



Youth Work Ireland

Youth Justice Strategy

Youth Work Ireland Submission

Introduction and Overview

We very much welcome the opportunity to feed into the new Youth Justice Strategy. Youth Work Ireland is a federation of 21 local community-based youth services. The majority of our members deliver Garda Youth Diversion Projects and work with many disadvantaged young people in local communities around the country. This work is carried out as part of an integrated youth service model. The key advantage of our approach is it provides critical local infrastructure. This infrastructure often consists of buildings, management, child protection, support systems, outreach staff, insurance, drop-in centres many of which are operated in more remote areas. We see this as an ideal framework for delivering better results in terms of young people and pro social activity in the community particularly consistent with Better Outcomes Brighter Futures the national policy framework for children.

We think it would be ideal to situate this review of the previous strategy and a broader reflection on what has worked and what has not in that context. This needs to be done by a broader exercise than just the working group for this strategy. Chronological gaps have emerged between the strategies and this is not ideal.

The ideals and values expressed by the strategy clearly mark a potential transition in thinking in terms of how the justice system treats some of the most vulnerable, at-risk young people in our society. Central to the operation of the Youth Justice system in our view is the JLO system. This is in keeping with best international practice in terms of diverting young people away from the criminal justice system including the courts and detention. These should only be used as a last resort. For low level offences community-based sanctions, restorative justice and other means should be prioritised.

The need for a joined up and holistic approach arises again and again in the document. Our experience is of running youth services that do precisely this and engage with young people under a variety of policy headings and in conjunction with several agencies and Departments across policy headings. More than any we see the need for a joined-up approach beyond the silos. We also have seen that regardless of a variety of plans and aspirations this approach is rarely effective in delivery by the state and those of us who do work across these boundaries encounter a lot of obstacles. In all matters of inter-agency working and alignment the key question will be who decides in the final instance.

Similarly, the establishment of the DCYA at least marked a start in promoting joined up working for children and young people, at the time of writing its future is uncertain. It would seem critical to have one main Government department committed to this approach and with a cross cutting policy document like Better Outcomes Brighter Futures and the National Youth Strategy or their successors. Similarly, the Youth Justice Strategy needs to make linkages with these and other critical documents in areas like health and education and indeed EU and international policy.

Youth Services whether running Garda Youth Diversion Projects or not have tremendous reach with young people from disadvantaged communities. Youth Work Ireland's Integrated Youth Service Model has for some years operationalised the need to work across policy, funding, and departmental lines. This ensures the needs of the young people drive the service while professionals look after the back office and the complex reporting that this gives rise to. We are well respected and identified by young people and local communities for this work.

Recommendations

1. A dedicated review of all previous youth justice strategies and their impact should be commissioned
2. A legislative and organisational base should be established to advance and facilitate interdepartmental and interagency work and escape from the silos
3. Youth justice work needs to be consistent with relevant integrated national and international strategies and operate under an integrated approach including Better Outcomes, Brighter Futures and any successor document
4. Similarly, the pre-eminence of the DCYA or its successor needs to be recognised in the policy domain

1 Oversight and Monitoring

The evidence-based research to inform practice is very positive as is the envisaged increased communication and buy in from additional services. The sharing of effective practices would be of great assistance. The national oversight is a helpful development and the inclusion of research underpinning developments will give legitimacy to actions undertaken. It is a good idea to have the prevention of offending behaviour mainstreamed into all Government policies affecting children, young people and their families. The idea of coordinating what is required is to be welcomed as is communication with other agencies.

We very much agree with the governance system alignment and the desire to improve data systems. Improved national policy and prevention will also assist in youth justice policy as would mainstreaming all of these issues and a strong youth voice. Any ongoing support for best practice is positive and we welcome the idea of an oversight Group, the role of CBO's needs to be recognised here.

The commitment to bolster preventative work with young people and families is long overdue and therefore to be applauded. Helping younger children make the daunting move from primary to secondary school also shows an awareness by the youth justice service of an issue that has had painful impact in many young lives. New projects for 18-25-year olds is also a very positive development.

There is insufficient explanation of how the various actions are to be achieved. When it comes to involving children and young people we need to avoid tokenism the process needs to be very sophisticated and youth services as providers have a lot to offer here, we have participation and participative models in everything we do. There is little about the how the envisaged collaboration will be brought about, whether this will involve new powers and it would be important to maintain existing cooperation and work on the ground. The concept of specialised community-based projects needs clarification. Who will identify/refer into new specialist projects? What is the rationale for expansion of service if it is already stretched?

Similarly, the rationale for expanding the age profile for projects and the expected interventions with this age group needs to be clear, is it to work with adult criminals in the community? Is there a plan to have specialised projects (as are already in existence) attached to all GYDP's? Is there a plan to have all GYDP's attached to FRC's or CDP's? There needs to be an acknowledgement of projects that are stand alone, working in communities with no other targeted resources will these projects be discontinued and/or relocated?

The inclusion of a wide enough demographic to make findings relevant to all GYDPs may be of concern. Communication with schools is encouraging, we do note however that young people were not consulted in the preparation of this document and there is no envisaged role for them on the oversight group.

It is not clear if pilot projects be offered to all GYDPs and it certainly seems that more staff for under 12s would be needed. Youth voice is not a priority objective and needs to be as these priorities will determine funding, young people need to be listened to, this does not mean they decide but they get a voice and are in the room in a real partnership. We would have some concerns on the workload on data and the amount of paperwork, there will be a lot of duplication for those in youth work which may take away from the desire for more integration

The Dept. of Education and Tusla appear to be missing from the oversight structure. These agencies would be crucial to the effective roll out of the overall strategy given their key roles in working with vulnerable children and families. Examples of how to “support improved practice for schools” would be useful. In 1.8 there is no mention of Youth Services in the training and front-line support. There is no mention of collaboration with the voluntary sector.

We feel there is a lack of recognition of CBOs (the contract holder for service provision) and it is not clear if new coordination mechanisms are envisaged in parallel to CYPSC’s, Drugs Task Forces etc. in 1.4.1 and there is no mention of CBO’s/Providers just Tusla in the ‘Who’ 1.5.1 & again in 1.9.4 in relation to Youth Justice Workers

Recommendations

1. The rationale for expanding age profiles needs to be more detailed and dovetail with other policies such as the age of criminal responsibility and the UNCRC’s view on this
2. More detail and clarity should be provided on specialises groups and pilot projects
3. Clarity should be provided on the role of the Department of Education and TusLa in the oversight structure
4. More support and recognition of the role of CBO’s should be provided in the Strategy
5. Best practice models from the youth work sector on participation should be drawn on to enhance the youth voice provisions

2 Early Support

The collaboration, co-ordination and interagency systems and delivery proposals are clearly good and co-ordination at the point of delivery is critical in our experience too. It is positive that provision is to be seen as young people centred and the need to breakdown silos is recognised. The integrated working set out in 2.1 is very welcome and much like the Integrated Youth Service model that Youth Work Ireland members operate. The education focus is good including informal and non-formal means in the education field and the inclusion of leisure time is very positive. There is a need for an explanation of how statutory and voluntary agencies can work together. Will the Minister for Children will have authority to direct agencies etc. if this requires legislation will it be deemed important enough or could it become bogged down?

The concept of early intervention as outlined has been mentioned in previous strategies albeit with different wording. (National Youth Justice Strategy 2008 – 2010, High level goal 2 Tackling Youth Crime – Youth Justice Action Plan, 2014-2018). Under 2.2.1 many Youth Services can align the work of the School Completion Programme and Garda Youth Diversion Projects based on area needs to

provide enhanced and integrated support to schools and teachers to retain vulnerable children with challenging behaviours within the education system.

The provision on reduced timetables are most welcome but will need some detailed teasing out, alternative education models need to be put in place for young people whose behaviour is seriously out of order – there needs to be effective sanctions for the school allowing them to protect victims of intimidation, dealing etc. Research generally is important particularly with harder to reach. The promise of continued training is most positive as it is most vital to helping those at the coalface meet the challenges of their job. The focus on education throughout the document is positive.

Including young people who are most at risk is clearly positive as is prevention and early intervention provisions and the material on training of Gardai and others is all good. We believe Gardai would benefit from placement with youth services. More specialist staff may be needed in schools and elsewhere to deliver on many of the recommendations

Lack of leisure facilities and large group facilities remains a problem in this area, schools are generally not open to working with GYDPs and challenging young people. More bottom up approaches are needed. We need more attention to technical arrangements for funding, decisions, measurement, accountability, and evaluation. There should be reference to transparency in decision making and awarding of funding contracts to service providers in 1.4.2 (c). We need a commitment to consulting CBO's

The potential for youth services generally in this area and most particularly for the most disadvantaged cannot be over stressed. They currently deliver other forms of works targeted at the most disadvantaged such as UBU, drugs projects and others. The strategy needs to dovetail with much of the change process that has led to UBU. Proper legal arrangements for collaboration would be helpful, it is provided for as a duty in the Children's Act. The explicit naming of Youth Services along with Family Resource Centre's would also be valuable. We need to ask how do all these changes affect the principle of voluntary participation? All the changes outlined should not change the fact that the GYDPs operate on principle of voluntary participation.

Many schools are completely overwhelmed with the myriad of responsibilities being laid at their door. They cannot be seen as the solution to all of the issues a young person may face or indeed all the issues in their family. The primary responsibility for teachers is to teach. They need to be enabled to do that given that education is a key protective factor. There are several existing alternatives to education it is critical that engagement is early and in a preventative fashion and attention is paid to certification. Youthreach and CTC's are again critical here along with the community providers. We have run Work to learn largely with GYDP clients but funding has been an issue.

There should be a mention of Community Training Centres in 2.2.2 In 2.3 Youth Services should also be involved in disseminating best practice and in 2.4 Garda Training placements in Youth Services should be considered. The current strategy lacks any measures to give an indication if goals identified in the draft strategy are being achieved. How will it be measured? How will it be funded?

More detail is needed about how the strategy proposes to meet needs and risks in terms of gender breakdown. The same could be said for ethnic and cultural minorities, who also present with their own specific needs and risks.

Recommendations

1. The Strategy needs to provide more detail on how it's approach to the issue of reduced timetables will be achieved, this should be consistent with the work of the Ombudsman for Children's Office
2. The Strategy needs to provide more detail on better provision of leisure facilities for the targeted client group
3. The Strategy should outline in greater detail potential linkages and synergies with other targeted work with young people most specifically the UBU programme
4. Specific mention should be made of Community Training Centres and their role

3 Strengthen and Expand Diversion Measures

Improved Garda practices and policies are necessary as are the provisions on training and follow up of youth cases in a timely manner. Provisions on early intervention and restorative practice are encouraging as are interagency procedures. There are generally positive views on the idea of a name change or a rebranding but there needs to be more consultation on it including with young people.

The targeted training for engaging positively with young people, and youth friendly approaches to policing is hugely welcome as is the acknowledgement and implementation of the recommendations arising from the 2019 Garda Youth Referral Examination Report to minimise delays within the system, which at present cause worry and stress for both young people and their parents. We agree with point 2.6.1 which ensures that the diversion systems, and legislation are adaptable to address individual circumstances and also support vital interagency case-management approaches.

We agree with recommendation 2.7.1 for appropriate actions for all cases and see 2.7.2 on interagency work to meet the young person's needs as very young person centred. A needs based & multi-agency approach envisaged in 2.8 would be a very significant step to ensure early detection and diversion from crime and 2.9 on aligning with similar services, indicates a strengthening a multi-agency approach. Also, aligned development of YPP alongside diversion projects, should prove useful for learning and effective use of resources.

The proposed assessment of potential pilot projects to target 18-24-year olds with a focus on employment & training is very welcome. Many young people at this age can find it difficult to access services, and this could prove vital in signposting these young people to engage in employment or education. This part of a young person's journey may provide a different skill set and needs to be adequately resourced.

We need to be conscious that many of the services envisaged in the draft strategy are not as available as would be desired for example family support, training on restorative justice, services generally for the 18-24 group and mental health services. Other agencies like Tusla themselves face challenges and local co-ordinating structures may need to be examined such as Children's and Young Peoples Services Committees. There is also a shortage of Gardai on the ground.

We would welcome any flexible developments in terms of a division wide approach, but needs can be very different. Clarity is also needed on tendering or commissioning which has caused unnecessary difficulty and distraction for CBO's.

The School Completion alignment in 2.9.3 is welcome but it would be important to elaborate on how it would work. Similarly, the role of the probation service (2.9.1) will need careful consideration to

prevent any contemplation of compulsory participation. Similar concerns would exist on data sharing. In 2.9 clarity is needed on the role and name of CBO's and youth services, there also needs to be an explicit role for GYDP's in delivering the transition programme. CBO's need to be consulted where there are implications for their work

Recommendations

1. The Strategy should provide more detail on how the proposed work with school completion will work
2. At all times the voluntary participation of young people as a core philosophical value needs to be stated
3. Reference should be made to CBOs being consulted about their work and implementing arrangements

4 Improve Criminal Justice Processes

Specialised representation and information on court process are helpful as is a greater focus on restorative justice and increased probation support. We have mentioned the support for a variety of training before and once more it is positive here.

It may be important to guard against any back-log issues and we need better training for workers, young people, and others on court processes. The provisions on the enforcement of sanctions may need more examination to prevent any gaming. In 1.9.5 the other agencies could be specified.

We feel there should be youth worker input into the development and implementation of these training courses. This way the programme can be written/taught in a language that is accessible to young people; therefore, it would be an immersive learning experience. We also feel it would be beneficial for new Garda recruits, starting in the station that the GYDP is attached to, to undergo a form of placement with the Youth Services to forge a better understanding of how we all work together.

The concept of Strike Out while welcome needs teasing out to prevent it becoming a target for a "restart" of offending

Recommendations

1. More Detail should be provided on proposals in relation to enforcement of sanctions
2. Youth Workers and CBOs should be able to feed into the design of training courses
3. Placement with youth services should be provided for a number of Garda Trainees

5 Detention and Post Detention

The research-based assessment for the demand on future detention places is important as is the framework for individual's services and the methodology is very inclusive in bringing all relevant agencies on- board. Also important is the framework for supporting young people leaving state care and the framework and joint agency protocols.

We welcome the provisions on post detention services and the envisaged multiagency approach along with the case management proposals. Proposals on young persons input are good as is the "never give up" approach and engagement with family and the continuum of state care.

It would be important to provide more information on the role of probation – is there a possibility that probation will/may be involved with the Garda Projects? A different type of support will be needed for people 18 to 21 if they are offending. This is not the preserve of the GYDP, this is a

matter for probation or a different service. The voluntary engagement is key to the success of the projects

There is a lack of probation officers and services and many other facilities and funding in this area. Crime trends change and so may the demand for detention, there may also be limited community partners to work with over 18s.

- 6 More detail needs to be provided on the role of probation here, particularly respecting the voluntary nature of young people's engagement
- 7 More information should be provided on probation numbers and other staff for the envisaged developments here

6 Strengthen Legislation

The strategy needs to be firmly based on the UNCRC and any relevant findings set out by the UN Committee on the Rights of the Child for Ireland. The age of criminal responsibility also needs deeper examination in this regard and the Children's Act which are overdue analysis. We believe some elements of the child-care act 2001 are not functioning. It mentions a suite of options available to the court and it needs to be clear that GYDP's are not on that list and should never be on the list – the principle of voluntary participation is central

A statutory backing for collaboration would be helpful and the family conferencing proposals are good along with strengthening appeals and transparency. We very much welcome the proposals on reduced hours and school attendance with the earlier caveats. The provisions for suspended sentences for those under 18 is positive.

Much of the proposals need strong cross policy and departmental co-ordination so clearly the future of the DCYA will be important here. We reiterate the necessity for all engagement with youth projects to be voluntary and that interaction with statutory elements should not harm trust i.e. with probation, courts etc

The Joint Policing Committees with local authorities should be mentioned as should local authorities generally with their role around parks, buildings, housing etc. There is a lack of Clarity on which model of family conferencing being referenced (P31. 2). At least a differentiation is needed between the Garda and Tusla models. Child safeguarding requirements need to be ensured for all involved in youth justice work such as safeguarding statements, risk assessments and the other provisions under the Children First Act 2015

There should be some mention of youth on youth crime or child to parent violence or safety orders against U18s. The extension of spent convictions and expiration of juvenile records (for crimes below a certain threshold) is positive.

- Ireland should respond concretely to findings by the UNCRC on the age of criminal responsibility and well as other actors such as the Children's Rights Alliance, IHREC, the Ombudsman for Children and the Law Reform Commission
- There should be a full review of the Children's Act with a view to making any necessary updates
- The Strategy should include provisions on Joint Policing Committees and Local Authorities more generally
- Child safeguarding requirements must be ensured for all involved in youth justice work under the Children First Act 2015