



Consultation Response:

The Establishment of a Regional Care and Justice

Campus for Children and Young People

25 January 2020



Response to Consultation on the Establishment of a Regional Care and Justice Campus, January 2020

Opening Comments

NIACRO welcomes the opportunity to respond to this consultation and is supportive of any initiative which is premised upon the '*children first offenders second*' principle, based on the very powerful research led by Professor Kevin Haines and Dr Stephen Case¹ which has become NIACRO's mantra over recent years. In 2016, as part of NIACRO's Justice Series, we invited Stephen Case, of Loughborough University, to lead a Positive Youth Justice Seminar in Stormont (sponsored by Alastair Ross MLA). Case stressed the importance of early intervention, diversion and restorative justice in breaking the cycle of youth offending. "*Youth justice needs to be child focused and child friendly*", he said. "*We have to differentiate between children and adults.*" He also stressed the importance of relationships between child, family and practitioners as key to successful outcomes.

We are conscious too that, focusing on the theme of this consultation, important debate and consideration about the age of criminal responsibility has not progressed, yet it would seem that the two issues are inextricably linked, and stalling on progressing the latter must surely impact upon the planning for and development of the campus in question. This was highlighted in a draft paper prepared by Dr Nicola Carr (Associate Professor, University of Nottingham) and Siobhán McAlister (Senior Lecturer, QUB) in December 2020 exploring the themes which this consultation has brought to the fore.

Our response aligns with the consultation document's headings and includes one appendix of feedback from young people resident in Lakewood in January 2020, collected by NIACRO's Independent Representation staff.

Theme 1 (Q1-3): Location and Capacity of the Site

We believe that a joint care/justice campus has the potential to be beneficial to children and young people who will be resident there, but that the most important aspect will be to keep the principle of 'child first, offender second' at the forefront of all aspects of planning, design, development and management.

We are not necessarily opposed to the use of the two current sites, but we would question whether the location is the most suitable for children; a location in the heart of a thriving community may better facilitate the 'reintegration' aspects of the work. We recognise that it is expedient to use the sites already in existence, but if so doing, the downside associated with its location must be subject to careful consideration.

With respect to the capacity of the centre, our question would be: how were the numbers to be accommodated were arrived at? The chosen capacity of the facility is one thing, but interventions by statutory, voluntary and community agencies supporting children and young people in care and within families must surely take precedence, so that the capacity of the facility is guided by co-ordinated preventative efforts? Perhaps earlier interventions have been taken into account with the reduced

¹ Haines, Kevin; Case, Stephen (2015). *Positive youth justice: Children first, offenders second*. Policy Press. ISBN 978-1-4473-2173-6.



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capacity. However, there is no indication of any reasoning behind this in the consultation. Without such explanation, we cannot comment on whether it is safe to assume reduced demand for the facility.

“...the links between early intervention initiatives and a reduction in numbers of young people further downstream clearly requires more robust data.”²

Another important factor when considering capacity is the need for suitable and sufficient alternative accommodation for young people preparing for exit. We have seen on several occasions a young person ‘taking up’ a place in Murlough House in Lakewood because no suitable safe alternatives could be found. And yet they then had to leave at age 18. We knew of young people who had to leave Lakewood for accommodation in Scotland and the Republic of Ireland. Can we be assured that any savings this new facility may incur will be directed to early intervention work and to better step-down facilities?

We have observed on several occasions a reluctance on the part of Lakewood staff to allow for the young people living in the different houses to mix (even when we have observed willingness from the young people). It is difficult to comment on the ideal numbers of young people to be living in each house when the consultation document does not provide sufficient detail about the plans or any indication of how young people will ‘come and go’ between houses and centralised facilities. We feel that a more detailed architectural plan is needed before we could make informed comment. Architecture is so important in shaping atmosphere. Young people often tell us that the regime in Lakewood feels more ‘extreme’ than that of JJC. Our assumption is that this is partly explained by the quality of the facilities there compared with Lakewood.

Theme 2 and 3 (Q4-14): Admission, Criteria and the Multi Agency Panel

A clear statement of purpose for the new provision needs to be the central, guiding principle for all planning and development including informing the criteria for admission.

We are aware that the current multi agency panel, established in September 2019, comprises an independent chair, senior representatives from the HSC Trusts, CAMHS, Children’s Clinical Psychology and senior representatives from Education, PSNI and Juvenile Justice. Non decision-making members include representation from Lakewood Secure Care Centre and VOYPIC.

The proposed panel comprises an independent chair along with ‘senior representation’ from HSC Board and Trusts, the Head of Operations (or nominated representative), The Youth Justice Agency, PSNI, and Education Authority. Whilst we very much welcome the encouragement and facilitation of the attendance of the child and a competent advocate at the Panel as an opportunity to have their voices heard as part of the decision-making process, notably absent from the proposed panel, even in a non-decision-making capacity, are CAMHS, Children’s Clinical Psychology, and advocacy from VOYPIC. We feel that representatives from these specialisms are imperative in ensuring the right decisions are made for each child. Young people should have access to support, including legal representation, in addition to

² Carr & McAlister, December 2020



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independent advocacy support to ensure compliance with Article 5 of the European Convention on Human Rights.

Indeed, to be fully effective, the Multi-Agency Panel should have a legislative basis. We are of the opinion that Article 44 of the Children (Northern Ireland) Order 1995 is not fit for purpose and we recognise that there is an argument that it is not compliant with Article 5 of the European Convention on Human Rights.

Theme 4 (Q15 – 17): Services in the Campus

No detail is provided in the consultation about the framework for integrated therapeutic care or any indication of the level of resource and staff training/qualification level that would be required to implement and sustain it. Specifically, no indication is given as to whether the framework being proposed would be able to meet the anticipated range of needs that the young people will have within the one setting.

Without doubt, shared facilities have the potential to be of considerable benefit, with young people able, for example, potentially being able to continue on with education or courses which they are currently unable to do when they move from JJC to Lakewood. Continuity of access to opportunities is therefore a vital component of services in the campus.

Theme 5 (Q19 – 20): Needs Based Approach (including Staffing Implications)

Young people NIACRO meets regularly at Lakewood through our Independent Representation project reflect on the different rules between the two sites. Those who have lived in both (over 60%) reflect some positive and some negative experiences of both; will all aspects of the new campus fall under the same 'regime' and 'rules'?

We are broadly welcoming of the concept that young people are assigned to housing based on an assessment of need rather than their route of entry. If young people were to live in different houses based on their route of entry, presumably the new arrangements would not feel terribly different for young people than the current set up of moving back and forth between JJC and Lakewood. We assume that the plans envisage shared facilities for all resident young people, and that may be a difference, but this is not explicit. What does this mean, however, for the training and skills requirement of the staff in the various houses and shared facilities?

We are aware that the challenges associated with integrating staff teams from different disciplinary backgrounds and working cultures will be significant and were concerned that this was not referenced in the consultation. With a lack of clarity about which agency will be 'in charge' of the facility comes, one might presume, unequal lack of clarity about the nature of management and reporting structures for the new staff team. The workforce planning associated with integrating the staff teams will require significant investment and 'buy in'.

Theme 6 (Q21 – 32): Exit Planning and Satellite Provision



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With the 'step down' provision in mind, we reiterate our earlier question of whether the Bangor site is the best place for this provision (though we recognise the expediency of making use of this site). That said, we recognise that numbers of children and young people from the rural west and south of Northern Ireland are less likely to require the service (perhaps reflective of the significant investment these areas have seen in early intervention in recent years, amongst other factors).

With respect to exit planning, the proposals set out in the consultation are fine in theory. However, we know that in reality, young people can discover, towards the end of an Order, that the Panel has applied to the court for a further Order of up to 6 months (and so they will not be free to leave at their anticipated exit date). Similarly, others may be freed from orders unexpectedly, and time has not been available to exit plan. The degree of uncertainty with which many of the young people live, particularly under secure care orders, does not lend itself to 'neat' exit planning. Using models from Scotland may be useful up to a point, but consideration needs to be given to the specific Northern Ireland context. In particular, within exit planning, is there somewhere appropriate for the young people to leave to? How would they be engaged there?

We would expect exit planning to incorporate overnight stays away from the facility, but again, safe and suitable places for this are a requisite.

The current site is not best placed for step down facilities. Semi-independent living, where young people are supported to build life skills (shopping, cooking, budgeting) within the context of a local community are the ideal and where can this be best facilitated? We are unsure of whether the use of children's homes is the best solution; many who receive secure care orders will have come from these homes. What will have changed to make these a 'warm' place for them to return to to build independent living skills? Organisations such as MACS, Barnardo's and the Simon Community offer helpful models, but there is not sufficient provision for the need. We would welcome commitment to resourcing these facilities. Further consideration too needs to be given to those with learning disabilities and those struggling with the stigma associated with their situation.

We are aware that bail support programmes (delivered by Extern) worked well in the past and we understand that the DoJ have plans to re-instate bail support for adults.

Short term fostering support is a potentially helpful addition to the mix of support, although we are aware that this too is in short supply.

We note that the consultation is markedly silent on the potential role of the child or young person's family unit as a potential source of support, whilst in the facility and upon exit. Where relationships are not entirely broken, and the family is not assessed as of more potential damage than help, would the consultation document not give consideration to investing in family relationships, where there is some hope of repair? Visiting arrangements for families would also need consideration in support of maintaining and building better family relationships.

Theme 7 (Q33 onwards): Governance and Legislation



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It would seem that a multi-agency partnership board be an appropriate means of ensuring that each young person receives the required level of support whilst in and leaving the facility whilst also holding delivery partners to account. The Department of Health should take a lead role in overseeing the operations of the campus, with accountability structures supported by the Departments of Justice and Education.

With respect to the Head of Operations post, our bigger question, rather than the day to day role, would be the type of credentials that would be required for this post. Presumably a Social Work background would be the most appropriate?

We believe too that the proposals outlined in the consultation will require replacement legislation to enable their implementation, as opposed to amendments to existing legislation. We are concerned that incremental changes of current provision will leave it exposed to potential challenges and increase the likelihood of the campus retaining two separate entities of care and justice (therefore not making much progress on the existing situation). Any replacement legislation will need to take account of:

- Mental Capacity Act (Northern Ireland) 2016
- United Nations Convention on the Rights of the Child (UNCRC)
- United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)
- European Convention on Human Rights (ECHR) / Human Rights Act 1998
- Section 75 of the Northern Ireland Act 1998



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Appendix: Summary of Feedback Gathered from Young People Resident in Lakewood

Should the two centres come together?

“Yes, because there is so much more in the JJC that we could use.”

“Will we be able to do the courses like in the JJC, and continue them if we move back to Lakewood?”

“Would we be separated by age as that would be better? I’m 16 and I am a young adult and have different needs”

“Could we use the facilities, and have ‘group’ trust with young people from the other homes?”

“People might think I’d committed a crime if I was in the same place as the JJC – would I be mixing with young people with an offence if I don’t have one?”

Thinking back on your own experience, was there anything that could have prevented your admission to secure care/JJC?

“Yes, respite from the children’s home I was in.”

“Yes, a support that met my needs rather than my offence.”

Should workers plan together and would you want to have a say in that plan?

“Yes, so I am getting the right support/help.” x 2

“Yes, because if I go to the JJC then Lakewood staff are ones who know me best and they can tell them what I need.”

“Yes, because if I move from one of them to the other I will be able to still have the same support.”

“Yes, so that I can let them know how I am feeling and to put my points of view across.”

“Yes, because it would be good to have someone to listen to me rather listening about me from someone else.”

“Yes, because a judge has probably never been in here so how do they know it is going to help us?”

“Yes, because we know what we are good at and what we need support with.”

What do you think of having a panel and who should be on that panel?

“Good, because they will be able to keep each other and me up to date with how things are going.”

“I think it’s a good idea because I could get the support that I need.”

“It’s good because it will be the people I know and who know me best.”

“Yes, because it’s good to hear our views as we are the ones going through it.”

“Would be good to have my Keyworker and children’s home staff there.”

“The people who are supporting me should be on it.”



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Would you like to be able to talk with the panel or have someone else speak for you?

“Confident enough to talk on my own”

“I would like for my keyworker to speak for me as they know me and what I need”

“Yes, with someone I trust to support me”

“Yes, as long as they are going to listen to me and to what I need”

Do you think strong connections between the care centre, organisations and services in the community would be a good idea?

“Yes, because we could get the right help that we need.”

“Yes, would we be able to access services quicker rather than having to wait for ages.”

“Yes, because not enough support for young people or long waiting lists.”

“Would that mean we could have the same support worker from we come in to when we go back into the community?”

Do you think a step-down unit is a good idea?

“Yes, because it would be scary to just have to leave Lakewood and go back out into the community.”

“Yes, would be good, especially with the extra support.”

“Yes, as would help me get into routines that suit me after leaving Lakewood or JJC.”

“Would we be able to have family and friends visit as they are my support?”

How could it help?

“Would help because we would still be near Lakewood without being in it and be able to still have the support from our keyworker.”

“...because there is not enough support when we leave and go straight back to the children's home.”

“It could help so I don't have to go straight out into the community with no support”

“If there was more mental health support” - 3 of the other young people agreed when this was said

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