

**Youth Justice Strategy Steering Group**

**Minutes of meeting 6<sup>th</sup> February 2019 10am**

**In attendance:**

Minister of State David Stanton TD	
Deaglán O Briain	IYJS, Department of Justice and Equality
Brendan Sheehy	IYJS, Department of Justice and Equality
Tony O'Donovan	IYJS, Department of Children and Youth Affairs
Brian Dack	Probation Service
Collette Quinn	Garda National Bureau for Child Diversion
Pat Bergin	Director Oberstown Children's Detention Campus
Mary Cregg	Department of Education and Skills
Stephen Brophy	Department of Health
Michael Murchan	Department of Health
Berni Donovan	Tusla
Professor Ursula Kilkelly	University College Cork
Dr Sean Redmond	University of Limerick
Eddie Darcy	Solas
Edel Quinn	Childrens Rights Alliance
Sinéad Murphy	IYJS, Department of Justice and Equality (Secretary)
Kevin Stewart	IYJS, Department of Justice and Equality
Dr Katharina Swirak	University College Cork
Dr Louise Forde	University College Cork

**Apologies:**

Tanya Ward                                      Children's Rights Alliance

**1. Introductions**

MoS David Stanton opened the meeting and welcomed everybody to the Group. A round of introductions took place.

In his opening comments, the Minister reflected on progress achieved in the Youth Justice System and continuing challenges. He suggested that the Steering Group assume that we have a "blank sheet" for designing a future strategy, rather than put too much energy into highlighting problems with the current system. With this in mind members of the Group responded to two broad questions

## **2. Questions for Discussion**

Prior to the meeting the following two questions were circulated and attendees were asked to make a 2 minute response.

*“Based on our experience of operating the current system-what would we do differently?”*

*“What are the most important things we can do to prevent children becoming involved in crime, and for the children and young people who come in contact with the justice system?”*

There was a wide ranging discussion during the roundtable of responses and the themes emerging from the discussion are summarised in **Appendix 1**:

## **3. Suggested approach to Communication and Consultation**

Deaglán referred to the document which had been circulated prior to the meeting and gave a brief outline of how it is proposed to approach communication and consultation. In particular he noted that an Open Policy Forum will take place and asked for feedback on how we might manage such an exercise. Attendees were asked to provide feedback on how it should be focused, who should attend, and how to give people the opportunity to make a meaningful contribution at an early stage to the shape of the future Strategy, while also offering useful context and resources to support a focussed discussion. It was mentioned also that when having public discussions it is important that the discussion is informed by evidence and what is actually happening on the ground.

## **4. Look back study and Drafting of the Strategy**

Brendan gave a brief outline of the Look back study which will be released on e-tenders in the coming weeks. He also introduced Dr Swirak and Dr Forde and explained that they would be providing expert assistance in drafting the strategy document.

## **5. Working Method and Time Frame**

Brendan outlined that it is proposed the Strategy will be underpinned by 5 key principles which had been circulated at the beginning of the meeting. It is also suggested that the strategy is based around key themes. A list of the themes which were identified by IYJS was circulated prior to the meeting. IYJS welcomes any feedback that any member may have on either of these documents.

The need for input from other bodies was discussed and particular reference was made to the role of the DPP and the Courts Service.

The need for clarity on the scope of the new Strategy was highlighted. It was also noted that consideration would be needed for suitable processes to delve deeper into problems, including how to distil the learning and experience of front-line agencies and personnel. UL example in this regard was quoted.

#### **6. Further meetings of the group**

Meetings of the group will be linked to the Minister's availability so dates have not been confirmed yet. Further dates will be circulated as soon as possible following the meeting.

**Summary of Steering Group Discussions on Key Issues**

**Integrated responses and complex situations:** One of the most prevalent topics among the responses was the need for an interagency response to youth crime. There is a need for integrated services across a range of social policy areas in order to respond effectively to the very complex needs of children who are coming in contact with the youth justice system. This applies at all stages from measures to engage preventatively with children who are deemed to be at risk right through to detention and post-release measures, and includes school retention, family support, mental health and addiction services and pathways to second-chance education and employment services. The overlap between children in care and the justice system was emphasised. For these children in particular the need for an integrated response is crucial to ensuring that they get the required services at an early stage.

The difficulties for agency personnel in working across their particular “silos” was discussed, including the need for staff to be empowered to work more flexibly to address real life situations. Examples of interagency cooperation such as Y-JARC (Offender Management in the Community) and SORAM (Sex Offender Management) were referenced.

There is a need for a strong focus on complex situations which underlie youth offending, including the effects of poverty, so that we can improve the quality and outcomes from planned interventions. Unsuccessful welfare / Justice interventions can damage confidence in what State and community organisations agencies can do for people. Alternative approaches to education and care might be needed, from an early stage, to engage more successfully with these young people.

**Education:** The importance of the education system linking in with the justice system was an element of interagency response that was raised by several people. Many of the young people who come in touch with the justice system come from chaotic backgrounds and school may provide the only stable place or relationships in the young person’s life, including important “available adult” relationships.

The need to involve relevant Tusla personnel in relation to school attendance in developing the Strategy was also noted, as well as the importance of revitalising the Garda Schools programme.

**Prevention and early intervention:** The need for an increase in preventative work with at risk young people and services to provide early intervention was also raised by several people. This goes hand in hand with the need for a more integrated system so that young people might be provided support before they come in contact with the justice system.

The impact of issues such as drug use and the drugs trade, social media use, will need to be factored into any preventative strategies.

There will also be a need to consider the role of initiatives like personal mentoring, and private sector support for employment and training initiatives.

**Evidence, Data and Measurement:**

Any new Strategy will need to be grounded on Evidence, including the Voices of Children.

There is a lack of data about the youth justice system and the young people who are involved in it. This makes it challenging to get a full picture of the system and points to a need for enhanced data gathering and sharing arrangements, as well as possible research needs.

Systems to measure individual progress / outcomes of children in care /justice system were referenced, including the Welltree model.

**Children Act 2001 and Legislative Issues:** It was acknowledged that the landscape of youth crime has changed hugely since the enactment of the Act. There are significantly less children becoming involved in the system than there were 18 years ago. The Children Act was aimed at dealing with a large number of low to moderate offenders. We are now dealing with a smaller number of children but they are involved in more serious crime. Revisions to policy and legislation should be designed to help focus on this smaller cohort of more serious offenders.

Several provisions of the Act are not used in reality and so there is a need to examine how the statutory framework could be improved.

It was also acknowledged that the legislation, and the policies which it underpins, has served us well in many ways, with many of the provisions (e.g. detention as a last resort) being very beneficial in practice.

Important principles (detention as last resort, best interest of the child, etc.) could be further strengthened in legislation with a view to mainstreaming across all policy areas.

The current provisions may effectively criminalise “bad behaviour” and we should review if this is actually useful.

The desirability of raising the age of criminal responsibility to 14 years in order to be in line with UNCRC recommendations was discussed.

Provisions on the treatment of victims in particular Section 26 of the Children Act, should be reviewed including in relation to responsibilities of agencies, particularly An Garda Síochána.

The operation of Vetting legislation should be reviewed with reference to the effects in later life of youth offences, and if such effects might be disproportionate to offences committed by children and young people.

**Serious offenders:** there is a need for an increase in services to respond to more serious offenders. There is a cohort of young people who are involved in repeated offending and often more serious offending. There are limited services for this group and many will be deemed unsuitable for Diversion. These young people are often living in very chaotic situations and are most in need of state supports and interventions, including in relation to drug use.

There are probably about 1,000 young people in this cohort who have not been successfully diverted at an early age and may have been subject to multiple Justice / Welfare interventions by the time they reach adulthood. The withdrawal of systems such as Diversion at age 18 may hasten their entry into the Prison system. This highlights the need for retention and development of measures such as Diversion beyond 18 and a more gradual application of adult provisions to young adults (18-24 years).

The length of time taken for prosecution and Courts processes increases the difficulty of any efforts to support rehabilitation in Detention and post-Detention.

**International:** The importance of looking to other jurisdictions for positive examples of youth justice was discussed. However it was also noted that we should be mindful of policy legacy issues in other locations, and the need to examine the transferability of approaches from different administrative and legal systems. It will be important to focus on pragmatic approaches in an Irish context.

Scandinavia, and Continental examples as well as some aspects of UK and Northern Ireland systems were suggested as worth of further study.

**Policy and Oversight arrangements:**

It was highlighted that existing oversight bodies such as the Committee to Monitor the Diversion Programme require proper resourcing to be more effective.

The important role of the Department of Children and Youth Affairs in progress already achieved was acknowledged, and the importance of positioning a new Youth Justice Strategy within the broader Child Policy framework.

The fact the IYJS operates under two different Departments and the possibility of a review of these institutional arrangements, perhaps to unify IYJS within one Department was discussed. The need for IYJS (or any central oversight body) to have access to clear and effective systems to access to all relevant information was also highlighted.

**Mental Health:** Many of the young people who are in contact with the justice system are suffering from mental health difficulties. The need for more accessible services and shorter wait times for access to supports was mentioned. It was noted that early

response and intervention when dealing with mental health issues can make a big difference when looking at long term outcomes.

**Voice of the Child:** Hearing the voice of the child at all stages of the justice system from before Diversion to Detention was emphasised as being central to the development of a new strategy. Appropriate systems will need to be developed to ensure that this happens.

Forthcoming UCC work on the collation of young people's experiences was also referenced.

**Specialist training:** There is a need for specialist training for all staff involved with young people in the justice system including care personnel, decision makers, solicitors, barristers etc. Given the complexity of many of the individual cases which present in Detention and to Justice / Care bodies it is essential that specialist attention is given if we are to provide effective responses. In this regard, the availability of sufficient skilled people is also of critical importance.