

Barnardo's Northern Ireland

Department of Justice

Three-year Victim and Witness Strategy for Northern Ireland Establishment of a Victims of Crime Commissioner

Barnardo's NI is the largest children's charity in Northern Ireland. Every year we work with approximately 18,000 children, young people and families across more than 45 different services and programmes. We are 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, 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 Department's consultation on a new three-year Victim and Witness Strategy. Our comments are informed by our experience supporting children and families throughout our 40+ services, many of whom have engaged with the criminal justice system as victims or witnesses. For example, the Barnardo's NI NOVA Trauma Support Service operates in the Southern Trust area with CAMHS and Victim & Survivor Service funding. Over recent years, the NOVA team has worked with children and young people who have been victims of a crime or have witnessed or experienced a traumatic event or crime.

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. Our Family Resource Centres (FRCs) work with parents to undertake Parenting Assessments and Capacity to Change assessments; this work includes helping parents understand how domestic abuse affects the whole family.

Since April 2018, we have delivered the Independent Guardians Service, which provides guardians for separated children, including those who are victims, or potential victims, of human trafficking. A key element of the Guardian's role is to ensure that the child's voice, wishes, and feelings are heard and represented with all professionals involved in their case and to advocate for the best interests of the child.

1. General comments

- 1.1. Barnardo's NI welcomes the intention of the Department to make provision for children and young people within the new Victim and Witness Strategy, however we are concerned that the proposals are vague and relate to children and young people in name only.
- 1.2. The consultation document cites the Gillen Review as one of the drivers for change for the new Strategy, however the Gillen Review not only considered and incorporated the specific experience and needs of children throughout its review, but also developed a dedicated section on children and young people. This approach ensured that children's needs and the impact of potentially traumatising processes were carefully considered at each stage.
- 1.3. The needs of children are distinct from those of vulnerable adults, however these two groups appear to have been grouped throughout the draft strategy. Any support that is provided to children, particularly if they have been a victim of or witness to a crime, must be child-centred and trauma-informed.
- 1.4. Furthermore, we know that a child does not have to be the direct target of a crime or abuse to be impacted by it. For example, in terms of domestic abuse, we know that children are significantly impacted in cases of domestic abuse in the family home, regardless of whether they witness the abuse by sight or sound. Adverse Childhood Experiences (ACEs), such as domestic abuse, can cause a child's brain to develop differently in ways that are detrimental to their physical and emotional health in both the short and long term. Child victims of domestic abuse often need specialist services to help them deal with the trauma they have experienced and give them the chance to lead healthy and happy lives.
- 1.5. Barnardo's NI welcomes the commitment in the draft strategy to working with wider partners and other Departments to meet longer term needs of victims, including their mental health need. An example of good practice that we would encourage the Department to consider is the new Emotional Wellbeing Service pilot being delivered by Barnardo's NI NOVA team (highlighted above) in the South Eastern Trust. In this new service, the NOVA team accept referrals from Mental Health Practitioners in multi-disciplinary teams based in GP surgeries. Service users are children and young people who need support with their emotional health which can include witnessing a traumatic event or crime. Mental Health Practitioners share details of their assessment with the NOVA team as part of the referral process, and they identify and address any current risks before referral. Some of the children are also referred to CAMHS and often the NOVA team provides support while the child waits on an initial CAMHS assessment. This is crucial as the long waiting list for CAMHS can mean a lengthy delay for children before receiving an initial appointment.

2. Implementation of the Gillen Review

- 2.1. We welcome the reference in the draft strategy to the need for practitioners to receive trauma-informed training, however it is not clear from the draft strategy who comes under the umbrella of 'practitioner'. We would ask the Department to clearly outline who is considered a practitioner and would encourage the Department to extend this training to anyone that may engage directly with children and young people, including legal professionals, the PSNI and the judiciary. Barnardo's NI believes trauma-informed specialist training should be mandatory for any legal professional practising in this area of law. This training should cover how to effectively engage with child victims or witnesses, as well as identify signs of sexual abuse or trauma. Furthermore, the Gillen Review recommended regular refresher training for legal professionals and Barnardo's NI would encourage the Department to reflect this recommendation in the strategy.
- 2.2. We welcome the commitment to working collaboratively with partners to "develop and implement a comprehensive and wrap-around approach to child victims of sexual offences", however more detail is needed on how the Department will undertake this engagement and which partners will be engaged in the development process. Barnardo's NI would be supportive of the development of models such as the Barnahus Model recommended in the Gillen Review, and we would also encourage the Department to continue investing in models of support that are already being implemented and have a proven track record, including the Barnardo's NI SEEN service. We would be happy to provide the Department with more information on this service.
- 2.3. We also welcome the commitment to "develop arrangements to pre-record cross examination and re-examination in appropriate cases", in line with Gillen recommendations. The Gillen Review recommended that all children under 18 should be able to access this facility and Barnardo's NI would recommend that the strategy explicitly reflects this. Pre-recorded evidence would remove the possibility of memory recall being challenged due to time delays in the court process, which can be particularly problematic in a jury trial. This would also allow the young person to move into a recovery stage when dealing with the trauma they have experienced.
- 2.4. The draft strategy references a "phased extension of protocol to expedite cases involving children under the age of 13". However, there is no detail provided on this protocol, how it will impact children's experience of the justice system, and why it is restricted to children under the age of 13. While Barnardo's NI welcomes the roll-out of initiatives to reduce delay in the court process, there must be more clarity on the effectiveness of this protocol and how it is being implemented. Delay is a central and systemic problem in the investigation and court process, and we welcome proposals to reduce the delay in bringing and trying a case in court. As noted in the Gillen Review, it

is particularly worrying that the longest delays are seen in the cases of children, the most vulnerable victims for whom a delay may have a disproportionately negative impact. Through our services, children and young people involved in the legal process report feeling stunted in their personal, academic, and professional growth and interactions, including their personal relationships. Delays in investigation and court proceedings prevent the young person from moving into the recovery phase when dealing with the trauma.

3. Gaps in the draft strategy

- 3.1. Barnardo's NI is concerned that there are a number of gaps in this draft strategy which must be addressed if support for child victims and witnesses is to be meaningful and effective.
- 3.2. *Many children who have been the victim of, or witness to, a crime will have experienced multiple and significant ACEs.* This strategy must recognise and address their needs, and the support that is provided to them must take this trauma and experience into account.
- 3.3. *Continuity of support for children who are harmed online and offline.* Sometimes children who are abused or exploited online are not given the same levels of support as those abused or exploited offline despite both experiencing similarly high levels of trauma.
- 3.4. *The dual nature of some children and young people being victims and offenders;* for example, children who have been criminally exploited or trafficked and have committed crimes or those exhibiting harmful sexual behaviour. These children need to be safeguarded within the justice system and receive child-centred and trauma-informed support. This strategy should reflect the learning in the Department of Justice's 'Transitioning Youth Justice' Strategic Framework which recognised that children in contact with the youth justice system will often have experienced multiple ACEs and that care experienced children and young people have particular needs.
- 3.5. *Support for children whose parents have offended and are either serving their sentence in prison or in the community.* Over 1,500 children in Northern Ireland are impacted by parental imprisonment each year. These children serve a silent sentence and are often the hidden victims of crime. An example of this is our service, Parenting Matters, which has been delivered in Northern Ireland prisons since 1996. Parenting Matters focuses on improving the lives of children affected by parental imprisonment by developing and maintaining links between children and their imprisoned parent. In recent years this service has been extended to parents who are subject to Enhanced Combination Orders and are serving their sentence in the community.

- 3.6. *Support for children who have a disability or do not speak English as their first language.* In order to meaningfully support all victims and witnesses, this strategy must consider how it will support those who have different communication needs. The justice system is an already complex structure to navigate, particularly for children. These challenges are exacerbated if information is not available in a format or language that is easily understood by the child. This strategy must outline how it will ensure all children have access to services and information in their preferred language and form of communication, or have readily available access to interpreters who have experience or training in working with children and young people.
- 3.7. Finally, Barnardo's NI is concerned that *the voice of children and young people has not been reflected in this draft strategy.* While the proposals aim to allow children to feedback on their experience through traditional data collection such as surveys, this is not always appropriate, and in some instances, could be retraumatising. Children should be given the opportunity to engage with this strategy as it is developed, and this engagement should be undertaken with a child-centred, trauma-informed approach.

4. Establishment of a Victims of Crime Commissioner

- 4.1. Barnardo's NI broadly welcomes the establishment of a Victims of Crime Commissioner who could help to raise issues of importance to victims and witnesses and provide coordination of evidence and best practice where needed. It will be important that the role is not used by the Department as a way of avoiding difficult decisions or delegating decisions which ought to be taken by the Executive.
- 4.2. Additionally, Barnardo's NI believes it is essential that children and young people are specifically designated within the Victim's Commissioner's remit.

Barnardo's NI welcomes the opportunity to respond to this consultation. We welcome the intentions of the Department to strengthen services that protect victims and witnesses. We are concerned that in its current format, this draft strategy overlooks children who are victims and witnesses; we would urge the Department to revise the strategy to fully consider the needs of children and provide further detail on how children will be supported at such a sensitive time. Barnardo's NI would encourage the Department to undertake meaningful, engagement with children and young people as this strategy is developed to ensure that it meets their needs and to give children a voice in this process. We would be happy to support the Department with this engagement to ensure that it is child-centred, trauma-informed, and meaningful for children and young people.

We would welcome the opportunity to meet with the Department to discuss our feedback in more detail and how we can support the Department in the development of this strategy.

For further information, please contact:

Trása Canavan

Senior Policy & Public Affairs Lead

trasa.canavan@barnardos.org.uk