

**Funding of Garda Youth Diversion Projects (GYDPs) under the European Social Fund (ESF) Operational Programme for Employability, Inclusion and Learning (PEIL) 2014 – 2020.**



**An Roinn Dlí agus Cirt  
agus Comhionannais**  
Department of Justice  
and Equality

## Introduction

The Department of Justice and Equality welcomes the recent clarification that

- a) there is no specific ESF requirement that a Call for Proposals for funding of existing Garda Youth Diversion projects (GYDPs) be issued;
- b) the ESF Managing Authority (MA) and ESF Auditing Authority (AA) do not envisage a difficulty in the rolling-over of the existing GYDPs once the Department of Justice and Equality, as grantor, is satisfied that it is not appropriate to seek expressions of interest from service providers as suggested in DPER Circular 13/2014; and
- c) in keeping with the terms of the selection criteria set out in the AIP in August 2015, the Managing Authority and Audit Authority expect that where a new GYDP is proposed after that date, a competitive process will be undertaken.

We note that, in the event of it being the subject of ESF audit, the AA will seek evidence of how satisfaction was gained in (b) and that this would also apply to any GYDPs established prior to the AIP reference to a competitive process being undertaken.

The clarification has also been strongly welcomed by An Garda Síochána and by the projects themselves, as it allays concerns about disruption to and diminution of service to a very vulnerable group of participants who are characterised by a chaotic lifestyle and for whom disruption of their GYDP programme would be very detrimental. It should be noted that there is no precedent in the Irish public service for setting an arbitrary end date for provision (by voluntary organisations with state funding) of the entirety of a personal social service to vulnerable clients and then running a Call for Proposals process to put a replacement service in place. The risk of disruption to vulnerable clients and the loss of detailed knowledge of their needs, family circumstances etc. outweigh any possible benefit to be derived. The relationship with the GYDP Youth Justice Workers is in many cases the only stable adult relationship in the young participant's life and is the key to changing the direction in which his or her life is heading.

The purpose of this note is to set out the

- a) background to the current arrangements for oversight of the GYDP network and the context for the development of the network of projects (some 105 currently) over time;
- b) function of GYDPs and how they fit in a wider suite of crime prevention and child/family support State-funded social services;
- c) rationale for continued delivery in the current ESF round of this service in the existing locations by our current community and civil society partners;

- d) plans (building on the consultation process undertaken in March to May 2018 in the context of then understanding that an open Call for Proposals would be required), for development of the existing service, using an action research approach to work with a small number of existing project partners to further develop our best practice model, for dissemination on a phased basis throughout the network. The revised organisational and service delivery model will then, commencing at end-2019, form the basis for
  - i. establishment of new projects on the basis of an open and transparent Call for Proposals process; and
  - ii. reorganisation of projects and their catchment areas as may be required and renewal of funding commitments in areas currently served; and

### **Background to current oversight arrangements for network of GYDPs**

Responsibility for funding of the Garda Youth Diversion Projects transferred from An Garda Síochána to the Department of Justice and Equality (DJE) at the beginning of 2008, following the establishment of the Irish Youth Justice Service (IYJS). Over the following years considerable effort has been invested by the Department to develop the national network of Projects and the quality of services being provided by them. For instance, improved planning and reporting arrangements have been put in place with projects and a more focused and evidence-based approach has been taken to participant admission to Projects. A number of mentoring initiatives were put in place, as these are now ready to be rolled out across the entire project network. In addition, pilots in relation to working with the most challenging children have been undertaken and these are now due to be evaluated formally, with a view to replication of successful approaches in other project areas as needed.

The Garda Youth Diversion Projects (GYDPs) are co-funded under Ireland’s ESF Operational Programme for Employability, Inclusion and Learning (PEIL) which was formally approved by the European Commission in February 2015 and launched in April 2015. This Programme was preceded by the ESF Human Capital Investment Operational Programme (HCIOP) 2007 – 2013 under which co-funding support was also provided to the GYDPs.

The Department’s Youth Crime Policy and Programmes Division is the ESF “Public Beneficiary Body” under the PEIL for the GYDPs. As such, the Division is responsible for ensuring that only eligible expenditure actually incurred by the GYDPs is declared for the purpose of co-funding support from the ESF. The GYDPs themselves are the “operations” under the Programme. As such, they are required to make an annual ESF Financial Return to the Youth Crime Policy and Programmes Division setting out eligible expenditure incurred in the relevant financial year for the purpose of seeking funding support under the PEIL.

### **GYDP Funding Agreement**

The funding of GYDPs is the subject to an agreement between the Department and the Community-Based Organisations that manage them, with the precise level of funding being reviewed on an annual basis, subject to the available resources, in the light of activity and case levels. At the time of the launch of the PEIL referred to above, all of the Community Based Organisations managing the GYDPs had such agreements in place. Accordingly, co-funding support for those GYDPs was rolled over from the HCIOP 2007-2013 to the PEIL 2014-2020. This involved funding support for close to 100 GYDPs at the time.

A new model funding agreement is now in place, taking into account the advice of the Attorney General that the new EU public procurement rules laid down in Directive 2014/24/EU do not apply. The advices of 5 May 2017, considered the relevant provisions of the Directive, in particular Recital 4, relevant case law, and the essential differences between services funded under public contracts and services funded by way of grants. The advices concluded, *“it seems clear that the proposed Funding Agreements are therefore grants and do not come within the ambit of the public procurement Directives”*.

The funding in each case is subject to a detailed assessment of an Annual Plans submitted by projects, setting out the level of service to be delivered having regard to the number and risk profile of participants, and to the Department being satisfied that the project is delivering the required services at a reasonable cost.. Delivery of the plans is monitored on an ongoing basis (see details in the Appendix), with payments being made quarterly on foot of quarterly progress reports.

### **Function of GYDPs and how they fit in a wider suite of crime prevention and child/family support State-funded social services**

#### **Mission of GYDPs**

GYDPs are a key support to the operation of the statutory Garda Diversion Programme. Part 4 of the Children Act 2001 provides the statutory basis for the Garda Diversion Programme. The intention is to divert children and young people who have engaged in criminal or anti-social behaviour away from the Criminal Justice system and towards more positive life choices. Garda Juvenile Liaison Officers (JLOs) are responsible for administering informal and formal cautions and providing supervision for young offenders.

The GYDPs are community-based multi-agency crime prevention initiatives which primarily seek to divert young people who have become involved in crime/anti-social behaviour and to support preventative work within the community and with families at risk. There are currently 105 of these projects in place nationally.

The projects aim to bring about the conditions whereby the behavioural patterns of young people towards law and order can develop and mature through positive interventions and

interaction with the project. They are primarily targeted at 12-17 year old “at risk” youths in communities where a specific need has been identified and where there is a risk of them remaining within the justice system. The objectives of the GYDP are to:

- promote focussed and effective interventions to challenge and divert young people from offending behaviour;
- utilise GYDP resources in areas of greatest need and to establish effective crime prevention supports in co-operation with other youth service providers nationwide;
- actively promote crime prevention policy through focussed educational interventions influencing positive development of young people towards becoming responsible citizens.

Funding support for youth justice community interventions is based on evidence that diversion programmes, in the form of high-quality preventative intervention, can do more to reduce crime than more costly custodial options.

### **Outcomes**

GYDPs contribute to the outcomes, objectives and actions outlined in the [Tackling Youth Crime, Youth Justice Action Plan 2014–2018](#) and the [Better Outcomes Brighter Futures](#), The National Children and Young People’s Policy Framework 2014-2018.

These strategies support a whole of Government effort to improve outcomes for children and young people and recognise the shared responsibility across Government to achieving these results. The focus of the National Children and Young People’s Policy Framework is on investing in young people to reach their potential towards reducing inequality within society and to break cycles of intergenerational disadvantage.

GYDPs also contribute the *National Reform Programme for Ireland under the Europe 2020 Strategy* and to ESF PEIL Priority 2: Promoting social inclusion and combating discrimination in the labour market and ESF horizontal principals. GYDPs should comply with their obligations under the [Children First Act](#) and guidelines.

GYDPs outcomes will be measured under the following categories:

- Development of an area profile to identify focus areas: GYDPs should understand the local needs of young people, youth crime patterns and develop mechanisms to address changing needs/youth crime patterns;
- Youth Justice Workers should develop relationships with young people to provide interventions at an educational, therapeutic and family level to divert young people from offending behaviour;

- Reduction in participants YLS risk scores to evidence behaviour change;
- Work in partnership with local JLO and Garda;
- Provide preventative activities to young people aged 11 and under
- Develop relationships with young people's parents/guardians and provide support;
- Reduction in anti-social behaviour, recidivism and crime amongst young people in a project's catchment area;
- Work with other relevant agencies and organisations in their catchment areas to provide integrated support services for young people and their families/guardians;
- Work within their local communities to raise the profile of their GYDP and improve the community involvement of young people participating on projects;
- Have regular meetings with the referral and project committees;
- Participate in IYJS audits/visits of GYDPs;
- Ensure young people's voices are heard in the provision of GYDP services.

### **Wrap Around Services**

GYDPs are generally based in community organisations that also provide a range of other services for children at risk and their families in the community context. The range of services provided 'in house' varies and there is no one model that fits all circumstances. Nonetheless, a key requirement for success by GYDPs is to provide, or ensure the provision of, as may be appropriate, a 'wrap around' services to address all the issues emerging from the risk assessment for that child in the context of the family and community context presenting. GYDPs are expected to work as appropriate with local service providers/government agencies to provide integrated supports for young people to achieve positive outcomes. GYDPs should consider developing individual service plans for each participant by working with Tusla, School Completion, Youth Reach and local drugs and alcohol projects, amongst others.

The key point is that effective GYDPs are not *standalone* projects that deliver a focussed counselling and group work service in isolation, but rather are integrated community service organisations that provide a range of services in-house and have strong links with statutory and other service providers so that they can provide, or ensure the provision of, a wrap-around service to meet all the needs of the individual child presenting, in the context of the specific family and the specific community involved.

### **Central Supports for training**

Using relevant research based practices is a key part of GYDPs. With this in mind it is a requirement for all GYDPs to keep updated with current national and international best practices. To aid with this IYJS has assembled a team of experienced Youth Justice Workers (YJWs) and other experts to form a Best Practice Team. It is the responsibility of this team to advise on current national and international best practices on techniques used by GYDPs and to provide training to YJWs in these techniques.

It is required of all GYPD's that they follow the guide lines set out by IYJS and the best practice team in regards to minimum standards of training required for Youth Justice Workers.

All GYPD's are required to provide ongoing training for staff. This includes training provide by the Department, the best practice team and from other sources including other CBOs.

All Youth Justice Workers are required to have training in the use of YLS screening forms, child safety training especially in regards to the Children First Act 2015.

### **Activities**

GYDP's provide targeted youth crime interventions to a specific cohort of young people primarily aged 12-17 who come to the attention of An Garda Síochána because of their offending behaviour or because they are at risk of involvement in offending and/or anti-social behaviour.

The purpose of youth crime intervention work is to engage young people in a process of learning and development that enables them to make positive lifestyle choices. These targeted supports seek to provide participants with the life skills that help them to make positive choices and desist from criminal and anti-social behaviour.

Projects should focus their service effort on bringing about behavioural improvements for young people, e.g. reducing their impulsiveness and increasing their consideration for others (empathy) but equally, facilitating increased pro-social opportunities for the young people concerned. This change will be achieved through the implementation/application of appropriate programmes and interventions with young people aimed at addressing the risk factors identified for them under the various categories using the YLS risk assessment tool (Youth Level Service/Case Management Initiative (YLS/CMI)). This may involve interventions with the family of the young person also. The primary focus of the service is on reducing the young person's likelihood of re-offending.

Mentoring programmes provide one-to-one support for young people through a network of local volunteers who act as role models and provide support to young people. Mentoring is provided at the early stages when young people first come to the attention of An Garda Síochána.

As the GYDP service is part funded by the ESF, all GYDP's are expected to demonstrate how the following four ESF 'horizontal themes' will be addressed by their activities:

- Promotion of equality between women and men
- Promotion of equal opportunities and non-discrimination
- Social Inclusion
- Sustainable development

The concept of Restorative Practice has developed in recent years. Restorative Practice aims to resolve conflict and repair harm; prevent the occurrence and reoccurrence of conflict and

harm; develop harmonious communities; and increase social capital; and is applied in a wide variety of settings including the criminal justice system, schools, workplaces, youth work settings, neighbourhoods, communities and families.

The intention is to embed a restorative practice ethos in the GYDP network, commencing in 2018. GYDPs will be encouraged to host activities such as Restorative Conferences, Victim-Offender Mediation or a variation of such in line with best practice. These activities give young people a chance to see the consequences of their actions and help to make amends with victims. Restorative Practice seeks to repair harm and restore relationships rather than focusing on punishing offenders when a crime has been committed.

### **Community Ownership**

GYDPs deliver valuable services for young people who have committed a crime or may be at risk of offending as well as providing important support for An Garda Síochána at local level. Community ownership and participation of the projects is an essential dimension. Each GYDP is expected to maintain a community driven approach to their operation, have good knowledge of their locality and be embedded within the community. Projects provide, or liaise with other local agencies with a view to the provision of, a wrap-around service to meet the specific needs of each young person. Local partnerships are a key aspect to delivering a beneficial service for the young people involved.

### **Rationale for continued delivery of this service in the existing locations by our current community and civil society partners**

The Department is satisfied that the GYDP service should continue to be delivered in the current project areas by the current projects in the current round of funding on the basis that:

- (i) the projects provide a personal social service to a particularly challenging and vulnerable group of young people. An Open Call process is more appropriate when starting new services, or for once-off grants, or for delivery of training course and other programmes with a defined start and completion date for a specific cohort, but is not an appropriate approach to the continued provision of personal social services to vulnerable clients as disruption to service cannot be countenanced and the value of in-depth community knowledge and understanding of the children and families concerned is the key asset that makes for an effective service. (A relevant comparison is with the current reorganisation of disability services, specifically in relation to personalised budgets and moving from large, congregated residential settings. The move to decongregated settings is being managed in a planned and phased way, in negotiation with families/clients and with the service providers.)



- (ii) The Department ensures value for money and effectiveness is achieved by its active management of the relationship with the projects. Individual project plans area assessed annually and we are satisfied that value for money continues to be achieved having regard to the costs which could otherwise arise if young offenders move deeper into the criminal justice system e.g. potential Garda, DPP, Courts, Probation Service and detention related costs to the exchequer. In this regard, some €14m is being allocated to 105 Projects in 2018, with services being provided to some 4,100 young people at an average cost of €3,320 per person per annum. This is much less than the cost of keeping an adult offender in prison where the annual cost is €68,535 in 2017(Irish Prison Service annual report 2017) [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/IPS-annualreport-2017.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/IPS-annualreport-2017.pdf);
- (iii) In 2015 the cost of keeping a juvenile offender in Oberstown was €340,893 per annum or €934 per day. The cost of providing diversion projects with an annual average cost of €3,320 is much lower.( <https://www.oberstown.com/wp-content/uploads/2017/05/Oberstown-Factsheet.pdf>)
- (iv) the projects provide an effective and essential support to the operation of the statutory Diversion Programme and An Garda Síochána who operate it. The relationship between service providers and An Garda Síochána is key to the success of projects. It is essential that service providers have a clear understanding of An Garda Síochána requirements in relation to the aims of the project, having regard to local crime trends and profiles. This is key to ensuring the delivery of services which meet effectively the dual needs of young offenders and An Garda Síochána.
- (v) GYDPs are particularly tailored to addressing criminal youth behaviour, so they are not easily replicated by more generic youth service providers. Existing project staff have been provided with extensive training, including in the use of a new risk/needs assessment tool which has never been previously used in the projects. This investment has been important in driving continual improvement in working methods and in disseminating best practice throughout the project network.
- (vi) to be effective, projects must also have strong community participation and project workers must have the trust and confidence of the local community. Existing GYDPs have built up a significant rapport with the local communities in which they work. Maintaining community confidence in service providers' ability to deliver these types of services in some of the most disadvantaged communities in the State – and with the young people in those communities who are most alienated from social norms - is critical to their success. Building and maintaining the type of relationship required in this regard takes time to develop.
- (vii) Effectively also requires that projects can provide, or ensure the provision of, an integrated 'wrap around' service, either by being able to provide a range of relevant services *in house*, or having strong links with other local community,

voluntary and statutory bodies to allow for seamless referrals, so that all the needs of the child that emerge from the GYDP risk assessment can be addressed appropriately. Future expansion and development of the GYDP service will focus on enhancing the integration of all child and family services relevant to harm reduction and crime prevention, rather than seeking standalone professional services, and thus will build on the integration at local level that existing GYDPs have achieved.

It should be noted that the Department has used an open call for proposals process when establishing GYDP services, or seeking a new service provider in respect of an existing GYDP service where this has become essential. This is the approach adopted in the case of the seven new GYDPs established in 2016 in Athy, Balbriggan, Donnycarney/Fairview/Clontarf, Naas, Kilbarrack/Killester/Raheny, Nenagh and Rathkeale. An open call for proposals and selection process was also undertaken in 2017 to replace the service provider for the RAD Project in County Roscommon.

### **Plans for development of the existing service, using an action research approach**

The Department undertook a consultation process with all GYDP stakeholders during the period March to May 2018 in the context of the then proposed Call for Proposals.

As already communicated to the network of projects, the Department is undertaking an action research project in partnership with the University of Limerick to inform the future development of the GYDP network, and to provide a process for us to work together in the development of GYDP services over the next few years and to make progress on the range of issues that emerged in the consultative process on the basis of negotiation and of evidence informed by research. These issues include:

- the optimum geographical areas as catchment areas for individual GYDPs;
- liaison mechanisms for coordination between individual projects at division/city/county level;
- development of stronger networking and peer learning opportunities across the entire network of local projects;
- extension of the various mentoring initiatives to all GYDPs as core elements in the repertoire of interventions available, and development of new resource material and modules;

- most importantly, a planned approach to ensuring that the GYDP service is available to all children who could benefit, regardless of where they live in the State.

Within that overall approach to reform and development, the action research project will work with a small number of projects initially on:

- the quality of the relationship between the young person and the youth justice worker as the key factor in a successful intervention;
- estimating the contribution and maximising the impact of a GYDP in tackling crime in a locality; and
- designing an approach to coordination and early intervention by all agencies (statutory, voluntary and community) with family and child welfare roles so as to minimise the extent to which young people get involved in crime.

The focus in the action research project will be on documenting, learning by doing, and then sharing learning and best practice recommendations with other GYDPs in the network and with any new projects to be established in future. The intention is that there will be sufficient learning from the action research to apply the revised model to the establishment of GYDPs in new areas towards the end of next year. The Action research Programme will also be the context for further enhancement of training and support for Youth Justice Workers, ongoing development of practice standards, provision of new resource modules (e.g. empathy), extension of mentoring initiatives and embedding of restorative practices within the project network.

As indicated above, a revised GYDP model will be in place at end-2019 and will be the basis on which new projects are established in priority areas identified by agreement with An Garda Síochána. It will also inform the reorganisation of existing projects and their catchment areas as may be required and renewal of funding commitments in areas currently served. Any substantial change in individual project configuration will be subject to an open and transparent call process.

### **External evaluation of the existing service to be completed in 2019**

An external evaluation would be of benefit to inform the second and third phases of the Action Research Project. The Department will commence work on agreeing terms of reference in early 2019 in consultation with stakeholders (including the Managing Authority) with a view to commissioning an external evaluation of the GYDPs for completion in 2019.

# **Garda Youth Diversion projects – reporting and monitoring requirements**

## **Appendix**

### **Reporting Requirements**

All Garda Youth Diversion Projects (GYPDs) must ensure that robust internal systems, processes and procedures are in place that can evidence the accuracy and reliability of their monitoring information and financial returns submitted to the Department.

#### Governance

- All procedures and systems required in managing public funds must be applied, monitored and reviewed by the board of each grant funded organisation. The quality of your corporate governance and decision making is fundamental to your contract compliance.
- Each organisation receiving funding must have in place an internal financial procedures document specifying the practices and procedures, as well as who has responsibility for them. The document should be ratified by the Board of Directors.
- The beneficiary must maintain proper books of account to record the day to day transactions of the organisation. The books and records should record all income received and all payments made; these form the basis of the financial accounts.
- It is acknowledged that the ESF funding being provided by the Department may represent only one element of the funding for the organisation's activities. Apportionment of shared costs of administration, management costs and overheads is allowed provided it can be supported by a fair apportionment policy that allocates costs pro rata.

#### Recording Monitoring Data and Reporting

- The beneficiary must maintain records of the users of its services and be in a position to provide requested information on its users to the relevant National and the EU Authorities.

- Where there is more than one organisation responsible for delivering the project, the lead Organisation has the responsibility of reporting all project financial expenditure, activities, outputs and indicator data for the project being funded.
- Beneficiaries are required to submit any data requested by relevant bodies within the timeframe set. Beneficiaries are required to retain any data requested.

### **Project Monitoring**

Monitoring is the process which involves the regular recording and reporting of information about participants and activities in order to:

- Indicate how each Beneficiary is progressing in delivering the project or service described in the Grant Agreement;
- Ensure allocated funds are used for their intended purpose;
- Provide data that relevant bodies can aggregate and analyse to generate information on the overall size, value and impact of the program.
- Provide data that is relevant to studies conducted by relevant bodies for research proposes.

Types of returns required:

- Financial information, when requested which will predominantly be in the form of quarterly using the template worksheets that will be provided;
- Operational information, when requested which will predominantly be in the form bi-annually using the template worksheets provided;
- Audited Financial Statements (where available) or in cases of audit exemption, an Income and Expenditure Account and Statement of Assets and Liabilities.

## Management Verifications

Desk-based verifications and on-the-spot (both announced and unannounced) verifications of operations will be carried out in respect of funded projects.

### Desk-Based Administrative Verifications/controls

- Administrative verifications will be carried out in respect of all reports submitted to the relevant bodies Desk-based verifications comprise a complete review of the supporting documents (such as invoices, proofs of payment, timesheets, presence lists, proofs of delivery, etc.) Each project will be expected to submit scanned copies of all documentation supporting the audit trail such as invoices, receipts, pay slips and defaults of procurement compliance etc.) Transactions Lists must be maintained.

### On-the-spot verifications

- The purpose of the on- the- spot verifications is to check what is happening on the ground in the project. On- the -spot checks are conducted to ensure that the delivery of the product or service is in compliance with the terms and conditions of the agreements, and that the beneficiary is providing accurate information regarding the physical and financial implementation of the operation.

These requirements may at any time be subject to change which the beneficiaries are obliged to comply with.