is an ongoing process; even after a young person has offended, it is important that evidence based, effective early interventions continue (or start) to prevent the further development and escalation of offending behaviour, and to improve outcomes for the child, their family, and their community.
- 2.3. Furthermore, the Youth Justice Agency is not the best placed or most appropriate team to deliver early intervention work with children and young people. Barnardo’s NI recognises the skill and expertise of the Youth Justice team and the fantastic work they do, but early intervention work should not be delivered by the Youth Justice Agency; by the time the Youth Justice team have come into contact with a child, the most opportune time for *early intervention* has passed.
- 2.4. Early intervention and prevention work must be undertaken at the lowest possible level of intervention. Barnardo’s NI strongly recommends that the Department works closely with those community and voluntary sector organisations already providing early intervention and prevention support to children throughout Northern Ireland; whether this is through universal education programmes, such as LifeSkills, or community based support such as the [THRiVE](#) collaboration and our Early Intervention Support Service (EISS) and Early Intervention Family Support Service (EIFSS).
- 2.5. THRiVE is a multi-agency collaboration of local parents, schools, community and voluntary organisations and statutory agencies working together to help children and young people in Rathcoole and Monkstown do well. The project demonstrates a model of good practice for collaborative working and funding which has potential to be transferable to other localities. The four aims of THRiVE are: aspiration; attainment; early intervention and wellbeing; and, collaboration. Meaningful

involvement of the voluntary and community sector, and collaborations such as THRiVE, will be critical to the long-term success of this proposal.

- 2.6. The Barnardo's NI Early Intervention Support Service (EISS) is located in the Ards/North Down area and delivers home based support to children aged 0-18 and their families. The service provides therapeutic support to families, the aim of which is to prevent the need for escalation into statutory services. Referrals are welcomed directly from families and statutory, voluntary and community services.
- 2.7. Our Early Intervention Family Support Service (EIFSS) works with children aged 8-13 and their families across the Belfast, South Eastern and Northern HSCT areas. The aim is to intervene at the earliest opportunity to tackle emerging issues for young people and their families. The service takes a whole family approach which is child centred, welfare focused, rights based and needs led, working with families in their home and community.
- 2.8. It is important to note that statutory agencies, like the PSNI or Youth Justice Agency, have an important role to play in signposting and referring children and young people to early intervention support as the preferred response before behaviour has escalated. Barnardo's NI recommends that a programme of awareness raising is undertaken in statutory agencies to ensure that staff who come into contact with children and their families are aware of the support available and how to direct families to avail of it.
- 2.9. Strand 1 recognises the particular challenge where a care experienced young person cannot return home following an arrest (p.6, 2.2), however the changes outlined under Strand 1 are vague in their commitment to providing 'emergency accommodation'. More detail is needed on what this accommodation looks like in practice; this accommodation must follow the same principals as this systems change and be child-centred and trauma-informed. Furthermore, it is essential that 'emergency accommodation' is provided locally throughout Northern Ireland to ensure that the child remains as close to their local community and to cause as little disruption to the child as possible.

### **3. Strand 2: Children and Community Sentencing**

- 3.1 Barnardo's NI supports the principle of dealing with children and young people outside the court system and believes that in responding to young people displaying offending behaviour, wherever possible the emphasis should be on diversionary disposals instead of prosecution, and that such

diversionary measures should not attract a formal criminal record so as to support desistance and a more positive future for the young person.

- 3.2 One of the changes proposed under Strand 2 is an informal hearing involving a judge, the young person, their parents/carers and relevant professionals. It is crucial that training on the impact of trauma and child-centred approaches is extended to the judiciary to ensure that these informal hearings are trauma-informed and have the best interests of the child at the core.

#### **4. Strand 3: Children in Custody**

- 4.1 In our response to the consultation on the Establishment of a Regional Care and Justice Campus, Barnardo's NI welcomed the therapeutic, relationship and needs-based approach proposed. We also made a number of recommendations regarding the detail and implementation of the plan.
- 4.2 In particular, there must be an assessment of current provision, its sustainability, and its effectiveness in areas of mental health and drug/alcohol misuse. Whilst we understand the need for a regional approach, we need to avoid focusing resource in one area; this proposal should be accompanied by a focus on early intervention and prevention, and local community support across Northern Ireland. Meaningful involvement of the voluntary and community sector as an equal partner will be critical to this proposal.
- 4.3 If the use of the campus as a place of safety is necessary, then it is important that the campus is led by Health. A child should never enter the justice system due to their vulnerability. We agree that alternative options should be developed in collaboration with Health, taking a trauma-informed, child-centred and child protection approach.
- 4.4 Through our experience supporting children through the Independent Guardian Service, we are aware of children and young people entering the Juvenile Justice Centre (JJC) soon after arrival in Northern Ireland, particularly regarding entering the jurisdiction on fake documents. However, these young people should never have been admitted to the JJC due to the statutory defence that exists for those claiming asylum. Often they are put through the court system before having the opportunity to seek advice from a solicitor experienced in asylum/immigration law. This particular group of vulnerable young people need to be considered more fully in this proposal and alternatives identified in collaboration with Health and Justice.

4.5 We welcome the adoption of a stepped approach, but we wish to highlight concerns about focusing resource in one geographical area. Support from the family and engagement with the child's local community provision is an important aspect of effective reintegration and should be considered within exit planning and the step-down provision.

## **5. Strand 4: Legislating for Change**

5.1. Barnardo's NI welcomes the proposals to consider legislation required for the development of a new alternative to prosecution which does not attract a criminal record, and a new informal court hearing process, which does not attract a criminal record.

5.2. We work with vulnerable children, including care experienced young people, and our experience of delivering effective early interventions may support the development of effective diversionary interventions which reduce reoffending and improve outcomes for young people.

## **Conclusion**

Barnardo's NI welcomes the opportunity to engage with the Department during the development of this review, however we would strongly recommend that the Department undertakes a more comprehensive consultation exercise. We are particularly concerned about the proposals to situate early intervention support within the Youth Justice Agency. Early intervention and prevention support is best delivered outside statutory agencies, and instead should rest with the community and voluntary sector who have significant experience and expertise. Finally, it is essential that the Department captures the lived experience and input from children and young people who have experience of the youth justice system while this framework is being developed.

We would be happy to engage further with the Department on the development and implementation of this work.

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