



Department of
Justice

An Roinn Dí agus Cirt
Mánnystrie o tha Laa



STRATEGIC FRAMEWORK FOR YOUTH JUSTICE: SUMMARY OF ENGAGEMENT WITH CHILDREN

March 2022

Introduction

In order to ensure the views of children and young people were taken into account in the development of a new Strategic Framework for Youth Justice, a number of engagement sessions were held on the key themes being proposed in the Framework. Children with lived experience, including those who had experience of Woodlands Juvenile Justice Centre and those who had availed of services provided by the Youth Justice Agency, were amongst those we sought views from. Voluntary organisations who work with children who may be impacted by the issues in the new Strategic Framework, such as Include Youth, NIACRO and VOYPIC, also carried out engagement sessions on our behalf. To facilitate this process, a questionnaire was designed with input from children, a copy of which is attached as an annex to this document.

The Department was keen to ensure that a framework setting out the strategic direction for youth justice was in place before the end of the current mandate. Consequently, the time constraints combined with the difficulties in bringing people together physically during the covid pandemic meant that our engagement with children was not as extensive as we would have ideally liked. However, we are content that the views provided in this document are a good representation of the views of those children who will be most impacted by the proposals contained within the new Strategic Framework.

In total, 67 young people took part in focused discussions, as well as a small number of parents and staff working with children. The responses received have been collated and taken into consideration in the final version of the Strategic Framework. A summary of these responses is provided below. For ease of reference, the responses have been summarised under the following key themes:

1. Minimum Age of Criminal Responsibility
2. Getting help with problems
3. Courts and sentencing
4. Remand and custody
5. Criminal records
6. Further comments

1. Minimum Age of Criminal Responsibility (MACR)

1.1 Children were asked if they knew what the current MACR is in Northern Ireland and also what they thought it should be.

1.2 A significant proportion were not aware that the current MACR is 10 years of age and many were surprised, believing it to be older (between 12 and 16 years). The majority believed that it should not be any younger than 12 years of age, with a considerable number stating that a MACR of 14 or above was more reasonable.

1.3 A number of the comments which were expressed by children during the engagement process are provided below. They have been separated according to the child's beliefs in relation to what the MACR should be:

Comments in support of the current MACR (10 years):

- *That was the age I felt that I knew right from wrong.*
- *10 is ok. Most 10 year olds know what they are doing.*
- *10 is a good age.*

Older than the current age of 10:

- *10 is too young still in primary school and do not know difference between right and wrong.*
- *At the age of 10 a person can be easily influenced by others, such as people getting kids to shoplift for them.*
- *We have been in youth justice. 10 – 11 year olds don't understand / realise what a crime is.*
- *People have different backgrounds and stuff so if you were brought into a home where things weren't good... or brought up with parents who were addicts, it is very hard to find the right way out and stay out of trouble if you are in with that crowd because you are going to be doing what the others are doing. I definitely think the age of 10 is a bit young to be prosecuted, it is very young.*
- *It shouldn't be that (10 years old). There could be stuff done to make it less enforceable. For example, say something was happening at school maybe see what is happening with the family or maybe what has happened to them*

recently, like if someone has died or something really jarring has happened to them, instead of just going, you have done this and you are going to be thrown into the pits.

Support for an increase to 11/12/13:

- *Maybe 12 /13 is a good age as starting High School and are more mature and responsible for your action.*
- *I think it should be somewhere around the age of 12 but depending on their level of understanding.*
- *You start to realise the difference between right and wrong at this age.*

Support for an increase to 14/15/16:

- *I think 14yrs is fine as you should definitely know what you are doing.*
- *Developmentally you should have some understanding and the ability to make informed decisions.*
- *I don't think someone at 10 understands what they are doing. You know what you are doing at 16.*
- *You have matured and realise what you're doing at 16.*
- *15 years old because its hard being in custody when you're really young.*

Support for an increase to 18:

- *You're an adult at this stage; children do silly things and make mistakes – they should be given help not punishment.*

General comments received:

- *I think it depends on different situations. It depends on their understanding. It can also depend on your mental ability.*
- *I think it should be related to brain development.*
- *Increase to 16 for a custody...Maybe it should be younger for things like murder though, or older for less serious offences.*
- *It depends on the kid because some might not understand or have something wrong with them.*

Parents' comments:

- *Should be 12yrs – more awareness/understanding of breaking the law.*
- *Suggested 13yrs – more aware of consequences of actions.*

2. Getting help with problems

2.1 We know that children and young people have a lot going on in their lives and at times they can be faced with problems such as bullying, problems in school, peer pressure, family breakups, loss and bereavement. Sometimes these are hard to deal with, and might lead to them getting into trouble, taking drugs or drinking, or committing crime. In order to find out the views of children in terms of who they would turn to for help and support in times of difficulty, we asked them who they thought would help.

2.2 In response, we received a number of suggestions including: parents and wider family; school/teacher; community groups; the police; the Youth Justice Agency; social workers; and counsellors (including mental health).

2.3 A common theme to emerge was that young people would turn to someone they trusted for support if they felt they were in trouble. Amongst those children who were already involved with services, whether they were provided by the voluntary sector, or the Youth Justice Agency, a number stated that they would seek support from the youth workers delivering those services as they had built relationships with them.

Some of the more specific comments included:

- *Depends on who you like and don't like and also the circumstances – if you like a teacher or are happy in school then it should be there, however not everyone is happy in school and therefore it would not be a good place for support. Young people should have a choice.*
- *There should be a Youth Justice Worker in schools. I did not get any support from anyone.*
- *Not schools, as to do this would share too much personal information. Feels school should be separate.*
- *School does not listen or care - they are too motivated by targets and if a young person begins to act out, they want rid as too busy achieving high grades.*
- *Don't really know, like definitely not police because if it's something like drugs or something and you go to them for help you just get lifted, like cops would just lift you.*

- *Certainly shouldn't go to the Police, you just end up in more trouble. They are not there to help you or give you advice they just see it very black and white and you get arrested. More than likely I would go to Youth Justice given my experience over the past few months.*
- *You know the way we are doing Give and Take and wee OCNs here [Include Youth]. Maybe for guys who are getting into trouble you could put them through courses to show them the good way of life and where they could go instead of hanging around the wrong crowd and getting into trouble. Get them out into a good community which is going to look after them and help them.*
- *I don't agree the best thing is going to social services because most kids nowadays don't have a good relationship with their social worker or PAs so for young kids it would be better to set up a place for them to go with the likes of youth workers and people like reoffenders that have changed their life in a good way and left their past behind. They could explain to them. They understand because they have been there, get them to share their past and show there is a better way of living your life than reoffending.*
- *Where the best support comes from, will depend on your age and depending on what you have done.*

Parents' comments:

- *All agencies who are working with a young person.*
- *GPs/doctors, depending on the child's issues, and school.*

Youth workers' comments

- *There are services out there but in terms of the young person who is offending or going through custody, they only have limited information on what services they can get and how they can help you. And we sometimes have limited access to information about what has happened the young person, we aren't social workers so we can't access the information.*
- *Some young people say they have both good relationships with their PA and their social worker so they think that service has really helped them.*

2.4 We also asked if they were aware of any good examples where young people were helped with their problems and who they had been helped by. A number of children were able to provide examples. Some of these have been highlighted below:

Children's comments:

- *Counsellor in school helped me talk about my feelings, easier to talk to someone in school e.g. child protection officer or someone you can trust.*
- *Referred by EWO to Children's Diversion Forum – working through set goals to achieve change.*
- *I completed a CRN with my mother, it was very informative and the staff member answered other questions we had on the police and the law. It wasn't like the police response, it was good not intimidating just informative and informal.*
- *Yes. I asked my mum to change school because I was getting in with a bad crowd.*
- *If you go to school, school is a good place, they are more likely to help you than just report you.*
- *Youth Justice staff have reassured me they believe me even though social workers have not believed me in the past. Youth Justice treat me with respect and value my opinion. They have talked to me and helped me think of alternative ways to deal with things. They have given me opportunities e.g. forklift course which helps my confidence and employability.*
- *Those Street Pastors, I'm not sure what they are called but I'd go to them as they came to us to help us. I wouldn't go to the Police, they just want to get you into trouble. You get forced into Youth Justice and get punished.*
- *St Teresa's YC.*
- *Neighbourhood PSNI & YJA.*

Parents' comments:

- *CRN voluntary engagement - reinforce learning & consequences.*
- *Past and current experiences of working with YJA.*

2.5 A number of general comments were received in relation to the provision of services to support young people on the cusp of, or in contact with, the youth justice system. Some children felt that services provided within the community and voluntary sector as well as within the statutory sector could support them and ensure less children enter the justice system. They thought these services would help children at risk of entering the system as well as those at the harder end of offending.

Children's comments

- *You need to make these services known to young people, some young ones are scared to reach out because maybe they have criminal records, and maybe they don't have a social worker or a PA - they need to know what services are out there, making sure these services are known, I think that would be a great help. Young people need to know that they exist.*
- *Some young people contact these services through social services but some don't and can't. If something has gone on for them, at home or in their family, how are they going to know that they can get help from service A or service B.*

Youth workers' comments

- *In my local area there is a lot of young people that don't feel comfortable accessing services and these would be young people who have criminal records. But there is a lot of work that is happening especially in North Belfast with outreach and work where there are workers going out on the streets and meeting young people in their comfortable space... So outreach and detached work is really on the rise. It is a good tool to use at the minute.*
- *Youth workers are going to the young people's natural place, whether it be standing at a street corner or up in the field.*
- *Young people at the edge of the system need support from services in health, education, youth services etc.*

3. Courts and Sentencing

3.1 Children can be referred for prosecution if they have committed a serious offence or if they have a previous history of offending. In these situations, they will generally attend a youth court which is designed especially for children and a number of different sentencing options, via court orders, are available to the judge. In cases where a custodial sentence is not deemed to be warranted, a community order can be handed down. Community orders require children subject to them to fulfil various obligations such as: attending courses; having weekly meetings with the Youth Justice Agency; doing community service; agreeing to certain conditions; or doing specific things such as attending a group. At present, children can be subject to more than one community order at any given time.

3.2 We asked children whether they had been subject to a community order or if they knew of anyone who had been.

3.3 A significant proportion of those who were engaged in the discussions had either experience of a community order or knew of someone who had. Views on experiences differed, with some saying it was fair, and others believing the response was disproportionate to the behaviour. Amongst those who responded that they had been treated fairly, a number felt they had benefitted from the help and support they had received.

3.4 However, where there had been a negative experience, the police were singled out for particular criticism by three respondents, who felt the officers involved were rude or did not treat them with respect.

3.5 Other comments included views that the court was not a child-friendly environment, with no understanding of children's perspectives, instead focusing attention on adults. Some children said they found it "nerve wracking" and others had no idea what was going on.

3.6 For those young people who had experience of the court system, we were interested in their views on how long the process had taken. A number reported that the process took too long, almost 2 years in some cases. Some of their comments are outlined below:

Children's Comments:

- *I think I was dealt with fairly, but the process was very lengthy from first interview by police until getting to court – the waiting was the worst of it.*
- *Should be a speedier process to be dealt with in court.*
- *Some stuff was delayed and it showed up months later, when I thought it had disappeared. This is very annoying. My current offence happened Christmas 2020 and only been sentenced November 2021.*
- *[Had to] relive the trauma over and over again.*
- *[It was] always hanging over you.*

3.7 One young person noted the changes in maturity between the offence and the court appearance. He stated being a different person now to what he was 2 years ago. However, having to go to court and having a sentence meant the minor mistake is “*constantly sitting on [my] shoulders*” years down the line.

3.8 A number of court orders for children are used very frequently, while others are rarely handed down. In addition, a significant number of children each year are in receipt of two or more orders at the same time. Each order may have multiple conditions attached which can lead to difficulties for children in terms of compliance. One of the proposed actions in the new Strategic Framework for Youth Justice is the creation of a single, flexible order with conditions which could be taken away or added if a child either does well or keeps on breaking the law. We asked children whether they thought this was a good idea.

3.9 Most were supportive of any attempt to make the process simpler and easier to understand. However, some children were concerned that a single order could be more confusing and may lead to a greater chance of breaking one of the conditions. Keeping track of which condition related to which offence was also a concern for some, with one young person saying that it is important to “*know the punishment for each crime*”.

3.10 On the other hand, some thought that having a single order would be easier to keep track of, and to understand the specific conditions as a whole. Some also noted that having a single order could help avoid time-wasting, and be more supportive to rehabilitation as it views the child as a whole and not the sum of their offences. It was

also clear from some of the comments received that all of the children did not fully comprehend how a single order would operate in practice.

Children's comments in support of a single order:

- *I think this would be good for young people who need lots of support to help them stop offending.*
- *Sometimes choice is good but if there are too many it would be confusing. I think 1 order would be better.*
- *It would be a good idea as it should simplify things. It would replace all the other orders into one and make it easier to understand.*
- *Yeah, because if it's not that serious then it could be just a few things to do, if it's more serious, they could add more onto it. It would be easier to do.*
- *Too many orders might make people feel like they are really bad, but I don't think there should be any orders for children.*
- *Single order is less confusing especially if younger.*

Children's comments not supportive/unsure in relation to a single order:

- *It might lead to confusion regarding how to regulate the 'spent' period of time and how it's recorded on a criminal record. I don't know if I could trust it. I would need to know how it would work if you had small offences and later more serious ones, how would they differentiate between them by adding or taking away from your order?*
- *Think it's not a good idea. It's good to have a selection, so can decide/have a choice.*
- *I don't know because at least now you know what you are going to get but if there is only one order but the judge can put different conditions on it and you get a judge who doesn't like you then they will add more conditions.*

Parents' comments:

- *Better for the child as the focus is on one order than becoming unclear/confused by multiple orders.*
- *It might be a good idea for some young people depending on their attitude and wish to change.*

Youth workers' comments

- *We have a young person here who has been through youth justice but she still doesn't know what order she got, the information wasn't really relayed to her because it was all technical and wordy so we know that young people go through these processes and still don't know what the outcome was, it can be relayed to their social worker or PA but never really relayed in a word friendly kind of way.*

3.11 A further action being proposed concerns the overall environment of the youth court and the piloting of a more child-friendly option. This would potentially allow children to meet with the judge in a less formal setting, away from a court room, to explain why they broke the law, and if possible, to agree a voluntary plan of work to make amends. Under the pilot, if the child was able to fulfil all the conditions agreed, the charges could be withdrawn; if not, they would have to go through the formal court process.

3.12 The majority of children we engaged with were supportive of any attempt to make the court process more informal and less daunting. They liked the idea of being able to speak to the judge in a less intimidating setting and being given the opportunity to speak about why they had committed the alleged offence. A number reported that they felt an informal process would work with some judges but not all of them, as some judges are seen as more approachable than others.

3.13 The opportunity to minimise delay in proceedings was also noted, with some commenting that it should allow for matters to be settled more quickly, rather than lengthy delays to the cases.

3.14 A number of children were keen to ensure that they would continue to have access to support (both legal and otherwise) in such instances. While the discussion is between the child and a judge, they felt it was important that the child was supported properly in this process.

3.15 A minority did not agree with the proposal for a less formal court setting. Their discussion centred on the importance of seeing court as a 'proper' place, which *should*

be intimidating. They felt that the introduction of informal resolution with the judge may mean that some children would not see the seriousness of their behaviour.

3.16 Amongst some of the older children engaged with, some identified that more chances to move away from any justice intervention/order would be helpful, including better explanations from police and youth justice on what the immediate and long-term outcomes of any involvement could entail. They also referred to young people being criminalised who are victims themselves, with offences being linked to self-defence or family-related situations.

Children's comments in support of a less formal court process:

- *Helps to remember they are children.*
- *I think this would be good as young people are not bad they just sometimes do stupid things and some just need proper information so they can make proper decisions.*
- *This is a good idea because my key worker knows me better than a judge and can understand me better.*
- *Not having a criminal record if young person sticks to the conditions is positive and a good motivator. Allows children to make mistakes and learn without affecting their future. It is an opportunity for change.*
- *Think that's a good idea because courtrooms are scary and they make me anxious. I think I could speak to a Judge if only a few people were in the room. It would be good if charges were withdrawn, if you did the work.*
- *Talk to them informally outside the court is a great idea, if you already know them or have met them before that would make it easier to talk to them*

Children's comments referring to a conditional agreement:

- *Less formal is always better but it depends on the offence or the person.*
- *Should be age-dependent: 10 – 15 years less formal, 16 – 18 years formal. At this age you need to take more responsibility.*
- *If the young person saw the Judge as a friend and ended up saying something they shouldn't, it could be manipulating. I think they would still need a solicitor there.*

Children's comments not in favour:

- *Not a good idea at all, so you give the same order to a murderer and to a person speeding, I don't like that. The way it is, that's better*
- *Not a good idea. I wouldn't like it or go to it.*

Parents' comments:

- *Yes, depending on what they have done. Not appropriate for bodily harm/sexual offences.*
- *Yes, especially for first time offenders, Judge see remorse & might help deter from further offending.*

4. Remand and Custody

4.1 The only custodial facility for children in Northern Ireland is Woodlands Juvenile Justice Centre (JJC) which is based in Bangor. They can either be held in the JJC on PACE, on remand or if they are in receipt of a court-ordered custodial order. The UNCRC rights (Article 37) states that putting children in custody should only be used “*as a measure of last resort and for the shortest appropriate period of time*”.

4.2 This means that children should only be kept in custody if there are no other options available to police or to courts, and for as short a time as possible, taking their current crime and their past offending into account.

4.3 We asked children if they, or anyone they knew, had experienced custody in Woodlands; what their experience was like; and if they thought it was the right thing to do.

4.4 Approximately one fifth of the children we engaged with had spent time in a youth custody setting. Amongst these children, a number were held due to the lack of a suitable bail address. Many did not believe that custody was the right option for them.

Children’s comments on their experience of custody:

- *When I first went to court I didn’t know what was happening and then I was sent to Woodlands, even though the staff were nice it was hard at first. You don’t really know what the judge is talking about and no one really explains it.*
- *My experience of custody was over Christmas and my parents advised police my grandparents were not an appropriate bail address so they refused to call my grandparents. Instead I spent a week on remand in JJC over Christmas for a stupid domestic incident when I could have been in the care of my Grandparents. My Granda contacted Woodlands when he heard I was there and then got the solicitor to apply for bail conditions to their address. I should never have been in Woodlands.*

- *I've been in custody, I think I should have had more options available to me. I'm not exactly sure what those options are but there should be something more than just going to JJC or staying in cells.*
- *Yes I have, it's not a good road to go down.*
- *Custody in Woodlands is ok. I thought it would be a lot worse the life is easy in here (Woodlands). I think it was right to put me here because I have no other address.*
- *It is bad because I am always thinking about my family. I have no freedom either day to day.*

Children's comments on custody more generally:

- *But I think they really have to think about that – are they really a danger? Because it is serious, to take a young person's liberty away, even for a short time.*
- *No, never been in custody, but I think no-one under 14 yrs should be in custody.*
- *I know of someone who got put in custody and his parents wouldn't give him a bail address. He stayed there for a week and then his granda got him bail, he was a mess when he came out and the relationship with his parents it still bad. I don't think anyone unless they are like really dangerous should not get bail.*
- *I think if young people kick off in the children's home and then police get involved and they get taken away to Woodlands, I think in some ways that is ok, if there have been a few times where things have happened in the home and the home says we cannot take this person back, for the good of the young person and for ourselves.*

4.5 We also asked children for their thoughts on how we could ensure that custody is only used when there are no other options. Of those who answered this question, many felt strongly that custody should only be used as an absolute last resort for children, only for the most serious of crimes, and for as short a time as possible. Amongst the suggestions put forward were that safe places should be identified where children can live whilst on bail if they have no alternative address. Another was that training should be in place for police officers around working with young people, to

help ensure that situations do not escalate to the point of custody being required. A further option suggested was the use of tagging as an alternative to custody.

Children's comments:

- *Provide more options for bail address. It's awful that young people are in prison because no other options are available.*
- *Other options put in more support and supervision – could try things like tagging, house arrest, curfews etc before custody.*
- *More help in community. There should be a specific group that looks at things like housing, risks, supports etc and that the placement cover Bail addresses.*
- *Surely it should be because they are not safe to be in the community. Not because your parents are fed up with you or because you do a stupid thing and there is no address, it doesn't happen to adults.*
- *Only murder should go to jail, lesser crimes shouldn't, they should be given a chance to make things better without jail. Jail doesn't work for people it just keeps them in one place away from people.*
- *Police need to listen to young people and put some effort into finding a family member or friend who will provide a bail address as no young person should be in Woodlands if this is available and the offence is not very serious.*
- *If the offence is serious young people should be placed in custody*
- *Give warnings, place them for a short period in care (again for shortest period).*
- *Give 2 chances, depending on what they do.*
- *Community supports, raise the age of criminal responsibility, treat the trauma and not the crime, re- categorize crimes in youth offending, so that there is less likelihood of children and young people being punished well into their adult lives for a crime they may have only committed once, that was linked to their being a victim also.*

Parents' comments:

- *Get the right support services to reduce the likelihood of custody.*
- *Exploring family circumstances/individual's needs to be considered for serious offences.*

Youth workers' comments

- *Yes, I think an alternative would work, something in the community. If they have the correct workers around them that could work. In some areas, not all maybe, you go into a children`s home and there is not enough staff so young people aren`t getting enough attention, so then they act out because they are bored.*
- *If you had a hub that young people could go to with a bit of more intensive one to one support, then yes that could work, because sometimes children get lost in children`s homes, they are understaffed and overcrowded with young people,.*
- *A lot of workers in the children`s homes don`t feel like they the power of a parent, so they feel they can`t intervene, can`t make young people do things. A lot of workers in children`s homes feel unprotected. But then on the other side young people think staff are too quick to get the police involved*
- *In the south of Ireland they have buildings that are like normal houses, feel less sterile and more homely. Better for young people if they feel they are living in a house not these clinical purpose- built buildings.*
- *In XX Trust they are trialling this new home that is like a house in the community, with just 2 young people in it, and one of the young people has been in and out of secure, and around every children`s home in the Trust, and is in this new place since October and has really, really settled, has had no offences.*
- *Yes, you need the right balance of young people in the home, you don`t want to place an 11-year-old with say a 16, 17-year-old with drug and alcohol issues. It is difficult to do the right thing, and it`s costly.*

5. Criminal Records

5.1 Any contact with the justice system can result in a criminal record regardless of the age of the person who has offended. The impact of having a criminal record can be significant as even offences which do not result in a conviction may still be disclosed as part of a standard or enhanced criminal records check, or to a court by the police. For those affected, having a criminal record can prevent them from getting certain jobs or even from travelling to certain countries.

5.2 We were interested to know what children thought of this and whether they had been affected by it personally.

5.3 The children engaged with had a number of views on criminal records. Some of the older cohort were able to outline the significant impact a criminal conviction could have on entering college, the workforce and even when travelling. However, it was felt that most children were not aware of these potential outcomes when they were committing offences or that by accepting orders, such as youth conference orders, they would still remain on their records beyond completion and post 18 years old. Increased early intervention, prevention and education around this was suggested as a way of supporting children and young people and deterring them from crime.

5.4 A number of those engaged with argued that criminal records should take into account the age of the perpetrator and their maturity level (including learning disabilities and other Special Educational Needs). They believed that children should not get a criminal record for petty crimes or their first offence, providing that it is not serious. They also argued that the criminal record should be wiped if the child has not re-offended within a given period of time.

Children's comments on criminal records:

- *My dad found it hard to get a job with a criminal record.*
- *It is good because the employer needs to be aware of an individual's past criminal activity.*
- *Say it wasn't relevant to the job- not necessarily as good an idea or as important to share.*

- *Maybe shouldn't be there forever - especially if from youth as they have time to change. Would depend on the charge though.*
- *It's sad, could ruin their chances. Depends how serious the offence is.*
- *Maybe have it for a time for children but for life for adults.*

6. Further comments

6.1 We invited the children to share their views on any other issues which were important to them. Some were aware of the proposal to develop a regional secure care and justice campus and raised concerns that children may not receive the support they need, depending on their route of entry. The children who raised this issue all agreed that the focus on any new centre must be on therapeutic care for all residents.

6.2 A summary of further comments received, which have not been reflected in discussions on the other themes covered above, are as follows:

Children's Comments:

- *Why do children lose phones in custody – we need some comforts.*
- *Make the system easier for children to understand.*
- *In my experience I'm lucky to have got the help I did.*
- *It doesn't really matter how good the justice system is, as it depends on the people implementing it. You need to educate society as to the changes and reinforce to them that they are children.*
- *I don't want to have to attend other activities, just the appointments that I have with YJA. There can be too much to do.*
- *Police to talk to parents and parents to ban things like electronics as people spend so much time on them. Could be a court ban.*
- *When someone first appears in youth court, if they need MH [mental health] support or help to stop drinking, they should get it at that stage so that the issue doesn't continue and get worse. Help at the earliest time they need it, not when it is worse.*
- *Beneficial to explain court visually to someone before they appear so they are less scared/ know what is going to happen.*
- *Young people will make bad decisions as part of growing up and engaging with programmes such as Youth Justice or early intervention services is vital for diverting at risk young people away from crime. One incident has the potential to steer them down a road where their options are limited and therefore, they may be even more likely to get involved in a criminal lifestyle if they are excluded from college and workplaces.*

Parents' Comments:

- *Would be lost without the support of YJA to my daughter – should be able to increase the timescale of working with a child on a case by case basis.*
- *More resources/staff and going into schools/youth clubs to educate young people.*

Conclusion

The Department would like to take this opportunity to thank all the children who took time to engage with us and to give us their views. We would also like to thank those who facilitated the discussions with young people. The development of the Strategic Framework for Youth Justice, and the accompanying Action Plan, is only the first stage of a process aimed at making a real impact on the lives of those children and young people who find themselves on the cusp of, or in contact with the criminal justice system in Northern Ireland. We will ensure, as we continue on this journey, that we will both seek and take account of the views of those who will be most affected by this work.

**Supporting children who break the law:
Helping us to help you**

Background

When people break the law and commit a crime, they are dealt with by the **justice system**, which includes police, prosecution, courts, probation and the Youth Justice Agency.

The justice system is split in two: one part deals with adults and the other deals with children – this second part is called the 'youth justice system'. The justice system deals with you as a 'child' if you are under 18.

The United Nations Convention on the Rights of the Child (UNCRC) is a list of rights that has been agreed to by the government. This means that when anyone is working with children and young people, including people working in the justice system, they must do their best to make sure that these rights are being met. One of these rights (Article 3) says that when working with children:

"the best interests of the child shall be a primary consideration."

This means that anyone working with children must consider what is best for them, and ensure that they are protected from harm.

The Department of Justice (DoJ) wants to improve how it supports children who break the law, and your views are really important to us.

Minimum Age of Criminal Responsibility (MACR):

Each country decides at what age a person can be prosecuted for committing a crime. This is called the Minimum Age of Criminal Responsibility (MACR), and once you are over that age, you are dealt with by the justice system if you break the law. Different countries have different MACRs.

Q1: Do you know what the Minimum Age of Criminal Responsibility is in Northern Ireland?

Anyone aged 10 and above can be prosecuted for committing a crime and can go to court to be dealt with.

Q2: What do you think the Minimum Age of Criminal Responsibility should be, and why?

Getting help with problems:

We know that children and young people have a lot going on in their lives and at times they can be faced with problems such as bullying, problems in school, peer pressure, family breakups, loss and bereavement. Sometimes these are hard to deal with, and might lead to them getting into trouble, taking drugs or drinking, or committing crime.

Q3: If you or a friend got into trouble and needed help or support to stop things getting worse, who do you think could help e.g. parents, schools, community groups, police, Youth Justice Agency?

Q4: Do you know of any good examples where this happens?

Courts and Sentencing:

If children keep breaking the law, they can be dealt with at court. They attend a youth court that is designed especially for children, and judges can give different sentences (called 'court orders') depending on the crime. These court orders can vary, from attending courses, having weekly meetings with the YJA, doing community service, agreeing to certain conditions or doing some specific things such as attend a group that will try and help you stay out of trouble.

Q5: Have you, or anyone you know, been through this? What did you think about how you/they were dealt with? [If not, please go to Q7]

Q6: How long did it take and how did this affect you?

Some court orders for children are used very frequently and others hardly at all. Some children can have lots of different orders at the same time, and lots of conditions to stick to, which might be confusing. The DoJ is thinking of changing the law so that a child can only

have one order at a time, but it would be flexible so conditions could be taken away or added if a child either does well or keeps on breaking the law.

Q7: Do you think having a single order is a good idea? Please tell us why you think it is or isn't?

The DoJ is also thinking about trying out a new idea for children to meet with the judge in a less formal setting, away from a court room, to explain why they broke the law, and if possible, to agree a voluntary plan of work to make amends. If the child fulfils all the conditions, the charges could be withdrawn; if not, then they would have to go through the formal court process.

Q8: What do you think of this idea?

Remand and Custody:

If a young person has broken the law lots of times, or if they commit a crime that is very serious, they can be sent to custody, but no-one under 18 gets sent to an adult jail. For children in Northern Ireland, going to custody means they are sent to Woodlands Juvenile Justice Centre in Bangor and have to stay there until the court decides they can leave. This can happen either when they are first arrested (called 'remand'), or when a court gives them an order that they have to serve in custody.

Another of the UNCRC rights (Article 37) says that putting children in custody should only be used:

"as a measure of last resort and for the shortest appropriate period of time."

This means that young people under 18 should only be kept in custody if there are no other options available to police or to courts, and for as short a time as possible, taking their current crime and their past offending into account.

Q9: Have you, or anyone you know, been through this? If so, what was your/their experience of custody? Do you think it was the right thing to do? [If not, please go to Q10]

Q10: Thinking about this UNCRC right, how can we try to make sure that young people are only sent to custody when there are no other options?

Criminal Records

When you break the law, an electronic record of your offending is kept by police and can be shown to other people at various times, such as when you apply for a job or college course. This is called a 'criminal record' and it can have a big impact on you for the rest of your life. It can prevent you from getting certain jobs or even travelling to certain countries.

Q11: What do you think about this? Have you been affected by this in the past?

Q12: We are really interested in your views. Is there anything else you would like to mention that might help us with this work?

Thank you for taking the time to share your views with us. The Department of Justice will think about everything you have said and use that information to help them decide what changes they should make to the youth justice system.