

[include]
youth

promoting best practice with young people at risk

A Manifesto for Youth Justice in Northern Ireland

"Young people like us already get the blame for near enough everything. I suppose it's easy to do that – blame it on the teenagers. But people just don't know the lives we lead, the problems a lot of us have..."





voice

BACKGROUND

Include Youth is a not for profit organisation that actively promotes the rights, best interests of and best practice with young people in need or at risk.

The organisation was established in May 1979 as the Northern Ireland Intermediate Treatment Association (NIITA) in anticipation of the publication of the Report of the Children and Young Person's Review group, the "Black Report". The Association (then and now) advocates for the introduction of policies and services for children and young people which would reduce the need for care or custody.

The young people that Include Youth works with and for include those from socially disadvantaged areas, those with special needs, those who have had poor educational experiences, those from a care background, young people who have committed or are at risk of committing crime, misusing drugs or alcohol, undertaking unsafe sexual behaviour or other harmful activities, or of being harmed themselves.

Include Youth (the name changed in 1998) believe that effective policies and practices for children and young people can only be achieved through the full realisation of children's rights.

Include Youth achieves its objectives though policy advocacy that both informs and is informed by our direct practitioner and young people support services:

Policy Advocacy - The organisation has developed dynamic policy advocacy services which include formal responses to consultations, proactive promotion of specific positions, involvement in partnerships and alliances across all sectors. Our policy work is informed by the views of young people, practitioners and of course children's rights principles. Include Youth has developed particular expertise in a range of areas which include youth justice, community safety, young people who display sexually harmful behaviours and the education, training and employment of looked after children.

Practitioner Support – Include Youth supports those working directly with young people in all sectors through the provision of training, information and support.

Services to Young People – The Give and Take Scheme works to enhance the employment and training skills of the most marginalised young people including those who have been looked after.

October 2008



PREAMBLE

Introduction

2009 will be the thirtieth anniversary of the founding of *Include Youth* as the Northern Ireland Intermediate Treatment Association. For three decades it has achieved recognition and respect as an independent rights-based organisation working with young people in need or at risk. Northern Ireland is currently experiencing a period of significant social and political transition during which it is vital that policies, interventions and professional practices challenge the social exclusion of its most vulnerable children and young people. *Include Youth* considers that exclusion can be overcome only through the development of a broader understanding of the difficulties faced by young people and families who live in the poorest neighbourhoods, who have had negative school experiences, who have drugs or alcohol dependencies, who have become involved in harmful activities putting themselves or others at risk or who have mental health difficulties.

"Nobody cares about us. We're just a problem, wee hoods."

Recent media coverage and political commentary about young people, crime and anti-social behaviour has generated significant and often ill-informed debate. It is anticipated that policing and criminal justice matters, including youth justice, will be devolved to the Northern Ireland Assembly and it is vital that organisations working closely with children and young people in conflict with the law contribute to the development of appropriate policies and practices including prevention and diversion from offending and the criminal justice system. To that end, *Include Youth* has developed a Manifesto for Youth Justice in Northern Ireland.² Intended to inform and prepare the people of Northern Ireland and its elected representatives for the administration of youth justice during, and beyond, the challenges of transition, the Manifesto:

- identifies core values and principles that should underpin youth justice policy and practice
- promotes the safety of all people in communities
- proposes involvement of non-governmental organisations and the active participation of children and young people in planning and developing services to identify needs, protect and promote rights
- establishes priorities for action based on early intervention, prevention and the provision of services necessary to support children and young people in need and/or at risk
- promotes effective alternatives to custody in response to offending behaviour emphasising commitment to international standards that establish deprivation of children's liberty as a last resort.

The Manifesto is derived from a thorough analysis of youth justice policy documents, research reports and international human rights standards.³ It has been informed by consultations with: young people; practitioners working directly with young people; policy makers and advisors from government departments; political representatives; NGOs; human rights institutions; youth justice services.

The Manifesto not only focuses on interventions with children in conflict with the law. It is also concerned with contexts and causes of offending behaviour and potential preventative interventions. This includes

1 All quotes are from young people

2 "Youth Justice" refers to all agencies in the criminal justice system – PSNI, Court Service, Public Prosecution Service, Youth Justice Agency, Probation Board, and Northern Ireland Prison Service.

3 Haydon D 2007 *Developing a Framework to Inform Youth Justice Policy and Practice in Northern Ireland: Background Paper* Belfast: Include Youth

recognition of and responses to, the broader contexts of young people's lives, particularly: their social and economic circumstances; educational experiences and attainments; family life or alternative care; physical and mental health.

Unsurprisingly, international research consistently demonstrates that children and young people are more likely to be involved in offending and/or anti-social behaviour if they leave school early, have special needs, live in poverty, have truanted or been excluded from school, have spent time in residential care or have experienced neglect or abuse within their families.

Context

Public concern and condemnation of 'offending' and 'offensive' behaviour of children and young people is not new. While there is a tendency to nostalgia, to hark back to a 'Golden Age' when children and young people were well-behaved, compliant and disciplined, such representation does not bear scrutiny. Yet in recent years there has been a growing tendency within certain communities, media coverage and political commentaries to demonise children and young people, leading to calls for harsher policing and more punitive sanctions.

"Some adults say 'Respect your elders' but they don't respect us. Just because we are kids doesn't mean we are wrong or disrespectful."

Of particular concern has been the extension of criminal law, including the use of civil injunctions, to police and regulate behaviour labelled 'anti-social' within communities. Anti-social behaviour legislation in England and Wales, Scotland and Northern Ireland has been criticised by academic researchers, domestic children's rights organisations, the European Commissioner for Human Rights and, most recently, the UN Committee on the Rights of the Child as breaching children's rights. The most significant issue has been the net-widening impact of such measures, which is in stark contrast to interventions based on decriminalisation and reducing the use of custody.

Undoubtedly, a range of behaviours within communities, by children and young people, cause offence, fear, intimidation and suffering and it is important to recognise the need for public protection and community safety. These issues are complex and deep-rooted, requiring long-term constructive and creative solutions. Yet the misguided expectation is that they can be resolved through short-term, quick-fix solutions based on moral indignation and a desire to punish. This is particularly the case in Northern Ireland, where the legacy of conflict and violence persists alongside material deprivation and social exclusion. A continuing issue is informal 'self-policing' within some communities, which has led to intimidation of, and physical assaults on, young people allegedly involved in 'anti-social' behaviour.

"In a poor area you are brought up differently... you see different things, you see all the things going on around you and your brain gets tuned into crime."

Children and Young People in Conflict with the Law

Children and young people come into conflict with the law for a range of complex reasons. Social exclusion, political alienation and economic deprivation are central to the problems faced daily by many children and young people in Northern Ireland, contributing to what is perceived or labelled 'anti-social' or 'offensive' behaviour. Yet early intervention strategies generally focus on the prevention of offending and community safety targeting children and young people as 'troublesome' individuals.

"People do crime when they're younger cos they think it's cool – if you show them something else that they could get into when they're younger, that would stop them getting into crime."



It is *Include Youth's* experience (supported by research) that young people's offending and anti-social behaviour, particularly when repeated, regularly reflects unmet complex needs. These combine to define and restrict their daily lives, leaving them with a deep sense of rejection and powerlessness. Many experience poor educational attainment (due to a disability or special educational needs, truanting or exclusion from school), misuse drugs or alcohol, engage in unsafe sexual behaviour, have been in residential care. They are often survivors of childhood traumas such as sexual or physical abuse, domestic violence or living in unsafe neighbourhoods.

"If you feel you're not very smart in school. That makes you mess about, to take the notice off you not being smart. It takes the focus off it – you can say it's cos you've been messing about, that's why you're not doing well. It's not really to do with crime but it can start that way – with messing about in school."

Despite evidence demonstrating the debilitating impact on children's lives and self-esteem of trauma, violence and/or deprivation, their consequent behaviour is publicly denounced as 'anti-social' or 'delinquent'. Mental ill-health, regularly revealed through depression, self harm and suicide, is often undiagnosed or inappropriately treated. In such circumstances, children's low self-esteem is consolidated - their voices rarely heard, their opportunities limited and advocacy denied.

"You need LOTS of support to stay away from crime."

Significant time, effort and finance are allocated by government to children and young people who experience difficulties. Yet responses by different agencies with diverse priorities are often *ad hoc* and lack coherence. *Include Youth* considers it essential that those with responsibility for children and young people are committed to work collectively, coherently and consistently, applying agreed principles, values and interventions that uphold and implement the rights of children. To ensure the most effective outcomes service priorities should be preventative and work towards a youth justice approach that identifies and responds to the complex experiences and needs of young people - as individuals and as part of a wider community. Young people's personal circumstances and social contexts must be taken into account.

"All agencies should work together – at least all of the agencies would understand what we are going through."

Include Youth considers that government and the media have a responsibility to create the conditions for reasonable, informed and robust debates through which realistic and effective solutions to endemic problems within Northern Ireland's communities can be identified and tackled, thereby ensuring safer communities for all. It also considers that such solutions should protect the best interests of children and young people through rights-compliant policies and professional practices.

Principles

The proposed Manifesto:

- recognises the significance of public protection and safe neighbourhoods for everyone
- rejects the persistent negative portrayal of children in conflict with the law as inherently anti-social or criminal
- asserts that the 'best interests' of children and young people who offend do not and should not conflict with the rights of victims or communities

- considers that securing the 'best interests' of children and young people is the collective responsibility of communities, not confined to parents and families
- promotes a range of community-based support and residential facilities to meet the needs of individual children and young people
- reaffirms the international standard of imprisonment as a 'last resort' thus ending the use of custody for many children and young people
- seeks to reduce the over-representation of children from a care background in custody
- recognises that, in rare and exceptional circumstances, there are children whose best interests will be best achieved within a secure environment.

Whilst addressing the complex realities of the lives of children and young people in conflict with the law all relevant statutory, voluntary and community sector agencies should engage in public debate to challenge preconceptions and stereotypes. Communities require support and resources to help children and young people overcome alienation, fulfil their potential and be active, participating citizens at home, in school and within the communities in which they live.

"Put more money into communities ... more facilities and support for young people in their area ... ones that support ALL ages not just for young kids."

Establishing a Positive Rights-Based Agenda

Include Youth believes that protecting the rights of children and young people is the most effective way of preventing offending and reducing offending.

Every child or young person is:

- a unique individual
- a rights-holder
- a citizen and an active participant – present and future
- a valued member of society.

Every child or young person should be:

- understood
- respected
- listened to
- encouraged and supported to fulfil their potential
- protected from harm.

Services with children and young people should:

- understand the complexity of their lives
- be tailored to meet the needs of individual children and young people building on their strengths, skills and interests



- identify the dynamic relationships between them and their family, peers, school and community
- recognise their capacity to shape their lives and learn from their experiences
- encourage them to recognise and take responsibility for the impact their behaviour has on themselves and others
- promote the provision of safe, supportive and caring environments for them and their families
- prioritise their good health and well-being (physical, mental, sexual) through accessible age-appropriate information and services
- challenge negative representations and enhance public understanding of their lives in Northern Ireland
- ensure their personal safety in the families, neighbourhoods and communities in which they live.

"I didn't get a chance to play when I was young, so I just lit fires. Don't tell me I can't go somewhere when it's a public place."

MANIFESTO

The *Include Youth* Manifesto is rooted in international human rights and children's rights standards that provide protection for all children, particularly the most at risk and those in conflict with the law.

Rights-compliant youth justice should promote and guarantee:

- generic *early intervention* (whenever it is needed regardless of age) and provision of universal services to ensure that children fulfil their potential, families are supported and the best interests of the child are paramount regardless of age
- service provision that is *preventative*, steering children away from behaviour that might lead to offending
- service provision that is *diversionary*, securing creative and realistic alternatives to criminal justice
- the *best interests* of all children and young people.

Early Intervention and Family/Care Support

These interventions should ensure:

- comprehensive universal services to support all children from birth to 18
- universal, easily accessible, community-based family support services offering motivational skills, advocacy, positive parenting, one-to-one specialist support
- services that identify and support parents/carers in dealing with difficult issues at particular stages in their child's development (therapeutic family workers, family group conferencing)
- services that help families respond to changes in relationships (such as parental separation, bereavement, ill-health,) and specific problems (such as parental substance abuse, domestic abuse, substance misuse by children/young people, children in conflict with the law)
- crisis intervention, ensuring that alternative care arrangements are tailored and responsive to individual needs and experiences
- positive parenting initiatives, including promotion of alternatives to physical punishment
- appropriate accommodation and support for 16-18 year olds, securing their independence and opportunities in a supported environment
- information for families living in poverty of financial and practical support
- resources targeted at eradicating child poverty and raising public awareness about the impacts of poverty on children's lives and opportunities.

Play and Leisure Facilities and Access to Public Spaces

All children and young people should be able to play and this can be achieved through:

- inclusive, age-appropriate play and leisure for all children and young people under 18
- safe, maintained and resourced public spaces for children and young people developed in partnership with all members of the community
- clubs and drop-in centres tailored to meet the needs of children and young people in particular communities



Education

The Northern Ireland Education System should ensure:

- inclusive, mainstream education for all (other than in exceptional circumstances) aimed at developing the individual abilities and interests of *all* children
- sufficiently flexible curricula to: respond to the needs of a diverse school population, encourage personal and social development, safeguard physical health and emotional well-being (including provision of sex and relationships education)
- resources to respond to challenging and disruptive behaviours
- suspension and exclusion is used in the most exceptional circumstances and then as a last resort, for the shortest period of time
- alternative provision for the few not in mainstream education which is responsive to individual needs and abilities
- discreet, high quality therapeutic services including specialised counselling
- children/young people are involved in school decision-making processes, including those relating to discipline and policy or practice development.

Health

Health services must guarantee:

- health provision that safeguards children and young people's rights to privacy, confidentiality, respect, consent, and participation
- primary medical care and facilities, including dental care
- age-appropriate, accessible, confidential information, counselling and services regarding: positive sexual health and relationships
- promotion of healthy lifestyles and choices, with specialist support for those affected by drug, alcohol or substance abuse
- promotion of emotional well-being and resilience
- age-appropriate, non-stigmatising, responsive, specialist community services for young people with specific mental health problems (particularly 16-17 year olds)
- information and counselling as part of the strategy for self-harm and suicide prevention.

Youth Justice

In order to be effective the youth justice system must engage fully with all members of the community and must ensure:

- the 'best interests' principle as the *primary* consideration
- appropriate services to support victims harmed by 'offending' or 'anti-social' behaviour
- public awareness campaigns explaining the significance and effectiveness of non-criminal justice interventions in establishing inclusive and long-term community safety
- the provision of public information regarding the complexities of the lives of many young people in the youth justice system

- increased age of criminal responsibility, in line with recommendations contained within international standards - *Include Youth* recommends 16
- responsibility for prevention held by children's services, based on the outcomes identified in the ten-year *Strategy for Children and Young People in Northern Ireland*
- responsibility for youth justice (services and policies) transferred to a childcare-based government department
- the full powers of the Northern Ireland Commissioner for Children and Young People include those children involved in the youth justice system
- the role of the Youth Justice Agency is re-defined to that of a specialist body overseeing youth justice arrangements for under 18s (with the Probation Service taking responsibility for those over 18)
- the Youth Justice Agency's remit is changed to include: meeting the needs and protecting the rights of young people in conflict with the law; providing appropriate, community-based services; monitoring and reviewing fulfilment of standards in the administration of youth justice
- inter-agency partnerships are promoted, with shared objectives including: joint planning and commissioning of services at a regional level; effective cross-organisation communication and information sharing
- that policy and practice is based on consultation with children and young people, parents, communities, statutory, voluntary and community agencies, government departments, political parties
- positive relationships between law enforcement agencies and young people
- the end of punishment beatings and exiling by vigilante groups in communities
- reduction in delays between arrest and sentencing
- the withdrawal of Anti-social Behaviour Orders for children and young people
- decreased use of custodial sentences, ensuring that deprivation of liberty is a 'last resort', for the shortest possible period, and confined to those presenting serious, immediate risks to others
- rights protection for those held in secure facilities, including: safe, age-appropriate regimes and programmes; access to health, education and care based on assessment of individual need; access to leisure and contact; appropriate disciplinary procedures; accessible information and advocacy services; access to pre- and post-release support (education, training, employment, accommodation, rehabilitation)
- consistency in the standards applied in the youth justice system through Criminal Justice Inspection Northern Ireland and Regulation and Quality Improvement Authority.

Services

- effective support for parents/carers and families of children and young people in conflict with the law
- alternatives to remand in custody promoted with increased use of bail support, remand fostering and supported accommodation



- appropriate conduct within court proceedings, including: legal representation; child/young person friendly environment, language and procedures; adequate pre-sentence reports; informed participation
- community-based disposals (including community based restorative justice) recognised as an alternative to prosecution, ensuring that: they are proportionate, requirements are practical and the young person gives willing and informed consent
- interventions should support children and young people to enter education, training or employment
- abolish the incarceration of children in adult prisons
- children's and young people's needs and rights identified and assessed within a framework of their participation
- assessment framework agreed by statutory, voluntary and community professionals working with children and young people
- transitions from adolescent to adult services that are cohesive, co-ordinated and responsive
- campaigns on specific issues and concerns
- ring-fenced funding within departmental and agency budgets.

Research, Evaluation and Monitoring

- measurement against the *Ten Year Strategy for Children and Young People in Northern Ireland*
- independent evaluation of policy and practice outcomes
- action-based qualitative research alongside service provision
- policy and service planning based on research and evaluation informed by all stakeholders including children and young people, their families, communities, political representatives, statutory, voluntary and community organisations
- findings of evaluations and research widely disseminated including young people appropriate formats
- research used to: inform the development of policy and practice, promote the well-being of all children and young people, inform public and political debate, effect institutional change.

Training

- comprehensive rights and best practice training programmes and continuing professional development for: managers and practitioners in all relevant organisations; judges, magistrates, police, solicitors; civil servants and local government officials
- staff training in secure facilities to include: child protection; suicide and self-harm awareness and response; anti-bullying policy and practice; appropriate ways of responding to distressed and damaged young people; safe use of restraint in exceptional circumstances; children's rights
- training to address: the contexts of children's and young people's lives; perceptions of children or young people; how children and young people deal with difficult circumstances; responding constructively to 'challenging' language or behaviours; development of policies and guidance for managing difficult behaviours; UN Convention on the Rights of the Child and other human rights standards; early intervention services and their operation; youth justice system policy and practice.

"Harsh punishment doesn't work – it makes you harder, it makes you feel like a bigger man – it's like 'I can take that, what do I care?!' "



Useful References

Acknowledgement – Include Youth is very grateful to Deena Haydon for her immense contribution to the development of this Manifesto.

Beijing Rules: Office of the High Commissioner for Human Rights 1985 *'The Beijing Rules'* – *United Nations Standard Minimum Rules for the Administration of Juvenile Justice*, Adopted by General Assembly resolution 40/33 of 29 November 1985

CRC 1989 *The Convention on the Rights of the Child*. Adopted by General Assembly resolution 44/25 of 20 November 1989, entered into force 2 September 1990

Haydon D 2007 *United Nations Convention on the Rights of the Child: Consultation with Children and Young People* Belfast: OFMDFM (available: www.allchildrenni.gov.uk)

Haydon D 2007 *Developing a Framework to Inform Youth Justice Policy and Practice in Northern Ireland: Background Paper* Belfast: Include Youth

Haydon D 2008 *Northern Ireland NGO Alternative Report: Submission to the United Nations Committee on the Rights of the Child for consideration during the Committee's scrutiny of the UK Government Report (July 2007)* Belfast: Save the Children Northern Ireland and Children's Law Centre Belfast (available: www.savethechildren.org.uk/en/docs/Northern_Ireland_NGO_ALTERNATIVE_REPORT.pdf)

Haydon D and Scraton P 2008 'Conflict, Regulation and Marginalisation in Northern Ireland: The Experiences of Children and Young People' *Current Issues in Criminal Justice* vol 20, no 1, pp59-78

Kilkelly U, Kilpatrick R, Lundy L, Moore L, Scraton P, Davey C, Dwyer C and McAlister S 2004 *Children's Rights in Northern Ireland* Belfast: Northern Ireland Commissioner for Children and Young People

OFMDFM 2006 *Our Children and Young People – Our Pledge. A ten year strategy for children and young people in Northern Ireland 2006 – 2016*, Belfast: OFMDFM

Riyadh Guidelines: Office of the High Commissioner for Human Rights 1990 *'The Riyadh Guidelines'* – *United Nations Guidelines for the Prevention of Juvenile Delinquency* Adopted by General Assembly resolution 45/112 of 14 December 1990

Tokyo Rules: Office of the High Commissioner for Human Rights 1990 *'The Tokyo Rules'* – *United Nations Standard Minimum Rules for Non-custodial Measures*, Adopted by General Assembly resolution 45/110 of 14 December 1990

UN Rules: Office of the High Commissioner for Human Rights 1990 *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*, Adopted by General Assembly resolution 45/113 of 14 December 1990

Youth Justice Agency 2006 *A Strategy for the Prevention of Offending by Children and Young People in Northern Ireland*, Belfast: YJA, 4th Draft



A Manifesto for Youth Justice in Northern Ireland





Alpha House
3 Rosemary Street
Belfast BT1 1QA

Tel: 028 9031 1007

Fax: 028 9024 4436

Email: info@includeyouth.org

Website: www.includeyouth.org

Inland Revenue Charity Reference No. XR25598

Company No. NI38084