

Report on the Implementation of the National Youth Justice Strategy 2008-2010



Irish Youth Justice Service

Seirbhís na hÉireann um Cheartas i leith an Aosa Óig

Report on the implementation of the National Youth Justice Strategy 2008 - 2010

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1. Introduction

The National Youth Justice Strategy was launched in March 2008 and set challenging goals and objectives across a range of responsibilities of the Irish Youth Justice Service (IYJS). The more significant challenges were to bring about a modern and integrated youth justice system; to facilitate the implementation of the Children Act, 2001; to ensure that the programmes provided are effective; and to achieve the best possible outcomes for children who come into contact with the youth justice system.

The strategy was progressed at a national level by the National Youth Justice Oversight Group which was established to facilitate the cross-agency collaboration required. The Group was comprised of members of key stakeholders who met on a quarterly basis to monitor progress of the Strategy and discuss issues arising. The Oversight Group has met 11 times since its inception in 2008 and the Group was also committed under the strategy to report to the Cabinet Committee on Social Inclusion at least twice a year.

As the timeframe for Strategy has now expired, it is time to review the progress made, re-examine priorities and plan the future direction of youth justice policy. The Strategy sets out key actions and commitments for each of the stakeholders i.e.; Criminal Justice agencies, the Department of Children and Youth Affairs (DCYA), the HSE, the Department of Enterprise, Trade and Innovation, the Department of Community, Equality and Gaeltacht affairs, the Children' Act Advisory Board (CAAB) and the Department of Education and Skills under 5 High Level Goals: -

1. To provide leadership and build public confidence in the youth justice system
2. To work to reduce offending by diverting young people away from offending behaviour
3. To promote greater use of community sanctions and initiatives to deal with young people who offend

4. To provide a safe and secure environment for detained children that will assist their early re-integration into the community
5. To strengthen and develop information and data sources in the youth justice system to support more effective policies and services.

The National Youth Justice Oversight Group, and the associated Liaison Officer Group have continued to ensure progress in the implementation of the Strategy. Considerable effort has been made by all stakeholders to progress the Strategy with the vast majority of actions now completed. There were 74 objectives contained in the Strategy and over 90% of these were achieved. Progress has been made on the remaining items and they are being dealt with on an ongoing basis.

The net effect of this combined effort has been to develop a more coordinated strategic approach, make better use of existing resources, create positive working relationships amongst stakeholders and deliver better outcomes for children in trouble with the law and for the community in general.

Irish Youth Justice Service Mission Statement

“To create a safer society by working in partnership to reduce youth offending through appropriate interventions and linkages into services”

2. Progress made under each High Level Goal

High Level Goal 1

“To provide leadership and build public confidence in the youth justice system.”

High Level Goal 1 seeks to promote leadership and interagency working among the key stakeholders. To fulfil this objective the Irish Youth Justice Service (IYJS) recruited specialist staff including a Head of Young Offender Programmes, a Head of Mental Health, a Researcher and an Accountant. It also launched its website (www.iyjs.ie) and developed a series of newsletters and information leaflets to raise awareness of youth justice issues. We succeeded in building a corporate identity, communicating our message, sharing knowledge and learning and building a keener sense of partnership between all agencies working in this area.

Two conferences were held during the lifetime of the Strategy. The IYJS held its first biennial conference in Co. Cavan in March 2008. The theme of the conference was entitled ‘Best practice for Youth Justice, Best Practice for all’ and was aimed at policy makers, decision makers and service providers who plan and provide interventions for children who are in trouble with the law or who are at risk of being so. The conference afforded an opportunity for people involved in the youth justice system to engage with each other on developments and best practice in interventions for children and at reducing youth offending. In February 2010 the IYJS held its second conference in Dublin Castle and the theme was ‘Young People and Crime – Where to Now?’

which centred on youth justice, and in particular the use of restorative practices and diversionary measures to prevent youth offending. It provided an opportunity to reflect on the progress made in the two years since the Strategy was launched and also on the challenges which face us moving beyond the Strategy and into the future.

In June 2010 the IYJS also hosted the 5 Nations Conference on Children, Young People and Crime and brought together delegates from Ireland, Northern Ireland, England, Scotland and Wales. The theme of the conference was 'Prevention and Early Intervention' with the key aim to establish formal networks between the respective policy makers, academics and practitioners in each jurisdiction. This conference is held every two years and a Steering Group from across all 5 Jurisdictions meets on a regular basis to organise the conference itself and also to share good practice.

To fulfil the commitment to interagency cooperation, the Children's Act Advisory Board (CAAB) held a series of regional seminars throughout the country as well as its national conference on interagency working by agencies dealing with young people. The CAAB also held its National Awards for Services for Children each year throughout the term of the Strategy. Regular newsletters were developed by the CAAB raising awareness of children and youth services around the country.

To improve communications between agencies the IYJS established a Liaison Officer Group comprising members from each of the Departments and agencies involved in the Strategy to provide a forum to discuss issues surrounding implementation of the Strategy. Further to this the CAAB facilitated inter-agency panel and committee meetings and launched 'Organisational case studies on interagency co-operation of children services' in December 2009 along with a series of research in relation to inter-agency working.

Interagency working has continued throughout the lifetime of the Strategy and there has been considerable progress achieved in conjunction with other

justice agencies such as the appointment of 3 additional Judges to the Children's Court with specific training rolled out to the Judiciary, the alignment of the Probation Service Strategic Plan with the National Youth Justice Strategy 2008-2010 and the publication of the Children Detention Schools Education Strategy in conjunction with the Co. Dublin VEC and the Department of Education and Skills. The HSE have also facilitated the development of additional Child and Adolescent Mental Health Teams together with the provision of additional child and adolescent beds.

Another inter-agency development is the Youth Justice Project Advisory Group which works under the auspices of the St. Andrews Agreement, an agreement between the Irish and British Governments along with Northern Ireland's political parties in relation to devolution. The key activities of the Project Advisory Group are: to guide and support co-operative work and the development of a co-ordinated youth justice service on both side of the border; to provide a forum for the active exchange of information, ideas and expertise between participating bodies on matters of youth justice, including restorative justice and tackling re offending; and the examination and identification of the areas where joint working could take place. The North South Project Advisory Group (PAG) on Youth Justice met 3 times in both 2009 and 2010 and twice in 2011. A joint work business plan was agreed between North and South for 2009 and 2010 which focused on three areas: (1) Strengthening Families, (2) Volunteer Policy, and (3) a challenge function for ideas/programmes in each jurisdiction.

High Level Goal 2

"To work to reduce offending by diverting young people from offending behaviour."

High Level Goal 2 seeks to divert young people from crime. One of the key principles of the Strategy is that prevention is better than cure and it is essentially our mandate to deal with children who get in trouble in the law as effectively as possible within the community. One of the key means of doing this is through the Garda Youth Diversion Projects (GYDPs) which are countrywide, community based crime prevention initiatives seeking to divert young people from becoming involved in anti-social or criminal behaviour. There are currently 100 projects operating nationwide, an increase on the number of projects in 2007 which stood at 71. In addition to the GYDPs, the Garda Juvenile Liaison Programme deals with children who offend by way of administering a caution rather than a formal charge and then placing the child under the supervision of a Juvenile Liaison Officer (JLO) for a period of 12 months.

A number of measures have been taken to support and underpin the work of agencies involved in diverting young people from offending behaviour:

The part ESF-funded GYDP Human Capital Investment Programme provides support for participants in accessing further education and training and each project has benefited from this initiative. Two measures are being undertaken by the projects under the guidelines of the ESF programme – IT and personal development programme and these programmes are enhancing the education and employability of participants.

The IYJS carried out a baseline analysis of the GYDPs in 2008. The "Designing effective local responses to youth crime" report reviewed activities of the projects in the context of local youth crime patterns, the profile of young people who offend and the available evidence regarding best practice and improvements sought by the projects. The report was published in July 2009. Since publication, work has commenced to implement the recommendations

with fifteen trial sites initially being piloted. The trial sites have been backed up with significant resources from the Garda Analysis Service and directly mentored by IYJS and that Garda Office for Children and Youth Affairs. The new models of practice for these projects were documented for dissemination to all GYDP's by the end of 2010. The models are being implemented by the trial sites since 2011 alongside performance evaluation tools and a recidivism study.

A new online learning community developed for practitioners to share information and good practice was launched in 2010. It is a closed on-line forum for staff involved in GYDPs with specific objectives a) to tap into organisational wisdom across the GYDP Network by facilitating local projects to collaborate by sharing the learning and dealing with local crime problems in on-line discussion and b) improving the research knowledge base across the GYDP network. A significant development has been the roll out of the forum to the Garda Juvenile Liaison Officers. Membership to the forum has also been made available to the Youth Justice Agency of Northern Ireland. The forum has been made available to 400 members approximately.

Significant work has also been undertaken by IYJS in partnership with An Garda Síochána to review the governance of the GYDPs to improve their effectiveness. This includes the issue of a new more focused project annual plan template since 2010 and a change in administration of finances of projects. The Annual Planning format for projects is now radically changed with projects now obliged to demonstrate how their service will reduce crime locally. The new service planning arrangements will provide for better performance reporting and IYJS monitoring, initially in terms of targeting and service outputs, but ultimately in terms of improving youth crime outcomes.

As part of the programme to improved garda youth diversion project effectiveness, IYJS has put in place the foundations needed to change financial management of projects from Garda run accounts in Garda stations to management run accounts. As a result of this, the Gardaí involved with the projects are spending less time involved in administration and more time

supporting the direct work of the project. The transfer of responsibility took place in January, 2011.

The IYJS had completed a national programme of training to all staff in the 100 GYDPs. The programme has also included local Garda attached to projects. By the end of 2011, three hundred staff received training in (1) pro-social modelling (2) motivational interviewing (3) dealing with parents who are ambivalent to young person's offending and risk assessment.

The IYJS is required under the Strategy to develop a risk assessment tool for GYDPs. IYJS has completed the training of all GYDP staff for the screening risk assessment called the Youth Level of Service [YLS/CMI-SV].

The Garda Youth Diversion Guidelines have been replaced by new "Project Operational Requirements" document.

The Garda Youth Strategy 2009 – 2011 was launched by the Minister for Children in October 2009. This strategy outlines how An Garda Síochána will deliver a quality service to children and young people in our community. The strategy set out three high level goals relating to:-

- All children in society
- Children who come into conflict with the law
- Children who are at risk of harm or in need of assistance

Significant progress was made under this Strategy and has led to the roll out of the Garda Case Management System which assigns a named Garda to act as Case Manager for a young person and who is subsequently responsible for co-ordinating and managing the young person's interaction with the criminal justice system, the child's family and other agencies with which they may be involved. The objective is to provide appropriate interventions to the child and further divert them from the criminal justice system. A programme of training for the Schools Awareness Programmes commenced in 2009 and is being

delivered by Gardaí nationwide. Restorative intervention training had been rolled out to JLO's and interagency restorative practices were piloted in Waterford and Tallaght. Following a Government decision in 2008 the number of JLO's has increased by 28 with the 7 remaining posts filled in early 2011.

The IYJS also provides some funding for 6 mainstreamed Local Drugs Task Forces (LDTF) projects operating in tandem with the GYDP's.

Towards 2016 and the National Children's Strategy provided for the establishment of multi-agency Children's Service Committees within each of the city/county development boards. Four initial multi-agency Children's Services Committees were established in Dublin City, South Dublin, Limerick City and Donegal. In partnership with the IYJS, HSE, National Education Welfare Board and Garda Síochána, the DCYA is working to promote the development of these early development schemes. The Committees are developing Action Plans to help identify children at risk of offending in their respective locations. The Children's Services Committees represent one of the key strategies to provide clear, unified and strategic leadership and will provide the oversight through local youth justice teams to actually deliver the necessary collaboration between the key local case workers (Gardaí, HSE staff and where appropriate probation officers, EWOs, teachers and staff from relevant NGOs). The National Children's Strategy Implementation Group is committed to establishing a network of Committees under each of the 34 city and/or county development boards in the country by 2016.

High Level Goal 3

"To promote the greater use of community sanctions and initiatives to deal with young people who offend."

Another key principle of the Children Act 2001 is that detention is a last resort and should only be used when all other community based alternatives have been exhausted. The Act provides for a number of community sanctions¹ for the courts when dealing with young offenders offering an alternative to detention. High Level Goal 3 of the Strategy promotes the widespread application and roll out of these sanctions nationwide. These sanctions are aimed at reducing the number of children sentenced to detention by the Courts and improving outcomes for children in a range of areas including the rate of re-offending, educational attainment, family supports and substance abuse. In addition the Courts can also order a family conference and to make a parental supervision order.

The bulk of this work is being carried out by Young Person's probation Service (YPP) a Division of the Probation Service and the IYJS has worked extensively with them to continue the roll-out of the sanctions nationwide.

In terms of fulfilling this objective, the Judiciary were briefed on the non-custodial sanctions available under the Act in 2007 and 2008. The YPP organised a series of 'Justice Family' meetings with the Judiciary with the participation of YPP funded projects, GYDP staff, JLO's and Probation Officers. This has led to greater awareness on the part of the Judiciary as to the community sanctions options available locally. Dedicated court officers have been appointed to courts in Dublin, Cork and Limerick. The National Director of IYJS and the (former) Director General of OMCYA have met with the President of the District Court to discuss youth justice affairs.

The YPP has built on partnerships with the IYJS, HSE, An Garda Síochána, Children Detention Schools to ensure the Courts are provided with the best

¹ See Appendix 3 for list

available information to inform their decisions, ensuring detention is used as a last resort. Where Detention is deemed necessary the YPP have greatly assisted in the through care of the young person, both at the point of entry to detention, during the period in custody and on return to the community.

Over the last few years the YPP has enhanced its services to young people, adding to their dedicated hubs through integration with the Adult services, providing a broader specialised reach nationally.

An inter agency approach is a prerequisite in working with young people and their families and YPP had played its part in the development of the Children Service's Committees Strategy. YPP has helped to develop real interagency initiatives such as the parent programme 'Strengthening Families', a multi-agency facilitated strengths based programme for parents and children.

The IYJS, working with the YPP continue to roll out the community sanctions through the YPP network of 15 community-based projects located throughout the country. Work has commenced on reviewing the effectiveness of the Youth Probation Projects with a joint evaluation being undertaken by IYJS and the Probation Service. Site visits to all the YPP projects have been completed and the report is currently being drafted. Following the publication of the report the recommendations will be implemented.

One objective identified under the Strategy was to ensure that children on community sanctions and programmes are provided with mainstream services. Access to HSE services by children in the criminal justice system was one such service identified and an initiative coming from the Ryan report called for the implementation of a joint National Specialist Therapeutic Team. A service model is currently being designed and a recruitment process is underway with some of the post filled and a recruitment process ongoing.

Statistics on the increasing use of community sanctions were previously not collected by the Courts Service or by the Probation Service in a way that provides for a detailed breakdown of the use of community sanctions from

2007 onwards. The IYJS initiated discussions with both the Courts Service and the Young Person's Probation Service in relation to the provision of additional statistical information from 2009 onwards and this goal has been achieved.

High Level Goal 4

"To provide a safe and secure environment for detained children that will assist their early re-integration into the community."

In cases where community sanctions have been deemed unsuccessful by the Courts or where the nature of the offence requires a custodial sentence, young offenders are dealt with in one of the three children detention schools in the State. High Level Goal 4 requires that detention facilities provide safe and secure accommodation and respond to the social, health and welfare needs of these children. Significant progress has been made in this regard as follows:

Oberstown development project

In March 2008, the Government approved the development of new national detention facilities to cater for all children up to 18 years who are ordered to be detained by the courts. The new facility, to be located on the Oberstown campus, was to increase the accommodation capacity to provide sufficient new detention places to enable the accommodation of 16 and 17 year old boys presently catered for by the Irish Prison Service.

The Office of Public Works (OPW) was appointed to deliver the design for the new facilities and to manage the procurement of the construction element of the project. The project is to be delivered in phases to ensure the continued operation of the existing schools until such time as new facilities are available.

The OPW, in consultation with the IYJS and a number of user groups comprised of management and staff of all disciplines from the Children Detention Schools, developed detailed design specifications for the new facilities over the period of the recent youth justice strategy. In addition, some advance works were carried out on site in early 2011 in the form of a new construction entrance to the campus. This will support the management of the main development project for the campus.

The funding and overall scope of the project was the subject of discussions with the Department of Public Expenditure and Reform in late 2011 and early 2012. Legal responsibility for the children detention schools was transferred to the Minister for Children and Youth Affairs from 1 January 2012. On 2 April 2012, the Minister announced the approval of approximately €50 million over three years in capital funding to undertake the National Children Detention Facility Project at Oberstown. This will include six new detention units and associated education and training facilities. This will include the delivery within two years of sufficient new facilities at Oberstown to accommodate all children that are subject to detention by the courts, ending the requirement for anyone under 18 years to be sent to St. Patrick's Institution. It is currently envisaged that construction will commence in April 2013 with the project to be fully completed in July 2015.

The outcome and impact of the capital work on detention facilities will be:

- Meet the commitment in the Programme of Government to end of the practice of accommodating 16-17 year old males in Irish Prison Service facilities;
- Extension of child care model of detention to all children under the age of 18 years ordered to be detained by the Courts;
- Improved accommodation and facilities for children detained to meet best practice standards;
- Centralised facilities to support the integration of policies and procedures and the centralisation of services in the detention school service;
- Delivery of all services at a single location to eliminate duplication and maximise opportunities for economies of scale.

On 2 April 2012, the Minister also announced interim measures in advance of the completion of the new facilities:

- From 1 May 2012 the assignment of responsibility for the detention of newly remanded or sentenced 16 year old boys to the Children Detention Schools in Oberstown. This will mean that it is no longer

necessary for 16 year olds to be sent to St Patrick's Institution by the Courts from this day onwards.

- Enhanced provision of specialist therapeutic services for children in residential institutions, in both the children detention schools and special care units operated by the Health Service Executive. A specialist multi disciplinary service is being established for this purpose with the recruitment of a director for this service already underway.
- The introduction of amendments to the Children Act, 2001 to provide for the management of all facilities on the Oberstown campus (i.e. Oberstown Boy's School, Trinity House Schools and Oberstown Girl's School) on an integrated basis.

Other capital works

Refurbishment work in Trinity House School, involving the provision of in – room sanitation and substantially completed in December 2010. The work carried out has improved the standard of accommodation available for young people and will allow Trinity House continue to operate as part of the national facilities to be developed on the campus. Other capital works took place across the Oberstown campus aimed at improving conditions for children and staff.

St Patrick's Institution

All females under the age of 18 years are detained in one of the existing detention schools, which is exclusively for that purpose. At present boys aged 16 and 17 years are detained in St. Patrick's Institution, a place of detention for 16 to 21 year olds, operated by the Irish Prison Service. In advance of the provision of new detention facilities on the Oberstown campus, much effort has gone into improving facilities. The separation of children and young adults has taken place in so far as is possible given the physical limitations of the St. Patrick's site.

Pending the completion of the new facilities in Oberstown, St. Patrick's Institution will continue to accommodate 16/17 year old males where they are segregated from the older age groups as far as is practical and benefit from a separate and enhanced regime. However, newly remanded or committed 16 year old males are to be sent to the Oberstown with effect from 1 May 2012.

The Ombudsman for Children legislation does not currently encompass St. Patrick's Institution. The Ombudsman has visited the Institution on a number of occasions and completed a recent report on conditions which included comments from children detained there. The Minister for Children and Youth Affairs has indicated that she is well disposed to extending the Ombudsman's remit to St. Patrick's Institution.

Finglas Child and Adolescent Centre

In light of this decision to develop a single detention centre, a working group was established to consider the future use of the Finglas Child and Adolescent Centre (FCAC) as this is the only school not situated on the Oberstown campus. The Report of the Working Group was given to the Minister for Children and Youth affairs and, in July 2009, he accepted the Group's recommendations to close FCAC. The transfer of children, staff and services to the Oberstown site was completed in March 2010. The site in Finglas has been returned to the Office of Public Works to determine its appropriate future use.

Oberstown – Campus Integration process

In 2009 in preparation for the development of the national detention facility in Oberstown and in line with best practice in the public service, the IYJS introduced an integration strategy for services and operations in the detention schools. An integration forum was established to co-ordinate and drive the integration process. The Directors have taken on additional cross-campus responsibilities and are now developing proposals for the future staff and operating requirements of the detention schools. This will also give rise to the development of shared services and best practice throughout the campus. The IYJS continues to work with the Board of Management and the

management of the schools towards a number of improvements in their operation including measures to integrate them and standardise procedures. A number of integrated policies have been rolled out, including reviewing the bed management process (i.e. making beds available to the courts), the educational framework, financial procedures and administrative policies. Progress has also been made in relation to the centralisation of services in the schools – payroll transferred to Financial Shared Services, Department of Justice & Equality in January 2011, catering and laundry services centralised in December 2010 and proposals are to hand regarding rationalising future staffing (rosters etc) and centralising domestic, laundry, maintenance and administrative services.

Staffing

As of end March 2012, there are approximately 210 staff (whole time equivalents) employed in Oberstown. Any staff employed since March 2007 have mobility clauses in their contracts to facilitate movement across the existing three schools on campus. The issue of flexible deployment of staff is crucial to the success of the proposed new facility, and a new campus staffing roster is currently being negotiated with staff representatives under the Croke Park Agreement. A total of 70 posts have been vacated/terminated since January 2010 in accordance with Government imperatives.

Safeguarding

A Safeguarding Policy has been developed and is designed to promote children's welfare, to safeguard children from harm or abuse and to protect staff from potential false allegations of abuse. This has been put in place following a review of the Child Protection Policy document which had been developed and was in use across all of the schools. The following policies, procedures and guidelines accompany the Safeguarding Policy: Role of Social Worker in Child Protection Proceedings; Guidelines for Good Practice; Guidelines for Recognising Poor Practice; Abuse, Protection Concerns; Complaints Procedure. These have been reviewed in light of the most recent Children First Publication.

In addition to this policy, the Ombudsman for Children and inspections by HIQA, the IYJS employs a Child Welfare Advisor who deals with child welfare and protection issues as well as standards, inspections and complaint mechanisms in detention.

Staff Supervision

The IYJS has reviewed existing models of supervision with a view to selecting an appropriate model for the children detention schools. The working group, chaired by the Child Welfare Advisor, has developed a supervision policy for the Children Detention Schools and training is currently being rolled out to all staff. This is done as part of an overall training strategy following a Training Needs/Skills Analysis .

Staff vetting

The IYJS has developed a more comprehensive policy around the area of security vetting of staff who work on a permanent or a sessional basis in the Children Detention Schools and for all persons who may interact with the young people in the schools. This policy is now in place having being signed off on by the Board of Management.

HIQA Audits

The Social Services Inspectorate of the Health, Information and Quality Authority (HIQA) has carried out inspections on the care provision in each of the schools. In the main, the findings indicated that many of the care, health and education practices met the required standard throughout the children detention schools. The reports highlighted the positive relationships which exist between staff and young people. The IYJS is committed to working with each of the schools to facilitate required improvements as identified by the HIQA - such as the monitoring and evaluation of programmes. Follow-up inspections have also taken place which assessed the progress made on the developed Action Plans.

Mental Health

A review of mental health needs in detention schools has been undertaken by the IYJS. Recommendations include liaising with the HSE in order to improve access to specialist services for young people in detention. The Irish Youth Justice Service is working with the Health Service Executive to develop a national specialist service for young people in special care and detention (arising from Actions 12 and 15 of the Commission to Inquire into Child Abuse Report Implementation Plan published by the Office of the Minister for Children in July 2009). Development of a model for this service has been completed and the HSE has advertised is recruiting to fill the post of manager for the service. This follows a previously unsuccessful campaign to fill the post following interviews. It is planned that the rest of the service will be developed once the manager is in post drawing on existing HSE panels. The new national service will incorporate an assessment service for children at risk of detention. This should reduce the need to remand children for the purpose of assessment. Development of a forensic child and adolescent mental health service is also planned, once established this service will provide in-reach for young people in detention.

Education

An Education Strategy for the schools was drafted in conjunction with the Department of Education and Skills (DES) with Co Dublin VEC input. The Strategy covers the period 2010 – 2013 and will ensure that education provision in the schools is tailored to the needs of the young people being detained. A high level framework document was finalised in September 2010 and agreed between all parties to support the integration of care and education and operational delivery in the children detention schools. Its implementation is currently being progressed, particularly with the approval of the curriculum framework and guidelines for the education of Children in Care and Detention.

Review of Management structures

At the request of the Irish Youth Justice Service the Public Appointments Commission (PAS) undertook a review of management structures in the

detention schools and made recommendations on an appropriate management structure for an integrated children detention school. This included in particular a recommendation that there should be a single Campus Director for the children detention schools. The PAS report was completed during 2011 and the recommendations are currently being considered by the IYJS and the Minister for Children and Youth Affairs.

High Level Goal 5

"To strengthen and develop information and data sources in the youth justice system to support more effective policies and services."

High Level Goal 5 seeks to strengthen and develop information and data sources in the youth justice system to support more effective policies and services.

Early in 2009, a literature review of assessment tools for offending children was completed by the Head of Mental Health at IYJS. The review examined the literature on risk assessment tools and recommended the standardisation of risk assessment practices across the criminal justice system. Training on risk assessment for staff in the detention schools and also the staff in the GYDP trial sites was undertaken and has been completed.

A policy document 'Developing a Research Programme for the Irish Youth Justice Service' was drafted by the IYJS in July 2008. Despite the resignation of the IYJS researcher in 2008, this programme has been progressed to the greatest extent possible with research on assessment tools, reviews of the GYDPs and also the Young Person Probation projects all being completed.

IYJS, in conjunction with the other stakeholders, has sought to facilitate the sharing of information in the best interests of children in the system. In conjunction with the Office of the Data Protection Commissioner (ODPC), IYJS examined ways in which relevant personal information could be shared by organisations in the youth justice sector in a manner compliant with data protection law. A general guide setting out the main principles of personal data protection and sharing was finalised and has received positive endorsement from the Office of the Data Protection Commissioner. IYJS is currently examining its own internal procedures and will, when that process is finished engage with other organisations in the youth justice sector to enable the sharing and use of relevant personal data to take place in accordance with the data protection principles set out in the Guide.

GYDPs have benefited from the analysis of data provided by the Analysis Service of An Garda Síochána and individual Juvenile Liaison Officers involved in the Diversion Programme. As part of the 2011 Annual Planning exercise each project [100 in total] has now received a PULSE analysis of reported youth crime bespoke to the locality it serves. In addition Juvenile Liaison Officers have provided information regarding detected youth crime within each locality. Taken together these anonymised data sources will add considerably to identifying the youth crime challenge to each project and a local accountability in terms of the contribution each project commits to in terms of improving the situation.

The IYJS fed into the Department of Justice and Equality's Data Strategy for 2011-2013 which aims to identify data gaps and to improve the quality and supply of data for operational purposes and policy development. Internally the IYJS established a working group to consider information and statistical needs in the youth justice sector and to set out what we would hope to achieve and the commitments we would like to obtain from the various stakeholders in the next Youth Justice Strategy. The Group identified particular gaps or difficulties in relation to obtaining data and information whether internally or externally and proposed solutions as to how these could be rectified. Work is ongoing in this regard.

The IYJS has contributed to the development of the National Children's Research and Data Strategy which was recently published by the Department of Children and Youth Affairs. The Strategy covers a five year period from 2011- 2015 and the IYJS has agreed to take responsibility for 7 actions in the Strategy and some of the activities that will be undertaken will be:

- Data on children and young people who interact with the youth justice system will be further developed to enable tracking of pathways through the system.

- A study of children's journey into detention aimed at generating an understanding of similarities and differences between children's pathways to a justice placement in a children detention school and a welfare placement in a special care unit.
- A study using action research will be conducted, initially in a number of Garda Youth Diversion Project trial sites, measuring empathy, impulsiveness and pro-social orientation at the start and finish of interventions.
- A national profile of participants in the Garda Youth Diversion Projects will be generated using standard measures of risk and service need.
- A research project on levels of compliance with community sanctions.

3. Areas to be progressed further

A proportion of the Strategy's objectives are ongoing and continue to be progressed. Some objectives in the Strategy were not progressed, either because they were financially unfeasible or when examined were found not to deliver adequate value to warrant the resources and time required to establish them. For example, the IT alignment of information/IT systems of stakeholders was not feasible and the bail support programme was not launched due to current budgetary constraints. The plans for the building of pre-consultation rooms in the Children's Courts did not go ahead due to financial restrictions of the Courts Service capital budget. Others, like the Victims Charter was considered unnecessary as separate charters have been developed by other agencies and a further publication would duplicate the existing Charters.

The following are some of the actions which need to be continued or progressed further as part of the Strategy.

High Level Goal 1

- Establish Local Youth Justice Teams
- Continue training for all people dealing with at risk/offending children
- Implement recommendations of Mental Health Policy 'A vision for change'

High Level Goal 2

- Continue to implement the recommendations of the 'Designing effective local responses to youth crime' report.
- Work with Local Authorities in relation to youth offending to improve the effectiveness of local services.

High Level Goal 3

- Complete the review of the Young Person Probation projects and implement any recommendations arising.

High Level Goal 4

- Progress the integration strategy in the Detention schools.
- Further develop aftercare services for children on release through linkage to local services.
- Continue to develop planned National Detention Facilities.

High Level Goal 5

- Develop Data and promote further research on youth justice

4. Priorities going forward

The envisaged term of the National Youth Justice Strategy 2008-2010 has expired but work is ongoing to implement the small number of outstanding objectives. Work had initially commenced on developing a follow up to the Strategy with the IYJS Conference 'Young People and Crime - where to now?' providing the first part of the consultation process.

The key suggestions for the next strategy were;

Formalising Networks

- Youth Justice Teams (YJT) should be established nationwide to formalise existing interagency networks.
- A case manager (agreed by the YJT) should be assigned to each case.
- The case manager will be responsible for ensuring through-care support for the child.
- Data Sharing Protocols to be developed to facilitate this.

Working With Families

- The family/parents need to be engaged more effectively by services and supported to deal with their children effectively.

Restorative Practices to reduce offending behaviour

- To be developed and rolled out further.
- A 'restorative practice' training network to be developed and more engagement with non-justice agencies is required.

Data Collection

- Need to develop a tracking system to follow children through the system.

Detention

- Need to develop better 'aftercare plans' for children, linkages to local services, health and education and job placement/training.
- Need to develop children's skills for reintegration into the community.

There are other significant projects underway at present which will impact on the future youth justice strategy, namely the White Paper on Crime and the successor to the National Children's Strategy. The White Paper on Crime sets out the overall policy framework within which measures to prevent and combat crime will be implemented in the future. The successor to the National Children's Strategy will build on the current comprehensive national policy document on the development of services of children. These policy documents will have a considerable impact on youth justice policy so it has

been agreed that the successor to the NYJS 2008-2010 should await their publication.

Taking this timeframe into consideration, the National Youth Justice Oversight Group has decided to await the publications of these reports before developing the follow-up to the NYJS 2008-2010. It has agreed to continue to progress the remaining items in the current strategy and prioritised the following objectives to be progressed in the interim;

- Continue to progress the formalising of youth justice teams
- Continue with the capacity-building change management programme of the Garda Youth Diversion Projects
- Complete the review of the Young Persons Probation Projects and begin to implement recommendations
- Progress the Integration Strategy in the Detention Schools
- Implement the Education Strategy in Detention Schools
- Continue with training on standardised risk assessment amongst practitioners.
- Agree data sharing protocols with stakeholders for sharing of personal information

Appendix 1 : Overview of Youth Crime

Principles of the National Youth Justice Strategy 2008-2010 and expected statistical outcomes

Following a Government decision in 2011 the IYJS now operates as an executive office in the Department of Children and Youth Affairs (DCYA) with effect from 1st January, 2012. The IYJS retains the same remit in leading and driving reform in the area of youth Justice and is staffed by officials from both DCYA and the Department of Justice and Equality (DJE).

The main legislation covering youth justice is the Children Act 2001. The Children Act focuses on preventing criminal behaviour, diversion from the criminal justice system and rehabilitation. The detention of a child is only to be used as a last resort when all other options have been explored.

The National Youth Justice Strategy 2008-2010 follows these principles of the Children Act 2001. High Level Goal 2 is 'to work to reduce offending by diverting young people from offending behaviour' while High Level Goal 3 is 'to promote the greater use of community sanctions and initiatives to deal with young people who offend'.

The expected outcomes of the Children Act 2001 and the objectives of the National Youth Justice Strategy 2008-2010 would therefore be an increase in the number of children being diverted away from the criminal justice system. As a result of this, it would be expected that there would be a decrease in the number of children committing offences and a decrease in the number of young people appearing before the Children's Court. A reduction in the use of detention would be expected in cases where a child does go before the Children Court due to detention only being used as a last resort and a corresponding increase would be expected in the use of community sanctions and other measures in place of detention.

Structure of Irish youth justice system

There are a wide range of measures in place to deal with children in trouble with the law and at risk of becoming in trouble with the law. These include:

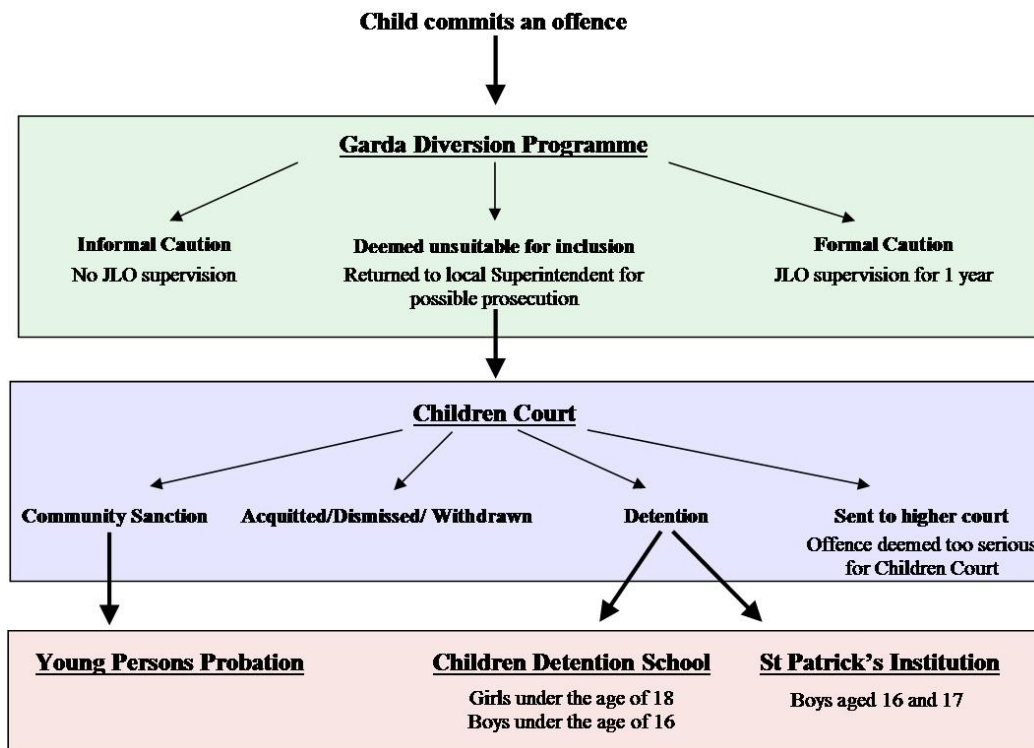
- Garda Youth Diversion Projects (GYDPs)
- Garda Diversion Programme
- Community Sanctions
- Anti-Social Behaviour Orders
- Children Detention Schools

GYDPs are a crime prevention initiative designed to engage with young people who have been identified as being at risk of involvement in criminal or anti-social behaviour and divert them away from the criminal justice system.

Although some children on GYDPs may have been involved with criminal activity, the aim of the projects is to divert children away from any/any further criminal activity.

If a child commits a criminal offence, there are a number of possible outcomes which may result from this. Figure 1 shows the possible routes a child may take through the criminal justice system if they are found to have committed a criminal offence by Gardaí. The different options depend on the nature of the offence which has been committed.

Figure 1: Possible routes through the youth justice system for a child who has committed an offence



Anti-Social Behaviour Orders (ASBOs) were introduced in 2007. They offer an alternative way of dealing with a child who acts in an anti-social way other than going through the criminal justice process. A series of stages before an anti-social behaviour order can be sought. These include a behaviour warning, a good behaviour contract, and a referral to the Garda Diversion Programme.

Appendix 2: Youth Justice System Statistics

Youth Crime Reductions 2009/2010

The table underneath (figure 2) shows that overall youth crime has reduced significantly in 2009/2010, with the highest yield occurring in the areas of alcohol-related public order crime and shop theft- the areas which have been the greatest focus of our efforts. 2011 figures are not published but IYJS understands there is a significant drop in 2011.

It also needs to be noted that there have been corresponding reductions in adult crime, which is obviously to be welcomed. However, the patterns of reduction in relation to youth crime are particularly significant.

Certain types of offending behaviour, by virtue of their low detection rates may mask a more modest reduction, no change or even possibly a slight increase. This area of more persistent crime will be the focus of ongoing strategic effort.

Figure 2: Youth Crime Reductions 2009/2010

Offence Types	2010	% Change	2009
Public Order Offences	6,425	-19%	7,915
Theft from Shop	4,075	1%	4,050
Criminal Damage (Not by Fire)	3,195	-18%	3,882
Burglary	1,608	-9%	1,771
Trespassing in Yard or Curtilage	1,873	-7%	2,004
Assault Minor	1,420	-3%	1,469
Simple Possession	1,309	-24%	1,731
General Road Offences	1,442	-39%	2,349
Drunkenness Offences	1,226	-3%	1,266
Theft (Other)	885	-7%	954
Purchase/Consume Alcohol U18	925	91%	485
Unauthorised Taking (Vehicle)	724	-16%	864
Grand Total	32,632	-14%	38,022

***source Garda PULSE**

Garda Youth Diversion Projects

The number of young people participating on Garda Youth Diversion Projects has increased steadily over the lifetime of the National Youth Justice Strategy 2008-2010 (figure 3). The gender breakdown of participants has remained reasonably consistent at 71-72% male and 28-29% female (figure 4).

Figure 3: GYDP participants 2008-2010

Total Participants	Male	Female	Total
2008	3222	1235	4457
2009	3493	1429	4922
2010	3866	1614	5480

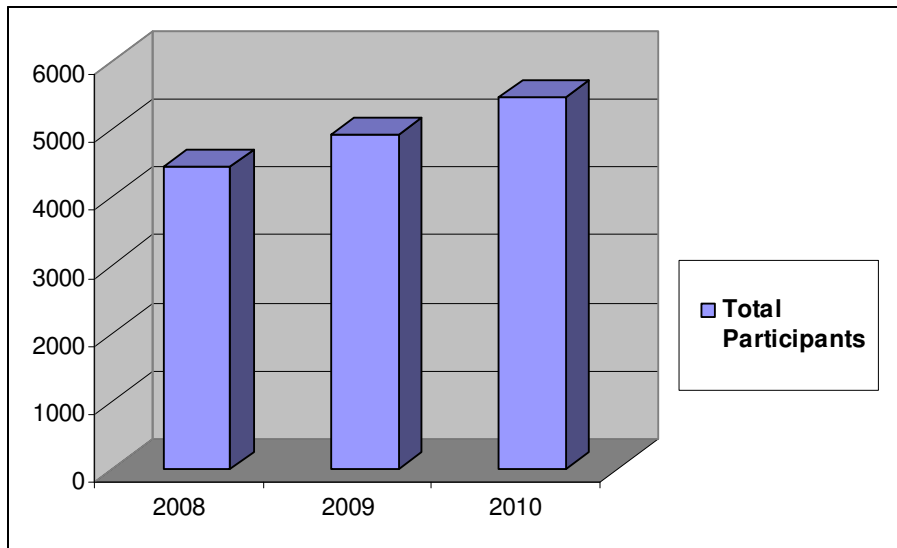
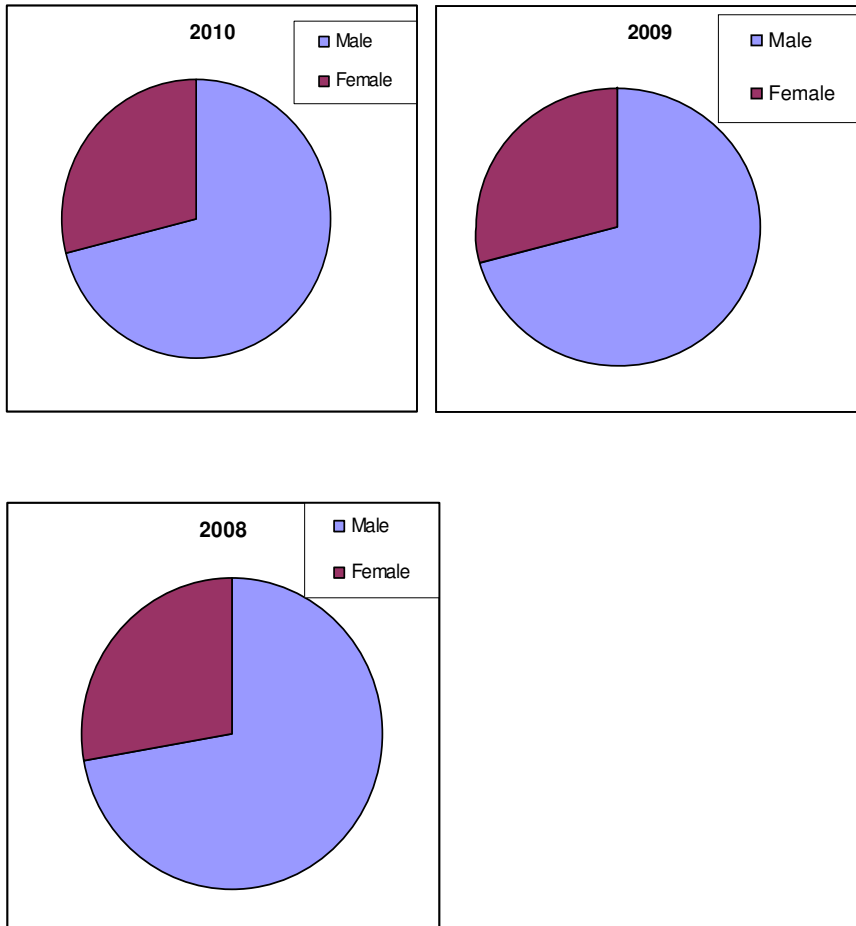


Figure 4: GYDP Gender Breakdown 2008-2010

Year	Male	Female	Total
2008	3222	1235	4457
2009	3493	1429	4922
2010	3866	1429	5480



Garda Diversion Programme

The number of young people referred to the Garda Diversion Programme reached a high in 2007 having steadily grown over the previous years. These figures have since seen a reduction in both 2008, 2009 and 2010 (figure 5) indicating that less children have been found committing crimes by Gardaí. The proportion of young people referred receiving formal cautions, informal cautions, no further action and deemed unsuitable for inclusion have remained relatively constant over time (figures 6 &7). The breakdown of the principal offences which children have been referred for have also remained relatively constant (figure 8).

Figure 5: Number of young people referred to Garda Diversion Programme

Year	2005	2006	2007	2008	2009	2010
Young people referred	17,567	20,016	21,941	21,412	18,519	17,986

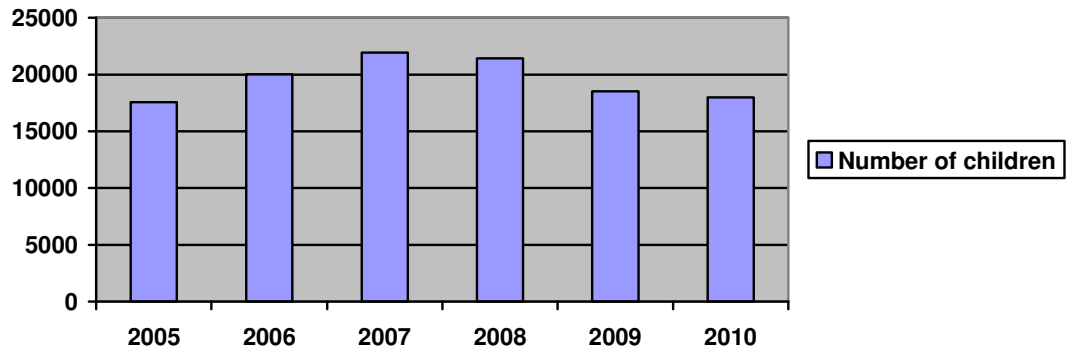


Figure 6: Key Statistics for the Garda Diversion Programme

	2006	2007	2008	2009	2010	% change 2008/2010
No. of incidents referred	25080	27853	27422	23952	27257	- 0.6%
No. of Children Referred	20016	21941	21412	18519	17986	-16.0%
No. of children with informal cautions	11320	12485	11796	10059	9332	- 20.88%
No. of children with formal cautions	3809	4268	3958	3988	3567	- 9.87%
No. of children unsuitable for the programme	2828	3208	3417	2966	3066	-10.27%
No. of Children requiring "no further action"	1280	1190	1666	1024	856	- 48.6%
No. of children with cases pending at year-end	779	790	575	482	1165	+ 50.64% *

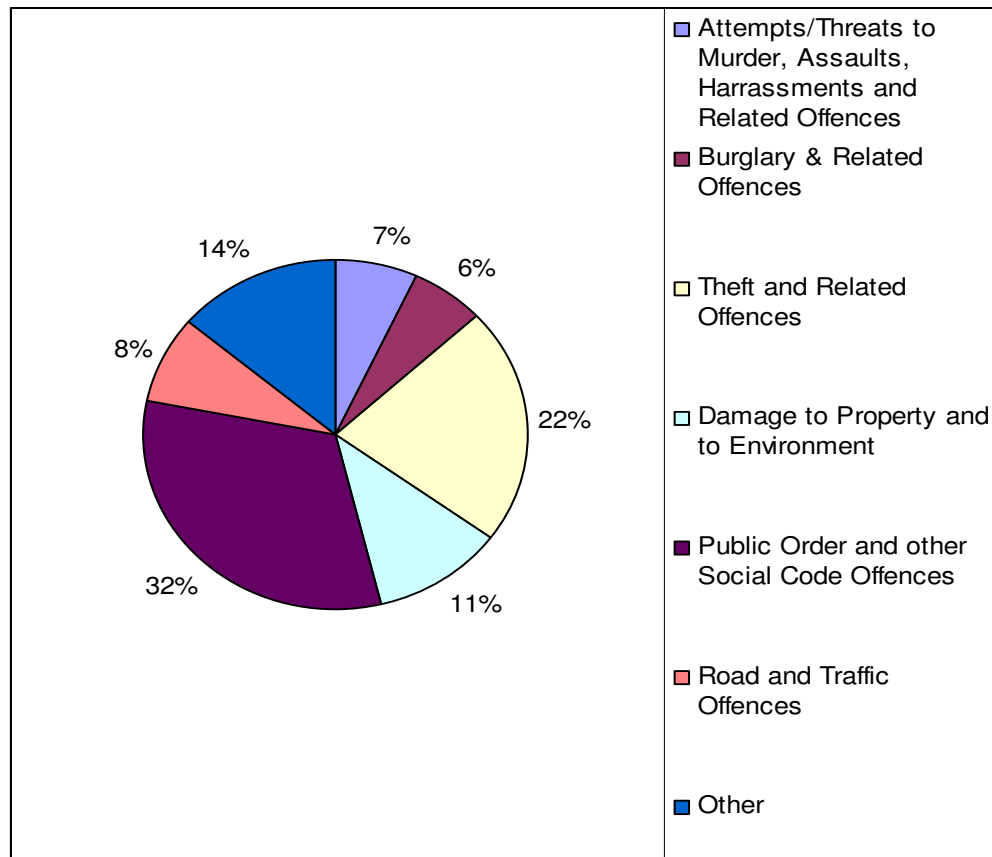
* The increase in the number of cases pending i.e. not completed at year end is due to the extra work involved in the integration of the local Diversion Programme database with pulse

Figure 7: Outcomes of Garda Diversion Programme Referrals

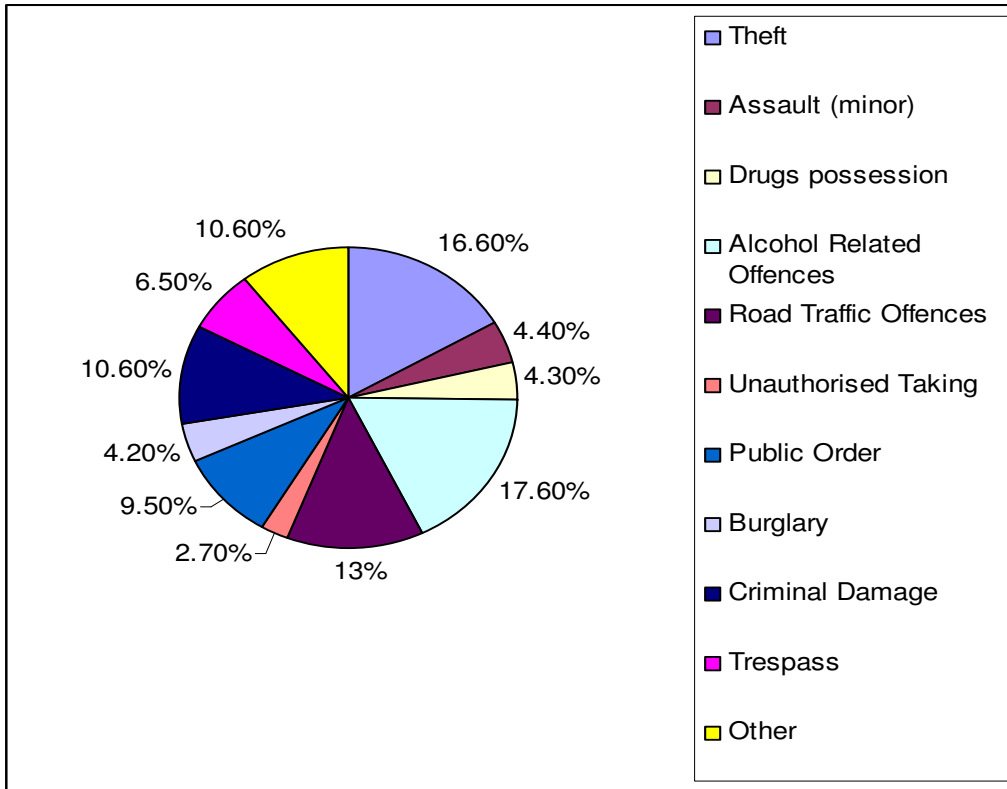
Year	2007	2008	2009	2010	% change 2008/2010
Informal Caution	12,485	11,796	10,059	9,332	- 20.88%
Formal Caution	4,268	3,958	3,988	3,567	- 9.87%
No further action	1,190	1,666	1,024	856	- 48.61%
Deemed unsuitable	3,208	3,417	2,966	3,066	- 10.27%

Figure 8: Crime Type as a percentage of Total Referrals

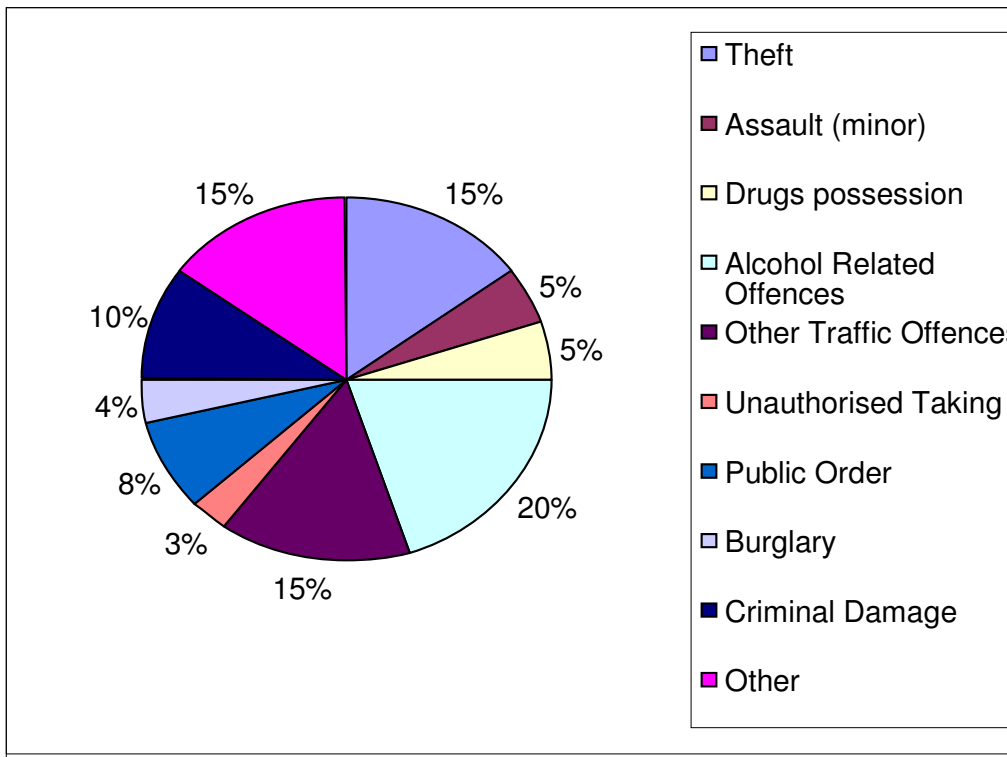
2010



2009



2008



Young Persons Probation Projects (YPPs)

Compilation of statistics for the Young Person's Probation Service commenced in 2007. Figure 9 below gives an overview of the relevant statistics for the projects.

Figure 9: YPP Statistics 2008 – 2010

Statistics for YPP	2008	2009	2010
Referral for Probation (Pre-Sanction) Reports	912	1038	979
Referral for Community Service Reports	36	42	36
Family Conference	35	32	28

Young Persons Assessment Reports Requested	2008	2009	2010
Referral for Probation (Pre Sanction) Reports	912	1038	979
Referral for Community Service Reports	36	42	36
Pre-Sanction Reports to consider Community Service	10	18	30
Family Conference	35	32	28

Supervision of Young Persons	2008	2009	2010
Probation Orders	380	383	491
Orders for Supervision during Deferment of Penalty	304	418	361
Community Service Orders	41	43	30
Part Suspended Sentence Supervision Orders Made	-	44	-

Courts Service

The number of defendants appearing before the Children's Court has remained relatively constant in recent years (figure 10). There has however been a move towards the use of community sanctions rather than detention in the outcomes of Children's Court appearances for defendants. While those acquitted/dismissed/withdrawn etc, returned to a higher court for sentencing, and receiving an other outcome have remained reasonably consistent in

recent years (figure 11), there has been a decrease in recent years in those receiving detention including St Patrick's Institution and an increase in those receiving community sanctions. This change is mapped in figure 12.

Figure 10: Number of Defendants appearing before Children's Court

Year	2006	2007	2008	2009	2010
Defendants appearing	2,386	2,813	2,778*	2,863*	3221*

* Having consulted with the Courts Service, the "Taken into consideration" category is a double counting of individuals (Criminal Justice Act 1951 s.8). Excluding this category the total is 2,778 defendants in 2008 and 2,863 in 2009 and 3,221 in 2010. 2011 statistics not published yet.

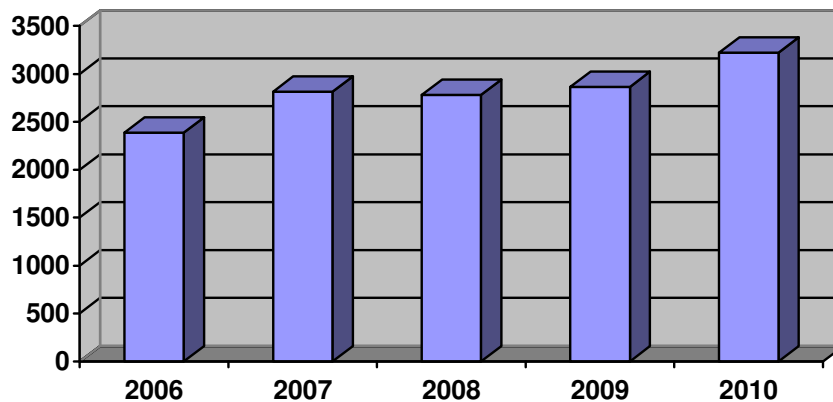


Figure 11: Outcomes for individuals appearing before Children Court

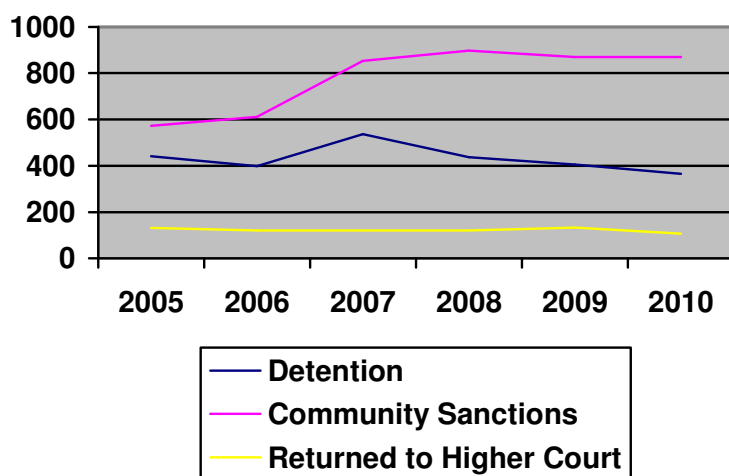
	2006	2007	2008	2009	2010
Acquitted/dissmissed/ withdrawn etc ¹	1,204 (50%)	1,253 (45%)	1,299 (47%)	1,417 (50%)	1,359 (51%)
Community Sanctions ²	612 (26%)	853 (30%)	897 (32%)	870 (30%)	826 (31%)
Detention ³	399 (17%)	537 (19%)	436 (16%)	405 (14%)	365 (13%)
Returned to Higher Court for Trial	121 (5%)	121 (4%)	121 (4%)	133 (5%)	107 (4%)
Other	50 (2%)	49 (2%)	25 (1%)	38 (1%)	10 (1%)
Total	2,386	2,813	2,778	2,863	2,667

¹ Includes Strike Out, No Order, Withdrawn, Dismiss, Dismissed under Probation Act

² Includes Probation, Fine, Peace Bond, Community Service Order, Poor box, Disqualification from driving

³ Includes St Patrick's Institution

Figure 12: Detention vs Community Sanctions as Outcomes from Children's Court



Children Detention Schools & St Patrick's Institution

The average annual occupancy of children detention schools has dropped dramatically over the last decade. This has included a drop from 90 in 2000 to 37 in 2011 (figure 13). The actual number of individual children detained for the year 2008-2011 remained relatively constant at approximately 120 (figure 14).

The average occupancy of 16/17 year olds held in St. Patrick's Institution has dropped from 79 in 2003 to 43 in 2011 (figure 15).

There has been a downward trend in total occupancy for all under 18 year olds since 2007 (figure 16).

The introduction of new community alternatives to detention, further diversion measures and increased inter-agency working should continue to reduce detention trends.

Figure 13: Average occupancy of children detention schools 2000-2011

Year	2000	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11
Average Occupancy	90	72	71	68	59	52	54	53	46	39	34	37

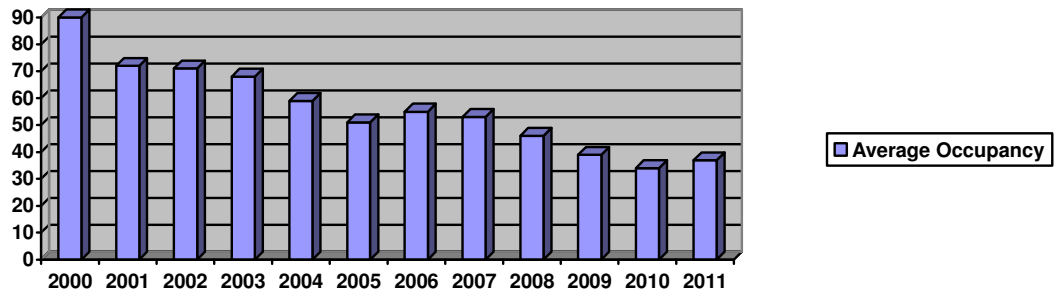


Figure 14: Number of individual Young People placed annually in Children Detention Schools 2008-2011

2008	2009	2010	2011
123	114	125	122

Figure 15: Number of Children detained in the Irish Prison Service (St Patrick's)

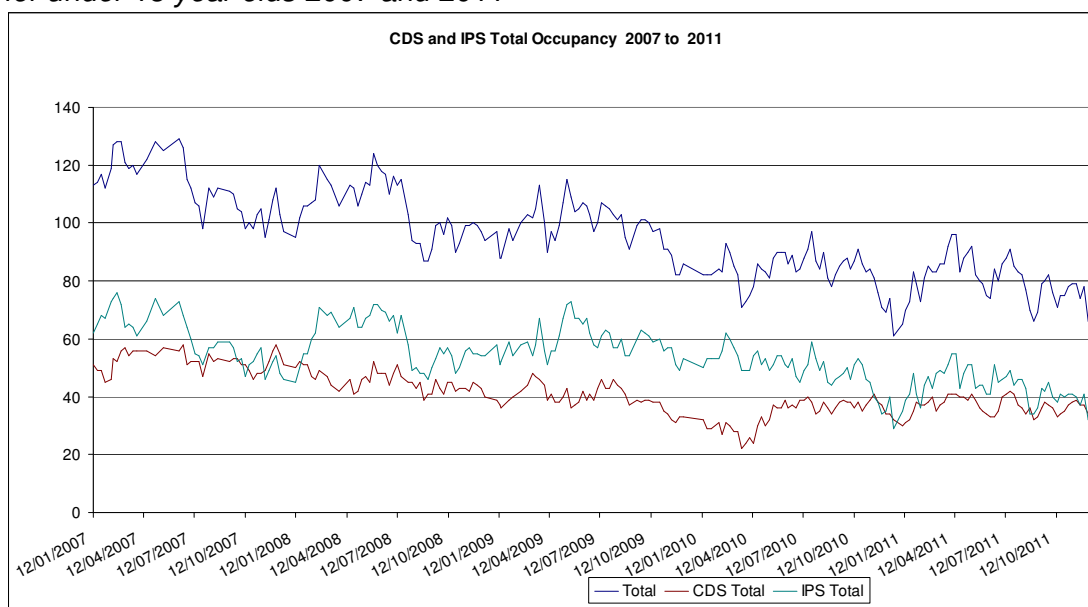
Average Occupancy in facilities under the Irish Prison Service 2003 to 2010:

Year	Male	Female*	Total	16 years old	17 years old
2006	63	1	64	16	45
2007*	59	0	60	16	43
2008	59	0	59	19	40
2009	59	0	59	18	41
2010	49	0	49	10	40
2011**	43	0	43	11	32

*No females under 18 years were committed to an IPS facility after 1 March 2007. 2 females reported present in 1st quarter.

Source: Irish Prison Service, as reported to Department of Justice and Equality,

Figure 16: Children Detention Schools / St Patrick's Occupancy as reported for under 18 year olds 2007 and 2011*



* CDS = Children Detention Schools (under 18 females and under 16 males) and IPS = Irish Prison Service – St. Patrick's Institution (16 and 17 year old males only)

Anti-Social Behaviour Orders

Part 13 of the Children Act 2001, as amended, relating to anti-social behaviour by children was commenced on 1 March, 2007. These provisions set out an incremental procedure for addressing anti-social behaviour, ranging from a warning from a member of An Garda Síochána, to a good behaviour contract involving the child and his or her parents or guardian, to referral to the Garda Juvenile Diversion Programme and to the making of a behaviour order by the Children Court.

In addition to these developments, joint policing committees in each local authority administrative area are being set up to provide a forum where members of a local authority and the senior Garda officers responsible for the policing of that area, with the participation of Oireachtas members and community interests, can consult, discuss and make recommendations on matters affecting the policing of the area including the levels and patterns of anti-social behaviour such as the misuse of alcohol and drugs. Statistics are contained in figure 17 below.

Figure 17: Anti – Social Behaviour Statistics 2007 - 2011

Year	Behaviour Warnings Child	Good Behaviour Contracts	Civil Order	Behaviour Order
2007	131	4	0	0
2008	513	8	3	3
2009	436	1	0	0
2010	524	2	1	0
2011	402	0	0	0
Total	2,006	15	4	3

Conclusions

The expected statistical outcomes of the implementation of the Children Act 2001 and the National Youth Justice Strategy 2008-2010, as outlined at the start of this paper, would be:

- an increase in the number of children participating on Garda Youth Diversion Projects (GYDPs);
- a reduction in the number of children referred to the Garda Diversion Programme;
- a reduction in the number of children appearing before the Children Court;
- a reduction in the number of children being placed in children detention schools;
- an increase in the use of community sanctions and other measures.

There has been significant success in realising the expected statistical outcomes over the lifetime of the National Youth Justice Strategy.

Number of children participating on GYDPs

The number of young people participating on GYDPs increased in 2008, 2009 and 2010. This resulted in a 19% increase in numbers participating between 2008 and 2010.

Number of children referred to Garda Diversion Programme

Between 2008 and 2010 there was a 16% decrease in the number of young people referred. The number of children given a formal (JLO supervised) caution under the Garda Diversion Programme decreased by 10% between 2008/2010. The . The number of children given an informal (JLO supervised) caution under the Garda Diversion Programme decreased by 21% between 2008/2010.

Number of children appearing before the Children Court

The number of children appearing before the Children Court has remained relatively constant over the last few years. While this is not what the expected outcome would be, the shift towards a greater use of community sanctions and lower use of detention when defendants appear before the Court is an

expected outcome. In 2005 the outcome for 24% of defendants was a community sanction and for 18% was detention. In 2010, 31% of defendants received a community sanction and 13% detention.

Number of children being placed in children detention schools

The number of young people held in children detention schools has dropped substantially since 2000. In 2001 the average occupancy was 72. Between 2008 and 2011 there was a decrease in average occupancy from 46 to 37 in the number of young people held in the children detention schools.

We can now say that:

- a) We know more about the nature of the youth crime problem and this has allowed us to be more data driven and evidence informed;
- b) This has corresponded with a falling detected youth crime rate;
- c) These positive changes have occurred at the same time as Ireland's relatively low level of youth detention has also experienced further downward trends and
- d) This correlates with a more effective use of money and offers the prospect of better outcomes for children and communities.

Although progress has been made in all areas and the statistical outcomes appear very positive, it must be remembered that there are many factors contributing to each change and the implementation of the National Youth Justice Strategy is not the only force at work. Despite these qualifications, the figures show that the system is moving in the right direction and that the Strategy appears to be proving successful.

Appendix 3: Community Sanctions

There are presently ten new community sanctions available to the Courts:

- **Community Service Order** – Applicable to 16/17 year olds. Requires the child to perform unpaid work for between 40 to 240 hours. *This is operated and supervised by the Probation and Welfare Service.*
- **Day Centre Order** – This requires the child to attend a day centre for a maximum period of 6 months and to participate in an occupation, activity or instruction. *This is operated and supervised by the Probation and Welfare Service.*
- **Probation Order** – This places a child under the direct supervision of the Probation and Welfare Service for a period during which time the child must meet certain conditions which are set by the Court.
- **Training or Activities Order** – This requires the child to complete a programme which is recommended to the Court by a Probation and Welfare Officer which is suitable for the child's development and designed to prevent the child from re-offending. *This is operated and supervised by the Probation and Welfare Service.*
- **Intensive Supervision Order** – This sanction provides for a child to be closely supervised and to complete an education/training or treatment programme while living at home or with an adult recommended by a Probation and Welfare Officer. The duration of the order is not to exceed 180 days with a court review after 60 days where it is to exceed 90 days. *This is operated and supervised by the Probation and Welfare Service.*
- **Residential Supervision Order** – This places a child in hostel accommodation for a period of less than one year to facilitate the undertaking of education, training, or employment. The hostel must be approved by the Probation and Welfare Service. *This is operated and supervised by the Probation and Welfare Service.*
- **A Suitable Person (care and supervision order)** – This places the child in a fostering type arrangement with a suitable adult this requires the agreement of the child's parent(s) or guardian. This order carries a maximum duration of 2 years. *This is operated and supervised by the Probation and Welfare Service.*
- **A Mentor (family support order)** – A relative is assigned who will help, advise and support the child and family. This order carries a maximum duration of 2 years. *This is operated and supervised by the Probation and Welfare Service.*
- **A Restriction of Movement Order** – This will require the child to either:
 - (a) Be at a specified residence during the period 7.00pm and 6.00am each day. This has a maximum duration of 6 months.
 - (b) Stay away from a specified premises, place or locality during specified days or between specified times. This order carries a period not exceeding 12 months. *This is operated and supervised by An Garda Síochána.*

- **A Dual Order** – This combines a 'Restriction of Movement Order' with either supervision by a probation officer or compulsory attendance at a day centre. This has a maximum duration of 6 months.