

Report on the Youth Justice Review



DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM
AN ROINN DLI AGUS CIRT, COMHIONANNAIS AGUS AITHICHÓIRETHE DLI

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Introduction

The Children Act 2001 is the primary statutory response to the issues of troubled and troublesome children. It establishes the legal framework for a modern youth justice system. Several Government Departments – Justice, Equality and Law Reform; Education and Science; Health and Children – are involved in the implementation of this sizable and complex piece of legislation.

In October 2004, the Government endorsed a joint proposal from the Minister for Justice, Equality and Law Reform and from the Minister for Children to examine separately the scope for rationalising and restructuring the delivery of the State's services in accordance with the new legislative basis. To this end, the Ministers established an internal project team charged with

- conducting an overarching analytical review and scoping exercise, both nationally and internationally,
- consulting with the relevant Government Departments/agencies with responsibilities in the area of youth justice, and with relevant non-governmental experts and other interested parties,
- bringing forward recommendations by Summer 2005, as appropriate, for any institutional reform necessary to give effect to the principles of the 2001 Act.

The Department of Justice, Equality and Law Reform, in its Strategy Statement 2005-2007, further committed to the completion of a strategic overview of the youth justice system by July 2005, with a view to identifying the leadership and co-ordination mechanisms necessary for effective service delivery in this area.

As part of the project team's examination a call for submissions was published in the national press in November 2004. The team also received views and submissions from a number of persons and bodies, and wishes to express its thanks to all those who made submissions and to the many bodies and individuals, from the statutory and non-statutory sectors, who contributed to the consultation process. The team also wishes to acknowledge reference to a very wide range of published material.

Summary of Youth Justice Report

This summary is a quick guide to some of the main elements of the Youth Justice Report.

1. Domestic Overview

1.1 Youth Offending

There are gaps in the data set on youth justice and historical weaknesses and inconsistencies in information gathering

- this inhibits the analysis of youth offending and policy development
- gaps in data collection are a common feature internationally in relation to youth justice
- action is being taken across the justice sector to address these weaknesses
- improved data collection will inform and underpin policy development

From the data available it is evident that

- the level of youth offending has remained stable in recent years
- there was a significant rise from 2000 to 2002
- theft, criminal damage and drink related offences are consistently prominent
- vehicle and public order offences also feature prominently in the Dublin region

The numbers in custody are low compared to the offending population

- the majority of offenders are dealt with under the Diversion Programme by caution
- the majority of court determinations are non-custody court orders
- average numbers detained in residential schools have fallen in recent years

1.2 The Youth Justice System

The Children Act is the primary statutory framework for the youth justice system

- it provides for a twin-track, child welfare and justice approach
- the implementation of the Act is taking place on a phased basis and work is ongoing on this process

A lot of successful work is being carried out through

- the Garda Juvenile Diversion Programme
- the Probation and Welfare Service, and the projects supporting its work
- youth justice and child welfare community and voluntary sector initiatives

Responsibility for youth justice involves three Government sectors – justice, health and education. Many services are being delivered by a number of bodies in each sector and each has its own distinct strategic objectives.

1.3 Expenditure

The State commits very significant amounts towards promoting health and wellbeing and combating economic, social and educational disadvantage, all of which may impact on youth offending indirectly.

Inasmuch as it is possible to identify direct spending, the State commits in excess of €56m annually to providing services for young offenders. The major part of this spending is on residential places which can be up to €0.5m per child per annum.

2. International Overview

2.1 Background

International practice varies widely. However, most jurisdictions place a special emphasis on youth justice. Specific and recent youth justice legislation is a common feature. Many, including New Zealand and Canada, have statements of aims and principles which guide the youth justice sector in developing strategic objectives.

2.2 Welfare Justice Balance

Difficulties in effective co-ordination and integration of services appear universal. Leadership to achieve integration of service delivery is cited as a critical need. Many jurisdictions have structures which bring child-related services together, including youth justice. Others have created distinct structures to suit local circumstances, including dedicated youth justice agencies.

2.3 Age of Criminal Responsibility

Ireland, at 7 years of age, has the lowest age of criminal responsibility amongst all of the jurisdictions examined.

2.4 Common Features

Recurring trends include

- modern youth justice legislation with an emphasis on diversion except for serious and persistent offenders
- improved data to ground youth justice policy and allocation of resources
- strategic objectives based on agreed aims and principles
- youth justice as a central feature of criminal justice policy
- considerable resources allocated to tackling youth offending
- where possible, youth justice located in child-related structures
- leadership assigned by Government to one body

The conclusion is that the Children Act 2001 reflects international best practice. Other jurisdictions, however, have revisited implementation to strengthen effectiveness of delivery as in trends above.

3. Review of Submissions

3.1 Public Consultation Process

A public consultation process, advertised in the national newspapers, was undertaken in November 2004. Many visits to projects and services were undertaken and many meetings with interested parties were held, which provided the opportunity to ascertain the views of young people.

3.2 Common Themes

Common themes arising from the consultation process

- The Children Act 2001 provides a sound legal basis for a modern youth justice system and what is now required is for it to be fully implemented and supported by the necessary resources for that implementation.
- The youth justice area would benefit from an increased emphasis on preventative measures/early intervention.

- Insufficient integration of services/inter-agency co-operation exists at present.
- Truancy/disengagement from education is a risk factor for children becoming involved in offending behaviour.
- Community based sanctions should be given priority, particularly those targeting persistent young offenders.
- The data/research deficit should be addressed.
- Detention should be used only as a last resort.
- Age of criminal responsibility should be raised.

Many of these themes are addressed elsewhere in this examination and support the report's findings. Other points made are matters for other agencies or departments involved in the youth justice area. Links need to be made between the various agencies and Departments to ensure all aspects of youth justice are addressed in the appropriate strategies.

4. Key Findings

4.1 Children Act 2001

The consensus view to emerge from the consultation process is that the Children Act 2001 is a sound piece of legislation which, when fully implemented, will provide for a modern and comprehensive youth justice system.

4.2 Existing Services

Recent years have witnessed significantly increased investment in many areas that impact on young people who may be at risk of offending. The continued development of programmes and initiatives targeting disadvantaged children will provide the opportunity for all children to fulfil their potential. However, programmes which target children specifically at risk of offending or which reduce offending behaviour need to be further developed in the context of the criminal justice arena.

4.3 Leadership in Youth Justice

The youth justice system needs leadership to ensure effective management in the implementation of a cross-cutting youth justice policy.

4.4 Local Co-ordination

At local level there is a need for Government agencies, in collaboration with the Community/Voluntary Sector, to continue to work together in order to enhance the development of an integrated approach to dealing with young offenders and those at risk of offending.

4.5 Age of Criminal Responsibility

The age of criminal responsibility should be increased. To achieve the aims of the Children Act 2001 an incremental approach to raising the age should be considered.

5. Proposals

5.1 Single Agency Approach

Proposals were considered to establish a unified service which would assume responsibility for all special residential accommodation, community services, diversion projects, court sanctions and conferencing. While the maintenance of some form of separation between youth justice and care and protection is warranted there are significant links between the two areas to justify a unified approach to service delivery.

It was suggested that this all encompassing service would be best located in a care and social services setting, as is the practice in many other jurisdictions. However, no existing structure seems appropriate for the incorporation of a unified care and justice service at this time. The capacity of care and social services would have to be expanded to cope with the introduction of these additional services and organisational structures would need revision to an extent not practical in the short term.

5.2 Youth Justice Service

In view of the above, the Youth Justice Team recommends as an interim measure the establishment of a Youth Justice Service under the aegis of the Department of Justice, Equality and Law Reform.

This new service should have the following remit:

- Youth justice policy development, including crime prevention;

- The development and implementation of a national youth justice strategy with links to other child related strategies
- Responsibility for detention for offending children under 18 years of age
- Implementation of the provisions of the Children Act 2001 relating to community sanctions, restorative justice conferencing and diversion projects
- The co-ordination of service delivery at both national and local level. At national level a Youth Justice Oversight Group should be established to provide a co-ordinated and coherent national approach to the development of youth justice policy and services. At local level the Youth Justice Service should develop local youth justice teams to facilitate effective communication and co-ordination between agencies.

The outcome of bringing 16 and 17 year old offenders into this new framework should be to allow the education-focused model of the detention school to become the objective for all children under 18 years, in detention.

5.3 Children Services

The establishment of a Youth Justice Service would require the continued development of child care services, not least a parallel management structure with responsibility for special care in the HSE, with which the Youth Justice Service should develop formal protocols.

The Department of Education and Science should prepare a targeted strategy for the provision of educational services in the new youth justice framework.

5.4 Implementation Approach

A detailed implementation plan would be required, to be prepared in conjunction with the key service providers in the youth justice area.

Chapter 1

Domestic Overview

1.1 Youth Offending

There are gaps in the data set on youth justice and historical weaknesses and inconsistencies in information gathering

- this inhibits the analysis of youth offending and policy development
- gaps in data collection are a common feature internationally in relation to youth justice
- action is being taken across the justice sector to address these weaknesses
- improved data collection will inform and underpin policy development

From the data available it is evident that

- the level of youth offending has remained stable in recent years
- there was a significant rise from 2000 to 2002
- theft, criminal damage and drink related offences are consistently prominent
- vehicle and public order offences also feature prominently in the Dublin region

The numbers in custody are low compared to the offending population

- the majority of offenders are dealt with under the Diversion Programme by caution
- the majority of court determinations are non-custody court orders
- average numbers detained in residential schools have fallen in recent years

1.1.1 Background

This analysis provides a broad picture of youth offending and detention in Ireland in recent years. Weaknesses in the data available make it difficult to provide a definitive analysis and, therefore, caution is required when interpreting the data. Weakness in data sets on youth justice is also a feature which is being addressed in many other jurisdictions. The scale, quality and coherence of data collection in Ireland have improved in recent years. Significant efforts are already underway to improve the collection and quality of information, and the interoperability of systems across the justice sector. This should provide a more complete picture of youth offending which will serve to support policy development, to target the allocation of resources to tackle offending behaviour and to improve the quality and effectiveness of specific interventions for children at risk of offending or re-offending.

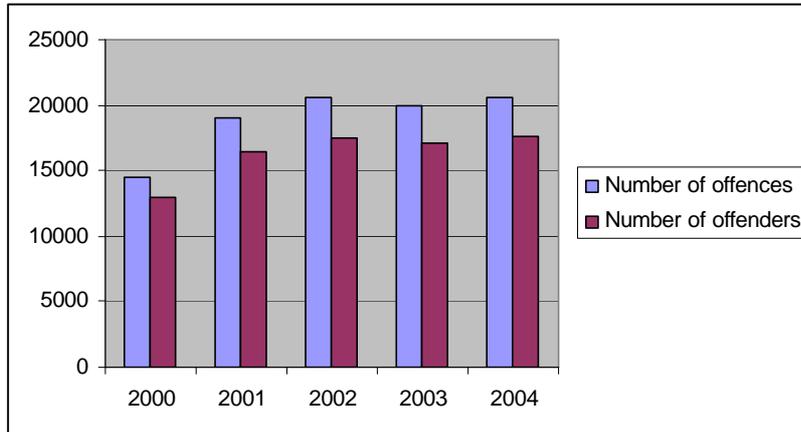
The main source for data on youth offending is the Garda Síochána which publishes crime statistics and figures for referrals under the Diversion Programme in its annual reports. Other sources include the Irish Prison Service, the Courts Service and the Probation and Welfare Service, all of which are in the process of implementing new data management arrangements.

It is apparent from the data available that:

- the number of recorded offences committed annually by young offenders has remained stable in the last 3 years at approximately 20,000;
- the large majority of offences are committed by young males aged 14 to 17;
- young offenders account for about 3.5% of the total population of 10-17 year olds;
- the top 5 offences committed by young offenders have not changed in the last 5 years – drink related offences, theft, criminal damage, public order and traffic related offences have all consistently featured;
- more than two thirds of all young offenders are dealt with by means of formal/informal caution.

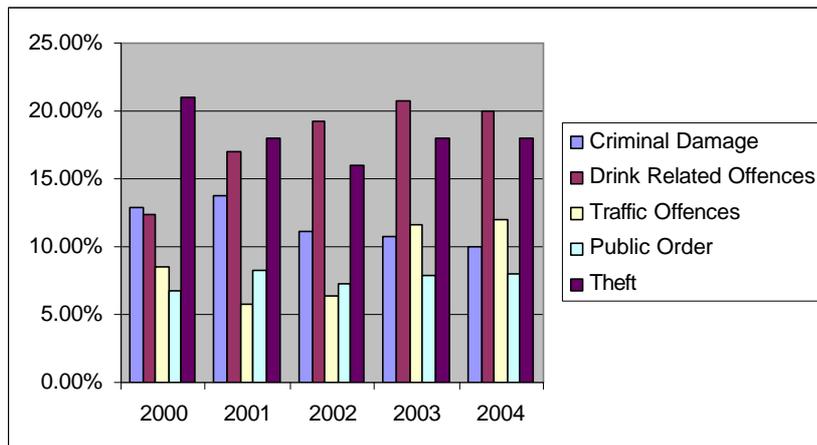
1.1.2 Level of Offending

The total number of recorded offences committed by persons under 18 years of age has remained stable in each of the last 3 years. The corresponding number of offenders has also remained stable. However, the rise in the numbers of offences recorded from 2000 to 2002 may be attributed largely to changes in the methods of recording crime by the Garda Síochána, the expansion of the Diversion Programme and the introduction of PULSE.



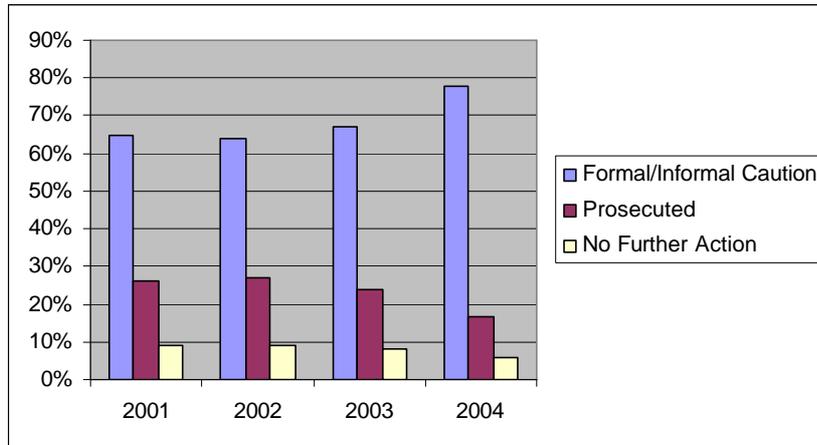
1.1.3 Nature of Offending

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1.1.4 Garda Juvenile Diversion Programme – Disposal of Cases

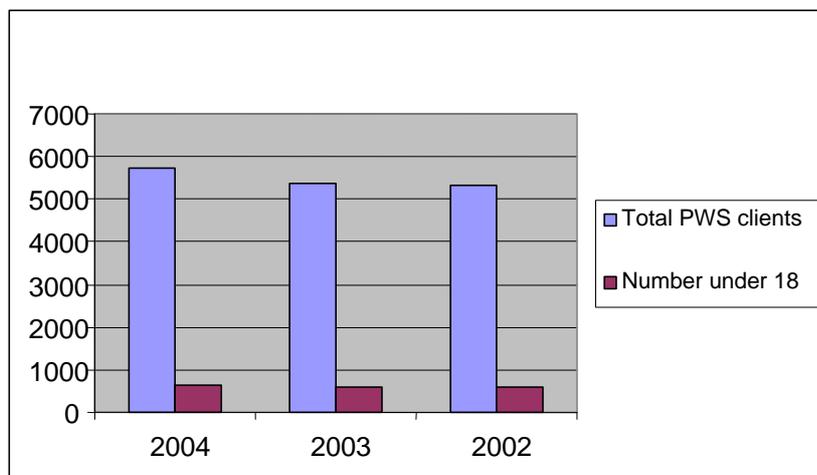
The table below shows the outcome of the cases in the Garda Juvenile Diversion Programme which were finalised during the last four years.



Please note that the figures given for 2004 in 1.12, 1.13 and 1.14 are provisional.

1.1.5 Probation and Welfare Service

Snapshots of Probation and Welfare Service (PWS) clients taken during the last three years indicate a consistent proportion of under 18s among the service's total clients.



In 2003, 16% of all supervision during deferment of penalty orders, 20% of all Probation Orders and 5% of all Community Service Orders related to offenders under 18 years of age.

1.1.6 Children Court Determinations

The figures below from the Courts Service for the Dublin Metropolitan Children Court for 2004 show the court's determination in the cases of 1,593 children who were aged 12 to 18 years at the date of charge/summons.

Court Determination	Total Children
Strike out/dismiss/withdrawn/no order	876
Probation	190
Returned to higher court for trial	65
Poor box	37
Peace bond	96
Fine	97
Community Service Order	10
Detention	222
	1593

1.1.7 Custody

(a) Custody in Places of Detention

The number of persons aged 14 to 17 years inclusive committed under sentence to a place of detention (St. Patrick's Institution or a prison) in 2004 was 208. The majority, 128, were 17 years of age and of these 89%, 114, were male.

Age	Male	Female
14	2	-
15	2	1
16	74	1
17	114	14
Total	192	16

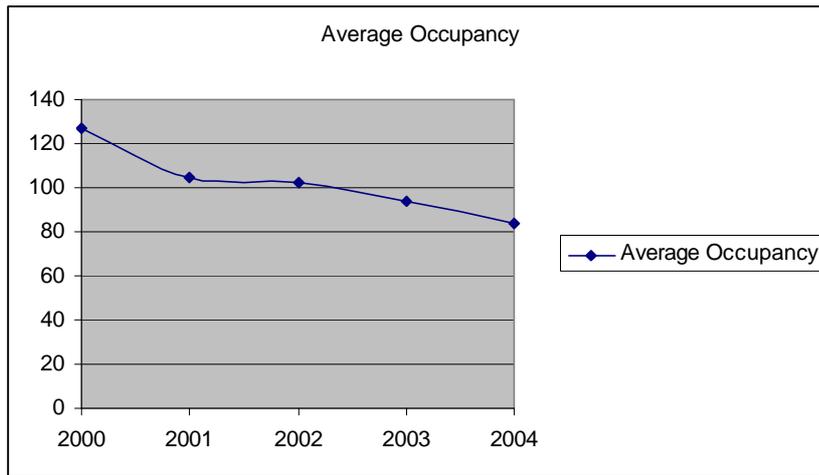
Note: comparative figures for earlier years are not available; numbers in custody were not gathered by yearly age cohort.

(b) Custody in Residential Schools for Young Offenders

There are five residential schools (industrial and reformatory schools) for young offenders under the aegis of the Department of Education and Science. Trinity House School, Finglas Child and Adolescent Centre and Oberstown Boys Centre cater for

boys under 16 years committed on remand or for sentence. Oberstown Girls Centre caters for girls under 17 years committed on remand and girls under 16 years committed for sentence. St. Joseph's Special School receives the majority of its referrals (c. 60%) from the Health Service Executive and the remainder are committed on remand or for sentence by the courts.

In 2004, 177 children in total were committed for remand or sentence to the five schools. The *average yearly attendance* of children in the five schools over the last five years, as set out in the table below, has decreased.



1.2 The Youth Justice System

The Children Act is the primary statutory framework for the youth justice system

- it provides for a twin-track, child welfare and justice approach
- the implementation of the Act is taking place on a phased basis and work is ongoing on this process

A lot of successful work is being carried out through

- the Garda Juvenile Diversion Programme
- the Probation and Welfare Service, and the projects supporting its work
- youth justice and child welfare community and voluntary sector initiatives

Responsibility for youth justice involves three Government sectors – justice, health and education. Many services are being delivered by a number of bodies in each sector and each has its own distinct strategic objectives

1.2.1 Previous Examinations

Over the years there have been reports which contain much useful information on aspects of the youth justice system. Publications such as the Kennedy Report 1970, and the Task Force Report on Child Care Services 1980, among others, have examined the issue of reform in the sector, an issue which has remained a concern over the years.

1.2.2 Key Current Features

The Children Act 2001

The Children Act 2001 is the primary statutory framework for the youth justice system. It adopts a twin-track approach – child welfare and youth justice – to addressing the needs of children who may be in need of special care or protection and offending children. Although, these are in the main distinct tracks, the Act provides an important cross-over mechanism where this is deemed necessary by a Judge in the Children Court.

The Act puts an emphasis on early intervention and seeks to ensure that the needs of children are responded to in a timely fashion.

In terms of child welfare provisions, the Health Service Executive has statutory obligations in relation to children whose behaviour is such that it poses a real and substantial risk to their health, safety, development and welfare. For offending children, that Act emphasises a diversionary and restorative approach based on the principle of the use of detention as a last resort. The Act is being implemented on a phased basis and significant sections have not yet been commenced (See Appendix A).

A range of international instruments also influence domestic policy and legislation, including the European Convention on Human Rights and the UN Convention on the Rights of the Child. The key elements of the relevant instruments, both domestic and international, are set out in Appendix B. It is noteworthy that some jurisdictions have drawn on the international instruments to which we refer to establish sets of aims and principles which inform the development of their youth justice systems (see Chapter 2).

Taken together, a similar framework of objectives and key principles for youth justice could be extracted from Irish and international law to inform the work of those involved in the administration of youth justice and to form a basis for more practical strategic planning.

Garda Juvenile Diversion Programme

The Children Act 2001 places the Garda Juvenile Diversion Programme on a statutory footing. The programme aims to divert young offenders away from court and criminal activity through the use of cautions and restorative conferencing. The programme is used to its greatest extent in relation to minor offences and/or for those with no or limited previous experiences of offending. Diversion constitutes a significant means for dealing with young offenders. More than two out of every three referrals to the programme are dealt with by means of caution rather than prosecution.

The Children Court

The Act provides for the establishment of the Children Court to deal with cases involving young offenders (up to the age of 18) in a setting distinct from the adult criminal justice system. It also provides for a range of non-custodial sanctions to facilitate rehabilitation and the reintegration of offending children into the community. The court also takes into account the age and level of maturity of the child and considers the child's care needs in determining the appropriate response to a child's offending behaviour.

Community Sanctions

The Act expands the options a court will have at its disposal when deciding on how to deal with a young offender. The community sanctions place a strong emphasis on

rehabilitation/reintegration of offending children into the community and in doing so underpin the principle that detention will be used as a last resort. The new sanctions have not yet been commenced.

Conferencing

The Children Act 2001 provides for three distinct forms of conferencing, two of which concern young offenders – diversionary conferencing (Garda) and family conferencing (PWS). Conferencing brings together the offender, his or her family, the victim and relevant criminal justice and social services personnel with the aims of introducing a restorative element through the involvement of the victim and the inclusion of reparations and strengthening and empowering the family by involving them in the response to their child's offending behaviour.

1.2.3 Key Statutory Players

The administration of these and other measures in the youth justice area falls within the remit of three Departments and their related agencies:

- (a) The Department of Justice, Equality and Law Reform;
- (b) The Department of Education and Science;
- (c) The Department of Health and Children.

(a) Department of Justice, Equality and Law Reform

The primary role in the administration of youth justice services currently lies with the **Department of Justice, Equality and Law Reform**. The Department itself has responsibility for criminal justice policy, including youth justice, and its executive agencies deliver many youth justice services on the ground.

The Garda Síochána is responsible for enforcing the law and detecting and preventing crime. The force operates a number of programmes targeted at youth offending, including the Juvenile Diversion Programme discussed above. The Garda also operate 64 Garda Youth Diversion Projects around the country targeted at young people at risk or known to be involved in offending. They aim to divert young people away from crime by providing suitable activities to challenge their offending behaviour, facilitate personal development and encourage civic responsibility. They

also aim to improve Garda/community relations. The Garda also run crime prevention programmes in schools through the Garda Schools Programme.

The Probation and Welfare Service (PWS) has responsibility for providing reports on offenders (including young offenders) to the courts, managing offenders in the community, implementing any community sanctions imposed, carrying out family conferences and engaging a range of community projects aimed at supporting young offenders. The new community sanctions, when commenced, will be operated by the PWS.

The Courts Service is responsible for the management of the Children Court and supporting the Judiciary in the performance of its functions.

The Irish Prison Service provides for the detention of children primarily aged 16 years and over. Young offenders of 16 and 17 years of age are detained with offenders aged between 18 and 21 in St. Patrick's Institution. There is greater emphasis placed on rehabilitation and education in St. Patrick's than in adult prisons due to the age and maturity of its inmates. A very small number of older young offenders are detained in prisons.

(b) Department of Education and Science

The Department of Education and Science operates the five detention schools for young offenders, although the administration of youth justice *per se* is not a core function. However, the Department plays an essential role in the provision of appropriate educational supports to children in detention and to other young offenders.

Early disengagement from education is considered to be a primary indicator of potential involvement in offending behaviour. The Department of Education and Science's Youthreach programme, Youth Encounter schools, School Completion Programme and Home School Liaison Service all have valuable contributions to make toward tackling youth offending and to crime prevention generally.

The National Educational Welfare Board is the national agency for school attendance policy. It seeks to ensure that every child up to the age of 16 years attends a recognised school or otherwise receives an appropriate education. It may also assist in making arrangements for the continuing education and training of early school leavers.

(c) *Department of Health and Children*

The Department of Health and Children has primary responsibility for child protection and welfare policy. Although the administration of youth justice *per se* is not a core function, it has a leading role in the wider care and welfare issues that are central to youth offending. Social and economic disadvantage, drug and alcohol misuse, mental health problems, early school leaving and other social and environmental issues are strong key risk factors which can contribute to youth offending. Many of these are the same factors that give rise to child care and protection issues.

The Department exercises its overall responsibilities through a number of executive agencies, in particular the **Health Service Executive** (HSE) which is responsible for delivering health and social services. Another agency, the **Special Residential Services Board** (SRSB), was established under the Children Act 2001 to advise Ministers on policy relating to the remand and detention of children and to ensure the efficient, effective and co-ordinated delivery of services to children in respect of whom children detention orders or special care orders are made.

The National Children's Office (NCO) was established in 2001 to improve all aspects of the lives of children by leading the implementation of the National Children's Strategy. The NCO also has a co-ordinating role in the implementation of the Children Act.

1.3 Expenditure

The State commits very significant amounts towards promoting health and wellbeing and combating economic, social and educational disadvantage, all of which may impact on youth offending indirectly.

Inasmuch as it is possible to identify direct spending, the State commits in excess of €56m annually to providing services for young offenders. The major part of this spending is on residential places which can be up to €0.5m per child per annum.

1.3.1 Indirect Expenditure

It is difficult to quantify the level of expenditure on actions which impact indirectly on young offenders or those at risk of offending. Across Government sectors considerable resources are allocated to tackle poverty, educational disadvantage, drug and alcohol misuse and social exclusion. Such programmes are not crime prevention specific but they do address strong risk factors which can contribute to potential youth offending.

The Department of Education and Science spent about €540m in 2004 for programmes designed to tackle educational disadvantage in the formal and non-formal education sector. This included €23.5m for the School Completion Programme, €1.2m for the Children at Risk Initiative, €6.5m for the National Educational Welfare Board and €12.5m for the Special Projects for Youth Scheme.

The Department of Health and Children also spends significant amounts on initiatives aimed at children at risk including Springboard Projects (€8.7m), Teen Parent Projects, Neighbourhood Youth Projects, Youth Advocate Programmes (€2.95m) and Mentoring Programmes.

The Department of Community, Rural and Gaeltacht Affairs supports a wide range of interventions targeted at social, economic and educational disadvantage. Among them are:

- The Young Peoples Facilities and Services Fund which committed in excess of €15.7m in 2004 to projects which aim, through the provision of services and facilities funded by the programme, to divert “at risk” young people in disadvantaged areas from the dangers of substance abuse. Approximately €85m to date has been provided by the Government under the fund to date;

- The Dormant Accounts Board funded 382 projects aimed at economic, social and educational disadvantage to a total of €39.5m;
- The Community Development Programme €2.4m has been allocated for 2005 to support community development projects in disadvantaged areas.

1.3.2 Direct Expenditure

The annual costs outlined below are identifiable as being spent directly on services for young offenders:

Irish Prison Service c. €6.9m

Expenditure by the Irish Prison Service is calculated by multiplying the average cost for detaining a person in 2003 (€4,144) with the average daily figures for sentenced and remand persons under the age of 18 in the prison system on any given day in 2003 (82).

Probation and Welfare Service c. €7.7m

The figure of €7.7m is the estimated expenditure by the PWS (dividing total expenditure by the total client base and multiplying by the number of under 18s) on its services to young offenders in the community in 2004 and can be categorised as follows:

2004	
Staff Costs	€1.5m
Operational Costs	€0.5m
Projects/Programmes	€5.6m
Community Service Orders	€0.1m
Total	€7.7m

The Garda Síochána c. €10.6m

The estimated expenditure of €10.6m by the Garda Síochána in 2004 relates to Garda Youth Diversion Projects and the Garda Juvenile Diversion Programme. It does not include the Garda costs associated with normal policing activities which may involve children or Garda costs associated with court attendance in relation to children. In addition, the estimated expenditure does not include the proportion of the annual

budget of the National Community Relations Office which is allocated to the National Juvenile Office.

2004	
Garda Youth Diversion Projects	€5.31m
Juvenile Liaison Officers (Pay)	€5.1m
Restorative Conferencing.	€187,000
Total	€10.6m

Courts Service

Overall costs for the provision of services to young offenders by the Courts Service are not readily available. An estimated figure for the operation of the Children Court in the Dublin Metropolitan District in 2004 is available. However, costs associated with the Children Court outside Dublin are not readily available as its work is part of the general District Court caseload. In addition, figures in relation to judicial costs are not available. The estimated costs for the operation of the Children Court (Smithfield) in the Dublin Metropolitan District in 2004 are as follows:

2004	
Staff Costs	€137,125
Utility Costs	€15,000 approx
Maintenance	€149,000 (refurbishment works)
Total	€301,125

Department of Education and Science €30.2m

There are five residential schools operated by the Department of Education and Science with a total of 114 places which cater for children under 16 years of age who are committed on remand or for sentence. The figures given below are for 2004. The total expenditure projected for 2005 is €33.4 million.

2004	
Capital Expenditure	€2m
Running Costs	€28.2m
Total	€30.2m

The annual cost of maintaining a detention place for a young person in each of the 5 schools is given below. It is based on capacity and the level of running costs for 2001 to 2004. The cost includes the salaries of teachers, directors and deputy directors of the schools but excludes an apportionment of capital costs and expenditure funded from income from Health Boards and Local Authorities.

Cost for each detained young person based on operational capacity.

	2001	2002	2003	2004
	€	€	€	€
Finglas Child & Adolescent Centre	163,404	258,704	245,556	373,879
Oberstown Boys Centre	175,265	236,833	249,283	268,380
Oberstown Girls Centre	146,744	208,888	177,931	212,016
St. Josephs School, Clonmel	118,305	140,571	142,628	151,695
Trinity House School	208,723	226,109	246,752	241,470

Cost for each detained young person based on average occupancy.

	2001	2002	2003	2004
	€	€	€	€
Finglas Child & Adolescent Centre	236,028	344,938	361,872	507,407
Oberstown Boys Centre	247,434	236,833	249,283	282,505
Oberstown Girls Centre	314,451	339,443	381,281	454,320
St. Josephs School, Clonmel	152,652	181,382	196,729	233,378
Trinity House School	227,698	277,498	333,116	362,206

Special Residential Services Board €1.19m

The total provisional outturn for the Special Residential Services Board (SRSB) in 2004 was €1.19m. The SRSB's functions relate to offending and non-offending children who are before the courts and to related services and its budget, therefore, is not committed exclusively to young offenders.

An overview of initiatives aimed at young offenders/children at risk of offending, and of the initiatives aimed at related strong risk factors, is at Appendix C.

Chapter 2

International Overview

2.1 Background

International practice varies widely. However, most jurisdictions place a special emphasis on youth justice. Specific and recent youth justice legislation is a common feature. Many, including New Zealand and Canada, have statements of aims and principles which guide the youth justice sector in developing strategic objectives.

A significant element of the youth justice team's remit was to consider relevant international best practice and recent experience in other countries responding to youth offending. It was considered important to examine jurisdictions in which new legislation on youth justice had been introduced and/or in which a renewed policy approach to the problem of youth offending had been adopted in recent years. In particular, the team examined youth justice systems in **Northern Ireland, Britain, Norway, Denmark, Australia, New Zealand and Canada**. A certain amount of desk research on developments in the **USA** and elsewhere was also undertaken.

For reasons of similarity in legal jurisdiction, the most useful comparative information in the area of youth justice from the Irish perspective is available from **Northern Ireland, Britain, Australia, New Zealand and North America**. These jurisdictions have adversarial/common law systems rather than the civil law systems in the continental European countries.

Northern Ireland, Britain, New Zealand and Canada have all seen, in recent years, the enactment of new legislation and/or a renewed approach to tackling youth offending. In general terms this process of renewal has followed a similar pattern in all jurisdictions including:

- A political concern about the effectiveness of methods of dealing with youth offending, thus providing an impetus for a strategic review;
- The elaboration of a new/renewed strategy for youth offending, accompanied in some cases by new legislation;

- The roll-out of new leadership and co-ordination mechanisms at national and local level;
- Additional resources.

2.2 Welfare Justice Balance

Difficulties in effective co-ordination and integration of services appear universal. Leadership to achieve integration of service delivery is cited as a critical need. Many jurisdictions have structures which bring child-related services together, including youth justice. Others have created distinct structures to suit local circumstances, including dedicated youth justice agencies.

There is no international consensus on how best to respond to the issues around youth offending. Overlaps in administrative systems of child welfare, protection and youth justice have been and continue to be a feature of most jurisdictions. However, **all jurisdictions** have sought and continue to seek that delicate balance between the ‘justice’ and ‘welfare’ approaches in their response.

There is a wide recognition internationally that there are related or common factors which expose vulnerable young people to risk. These factors can result in them being in need of care or protection and/or developing patterns of anti-social/offending behaviour. They are generally identifiable as issues of social or economic exclusion, poverty or disadvantage. There is a recognition too that young people can be distinguished according to their risk of continued offending. Early interventions, it is considered, should be based in part on addressing this specific risk.

All jurisdictions examined deal with young offenders within operational structures which reflect a wider delivery of care, education and social service provision for young people and their families. The trend is not to see young offenders as solely the preserve of the criminal justice framework. It is considered that the availability of this broader range of services is an important support structure to any modern youth justice system.

2.3 Age of Criminal Responsibility

Ireland, at 7 years of age, has the lowest age of criminal responsibility amongst all of the jurisdictions examined.

There is no international consensus on the most appropriate age of criminal responsibility. In the jurisdictions examined it varied from 8 in Scotland to 15 in Scandinavian countries.

England, Wales, Northern Ireland and Australia all have 10 years as the age of criminal responsibility although Australia operates the principle of *doli incapax* up to the age of 14. Canada and New Zealand have the age set higher at 12 and 14 respectively, however, New Zealand makes an exception for serious crimes for which the age of 10 applies. Ireland, at 7 years, has the lowest age of criminal responsibility amongst all the jurisdictions examined.

2.4 Common Features

Recurring trends include

- modern youth justice legislation with an emphasis on diversion except for serious and persistent offenders
- improved data to ground youth justice policy and allocation of resources
- strategic objectives based on agreed aims and principles
- youth justice as a central feature of criminal justice policy
- considerable resources allocated to tackling youth offending
- where possible, youth justice located in child-related structures
- leadership assigned by Government to one body

The conclusion is that the Children Act 2001 reflects international best practice. Other jurisdictions, however, have revisited implementation to strengthen effectiveness of delivery as in trends above.

The main common features in the jurisdictions which renewed their focus on youth justice are:

- (a) Statements of principles governing youth justice;
- (b) Comprehensive strategies directed specifically at crime prevention and early intervention;
- (c) Clear leadership in youth justice field assigned by Government;
- (d) Links with other child-related strategies which are not specifically aimed at youth offending but which address social or economic factors;
- (e) Diversion from the formal justice system except for the most serious and persistent offenders;
- (f) Specialised service delivery and specialised training for those involved in youth justice services;
- (g) Good statistical data (i) to support evidence-based policy analysis and development (ii) to support allocation of resources;
- (h) Regular evaluation of the system;
- (i) Additional funds to support the system in achieving strategic objectives and to evaluate change where necessary.

More detail on experiences in some of the jurisdictions considered is at Appendix D.

2.4.1 Statements of Principles Governing Youth Justice

It is considered essential in many jurisdictions that a clear policy statement on youth justice exist to guide strategies which aim to tackle youth offending. Such policy statements tend to be formulated and agreed at a broad political level or else enshrined in legislation.

2.4.2 Comprehensive Strategies Directed at Crime Prevention and Early Intervention

In **each jurisdiction** examined, a ‘whole-of-Government’ youth justice policy is elaborated. Such policies not only set out the crime prevention and social protection strategies to be achieved but also address the mechanisms needed to co-ordinate interventions with young people at risk across the various sectors involved at national and local level. The development of ‘whole-of-Government’ strategies, by definition, links the provision of services to young offenders within the criminal justice

framework into the wider framework of the delivery of care, education and social services.

2.4.3 Clear Leadership in Youth Justice Field

A leadership deficit was identified in other jurisdictions during their renewal processes as representing a significant barrier to tackling youth offending effectively. The assignment by Government of clear leadership is considered essential by many to drive the goals of youth justice policy and to underpin the priority accorded to it. This is especially so given the cross-sectoral nature of the environment in which youth justice policy is developed and in which services are delivered.

2.4.4 Links with other Child-related Strategies

Linkages at the national child and young person policy/strategy level, and also at the level of the local delivery of services, are a common feature in many jurisdictions.

2.4.5 Diversion from the Formal Justice System

It is accepted as a fundamental principle of modern youth justice systems in **all jurisdictions** examined, that it is desirable, to the greatest extent possible, to divert young people from the formal criminal justice system and to use custody only as a last resort. To this end, police and/or community diversion, cautioning, conferencing and extrajudicial/alternative sanctions, in various forms, are features of the framework to deal with youth offending in these other jurisdictions.

2.4.6 Specialised Service Delivery and Specialised Training for those Involved

All of the jurisdictions examined make use of specific interventions with young people to tackle offending behaviour which are tailored to suit the particular circumstances of the individual.

2.4.7 Statistical Data/Research

The importance of robust and consistent data on youth offending is recognised as essential in **all jurisdictions** visited in order to identify and analyse the scale and

nature of youth offending. Evaluation of policy and specific interventions with young offenders is also considered essential to assess the effectiveness of policy in addressing its goals and to ensure that specific interventions and programmes are effective in addressing the offending behaviour of individuals.

Reliable data is considered also to be an essential ingredient in the allocation of resources to programmes and projects which are aimed specifically at tackling offending behaviour.

2.4.8 Funds to Support and Evaluate Change

The youth justice renewal process in **all the jurisdictions** examined was underpinned by the allocation of additional resources. It was recognised that without the allocation of additional targeted resources, the effectiveness of the approach would be undermined.

Chapter 3

Review of Submissions

3.1 Public Consultation Process

A public consultation process, advertised in the national newspapers, was undertaken in November 2004. Many visits to projects and services were undertaken and many meetings with interested parties were held, which provided the opportunity to ascertain the views of young people.

3.1.1 Request for Submissions

As part of the consultation process an advertisement calling for submissions appeared in the national newspapers in November, 2004. (See Appendix E)

3.1.2 The Public Response

The Department received twenty eight submissions. A list of those who made submissions is included in Appendix F. Submissions were received from state agencies, children's charities, academics, the voluntary and community sector and individuals.

3.1.3 Responses

A wide range of views was expressed on youth justice related issues ranging from early intervention to custody. A number of common themes emerged from the submissions which can be summarised under the ten headings below.

In addition to the formal submissions received, meetings were held with many bodies and individuals from the statutory and non-statutory sectors as part of a wider consultation process. In the course of its examination, the Project Team conducted numerous on-site visits to relevant projects, initiatives and services throughout the State. This provided the Project Team with the opportunity to hear at first hand the views of young people. The Project Team also attended an ISPCC consultation event with young people on youth crime and justice.

3.2 Common Themes

Common themes arising from the consultation process

- The Children Act 2001 provides a sound legal basis for a modern youth justice system and what is now required is for it to be fully implemented and supported by the necessary resources for that implementation.
- The youth justice area would benefit from an increased emphasis on preventative measures/early intervention.
- Insufficient integration of services/inter-agency co-operation exists at present.
- Truancy/disengagement from education is a risk factor for children becoming involved in offending behaviour.
- Community based sanctions should be given priority, particularly those targeting persistent young offenders.
- The data/research deficit should be addressed.
- Detention should be used only as a last resort.
- Age of criminal responsibility should be raised.

Many of these themes are addressed elsewhere in this examination and support the report's findings. Other points made are matters for other agencies or Departments involved in the youth justice area. Links need to be made between the various agencies and Departments to ensure all aspects of youth justice are addressed in the appropriate strategies.

3.2.1 Children Act, 2001

Many contributors were of the view that the provisions in the Children Act 2001 provide a sound legal basis for a modern youth justice system and stated that what was now required was the full implementation of the Act combined with the necessary resources to effectively support its implementation.

Concern was expressed by a number of contributors that a key provision of the Act, section 77 – which allows the court to adjourn criminal proceedings against a child so

that the HSE can be directed to convene a family welfare conference – had not yet been commenced.

3.2.2 Preventative Measures/Early Intervention

A number of contributors called for an increased emphasis to be placed on preventative measures which should form a key component of any youth justice system. They called on the State to further develop and expand early intervention and prevention services for children at risk and their families.

Some contributors stated that prevention requires collaboration between all relevant Government Departments and suggested that there should be greater pooling of resources among these Departments to address the root causes of crime.

3.2.3 Integration of Services/Interagency Co-operation

National Level

Many contributors pointed to the fact that while a large number of organisations are involved in delivering youth justice services –the Garda Síochána, Probation and Welfare Service, Prison Service, Health Service Executive – no single agency has the power to co-ordinate service delivery or compel specific action from the agencies.

Many contributors regarded the division of responsibility for youth justice across three Government Departments – Justice, Equality and Law Reform, Education and Science and Health and Children – as contributing to an ad hoc approach to addressing the multiple problems of youth offenders.

A number of contributors called for the establishment of a single youth justice agency to co-ordinate the work of all statutory bodies in order to ensure effective and efficient delivery of services to young people.

Local Level

Several submissions called for effective communication at national, regional and local level between all agencies involved in prevention and responding to youth offending.

One contributor called for the establishment of ad hoc operational groups at county level which should comprise the key agencies – HSE, Garda, Probation and Welfare Service, National Educational Welfare Board - and key local voluntary agencies. The role of these groups would be to share knowledge of young people who are in persistent trouble and to keep track of such children in the system.

3.2.4 Court Process

It was suggested in a number of contributions that a speedier process in the Children Court would improve its effectiveness as a deterrent and increase the connection between the commission of an offence and the sanction ultimately handed down. A number of contributors pointed to the use of repeated remands as inappropriate.

Some contributors expressed concern at the lack of confidentiality and privacy outside the Children Court particularly where young offenders were tried in the Circuit Criminal Court or Central Criminal Court. One contributor stated that the confidentiality provisions in Children Act 2001 should be applied to children in all courts to ensure they receive special protection, enjoy an age appropriate fair trial and have their right to privacy protected at all stages of proceedings in accordance with international standards.

Another contributor called for the provision of a dedicated Children Court throughout the country and stated that in the absence of such provision alternative consideration needs to be made for the protection of a child's confidentiality and privacy.

3.2.5 Truancy/Disengagement from Education

Many contributors drew a link between disengagement from education and a risk of becoming involved in crime and anti-social behaviour.

Co-operation between relevant Government Departments, agencies, local communities and parents aimed at retaining children in education was recommended by a number of contributors.

Several contributors stated that all children should be either in school or receiving some form of education and training which assists their development and employment chances.

3.2.6 Community Based Sanctions

Several contributors stated that consideration and priority should be given to community based sanctions – community orders and curfew sanctions etc – before custodial sentences are imposed.

It was considered by many contributors that community based sanctions are best placed to fully take account of the maturity and emotional, educational and psychological needs of young offenders and those at risk of offending and have better outcomes for families and communities.

A number of contributors drew attention to the various models of workable community based options for persistent young offenders.

3.2.7 Data/Research Deficit

Several submissions drew attention to the shortage of data currently available on the youth justice system.

A number of contributors stated that modern comprehensive information systems on youth crime need to be developed in order to facilitate the sharing of data by all stakeholders in the area and to facilitate accurate and comprehensive planning and policy development.

One contributor suggested the establishment of an evaluation and information unit charged with tracking young offenders through the various services which deal with them. Another called for research to be carried out on the extent to which social and psychological problems contribute to offending and anti-social behaviour, with particular focus on alcohol, drug abuse and living conditions.

3.2.8 Detention

A large number of submissions called for the use of detention as a measure of last resort. It was said that while this is provided for in the Children Act, 2001, in practice it is not happening.

Several contributors pointed to the fact non-offending children are being detained in Children Detention Schools for welfare related reasons and called for this practice to be discontinued.

3.2.9 Age of Criminal Responsibility

One submission pointed to the fact that, when compared with the rest of Europe, Ireland has the lowest age of criminal responsibility.

One contributor called for the Children Act 2001 to be amended to allow for consideration to be given to the mental and not physical maturity of the individual concerned.

3.2.10 Garda Juvenile Diversion Programme/Garda Youth Diversion Projects

A majority of submissions pointed to the success of the Garda Juvenile Diversion Programme and Garda Youth Diversion Projects in diverting young people from crime.

One contributor stated that the Juvenile Diversion programme and the Youth Diversion Projects continue to be central to the State's response to youth offending through the positive, preventative and rehabilitative approach adopted. However, the contributor went on to say that such approaches are not reflected in the general approach of the Government or the Garda to crime.

Another submission stated that the Youth Diversion Projects should be extended nationally, funded on a multi-annual basis to a reasonable level and consideration given to funding a second worker for each project to increase the level of programmes and to ensure best practice in child protection.

Chapter 4

Key Findings

4.1 Children Act 2001

The consensus view to emerge from the consultation process is that the Children Act 2001 is a sound piece of legislation which, when fully implemented, will provide for a modern and comprehensive youth justice system.

The Children Act 2001 is a comprehensive but complex piece of legislation. There is a common recognition that the framework introduced in the Act provides for an effective and progressive way of responding to offending children. As was envisaged at the time of its enactment, the Act is being implemented on a phased basis to allow for the planned development and strengthening of services. Despite the complexity of the legislation, progress has been made in its implementation to date. It is important that implementation of the remaining provisions of the Act continues to be progressed. The commencement of both the Welfare and Justice provisions is essential to strengthen and further develop intermediate and alternative care and community services for both troubled and troublesome children.

4.2 Existing Services

Recent years have witnessed significantly increased investment in many areas that impact on young people who may be at risk of offending. The continued development of programmes and initiatives targeting disadvantaged children will provide the opportunity for all children to fulfil their potential. However, programmes which target children specifically at risk of offending or which reduce offending behaviour need to be further developed in the context of the criminal justice arena.

There is a wealth of innovative projects and initiatives currently in place throughout the State delivering real benefits to young people and their communities.

Crime prevention specific measures include 64 Garda Youth Diversion Projects which aim to divert young people from becoming involved in criminal or anti-social behaviour and 41 Probation and Welfare Service projects which target young offenders.

In addition, the Government is implementing National Action Plans to combat poverty and social exclusion in the context of strategic long term goals. Departments such as Health and Children, Education and Science and Community, Rural and Gaeltacht Affairs commit significant expenditure to initiatives aimed at vulnerable or at risk children including programmes specifically designed to tackle educational disadvantage, health and social wellbeing, poverty, social inclusion and infrastructural deficits.

While it is suggested that social inclusion measures indirectly impact on the root causes of crime it is difficult to evaluate to what extent they divert young people from offending or engaging in offending behaviour. It is, therefore, considered that further development is required of specific measures which target young people who are most likely to offend/re-offend. Interventions should be based on research as to what works and should use risk assessment tools to identify particular young people at risk of offending.

4.3 Leadership in Youth Justice

The youth justice system needs leadership to ensure effective management in the implementation of a cross-cutting youth justice policy.

Excellent work is being done throughout the sector in areas such as the Garda Diversion Programme and community based projects. However, there is a need to develop leadership in this cross-sectoral environment in order to underpin an effective and co-ordinated approach to addressing the many aspects of youth offending.

Effective leadership and management

- will ensure the development of consistent and comprehensive information about youth offending,

- will use that robust information base to support evidence-based interventions, policy and practice,
- will secure value for money outcomes from monitored policy and practice, and
- will bring a unique focus for the evaluation of spending on youth justice services.

4.4 Local Co-ordination

At local level there is a need for Government agencies, in collaboration with the Community/Voluntary Sector, to continue to work together in order to enhance the development of an integrated approach to dealing with young offenders and those at risk of offending.

Given the large number of agencies and professionals involved in delivering services within the youth justice system, effective communication and co-ordination at a local level is of critical importance in ensuring cohesion in the State's response to dealing with young offenders, children at risk of offending and their families.

Many informal local structures exist – with a social inclusion focus – which require and facilitate interagency co-operation. However, these forums do not necessarily address offending behaviour by young people.

Many contributors recommended the establishment of mechanisms to facilitate greater inter-agency collaboration which has a specific focus on young offenders and those at risk of offending.

4.5 Age of Criminal Responsibility

To achieve the aims of the Children Act 2001 an incremental approach to raising the age could be considered.

International comparisons have shown Ireland, at 7 years, to have a very low age of criminal responsibility when compared to other Western jurisdictions. Although the UN does not specify any particular minimum age of criminal responsibility, the UN

committee responsible for monitoring compliance with the Convention on the Rights of the Child has criticised jurisdictions in which the minimum age is 12 or less. However, several other jurisdictions do have 10 as the age of criminal responsibility.

During the team's consultations it was suggested by a number of parties consulted, that a rise in the age of criminal responsibility is needed. Raising the age from 7 to 12 years, as provided for in the Children Act 2001, could place a considerable burden on social services as children who offend between the ages of 7 and 12 would become the responsibility of the care system rather than the justice system. Some of those consulted suggested that an incremental increase in the age, say to 10 initially, would be a helpful way forward.

Chapter 5

Proposals

Proposals were considered to establish a unified service which would assume responsibility for all special residential accommodation, community services, diversion projects, court sanctions and conferencing. While the maintenance of some form of separation between youth justice and care and protection is warranted there are significant links between the two areas to justify a unified approach to service delivery.

It was suggested that this all encompassing service would be best located in a care and social services setting, as is the practice in many other jurisdictions. However, no existing structure seems appropriate for the incorporation of a unified care and justice service at this time. The capacity of care and social services would have to be expanded to cope with the introduction of these additional services and organisational structures would need revision to an extent not practical in the short term.

In view of the above, the Youth Justice Team recommends as an interim measure the establishment of a Youth Justice Service under the aegis of the Department of Justice, Equality and Law Reform.

This new service should have the following remit:

- Youth justice policy development, including crime prevention;
- The development and implementation of a national youth justice strategy with links to other child related strategies
- Responsibility for detention for offending children under 18 years of age
- Implementation of the provisions of the Children Act 2001 relating to community sanctions, restorative justice conferencing and diversion projects
- The co-ordination of service delivery at both national and local level. At national level a Youth Justice Oversight Group should be established to provide a co-ordinated and coherent national approach to the development of youth justice policy and services. At local level the Youth Justice Service should develop local youth justice teams to facilitate effective communication and co-ordination between agencies.

The outcome of bringing 16 and 17 year old offenders into this new framework should be to allow the education-focused model of the detention school to become the objective for all children under 18 years, in detention.

The establishment of a Youth Justice Service would require the continued development of child care services, not least a parallel management structure with responsibility for special care in the HSE, with which the Youth Justice Service should develop formal protocols.

The Department of Education and Science should prepare a targeted strategy for the provision of educational services in the new youth justice framework.

A detailed implementation plan would be required, to be prepared in conjunction with the key service providers in the youth justice area.

5.1 Single Agency Approach

5.1.1 A Unified Model of Service Delivery

Consideration was given to the establishment of a unified service which would incorporate the delivery of services for all special residential accommodation (detention and special care), community services (diversion projects and court sanctions) and conferencing (restorative justice and welfare models).

This option foresaw the development of a unified governance structure operating in a single body which could allow for:

- The delivery of a highly specialised residential care service, both to young offenders and “care” children;
- The development of common management expertise and the streamlining of management structures;

- Rationalisation of capacity within the entire sector;
- The redistribution of resources throughout the two streams and the further development of manpower planning and retention strategies;
- Common approaches on issues such as admissions/discharge procedures and aftercare;
- The further co-ordinated development of community and conferencing services as alternatives to custody.

In addition the education, health and development needs of the children in detention and in special care are very similar in many respects and economies of scale could result from delivering them together.

However, the key issue in relation to the development of such a unified structure was to which Government Department it should be aligned for policy and resource functions. Placing responsibility for special care issues under the aegis of the Department of Justice, Equality and Law Reform was not considered appropriate as:

- Special care children have particular care and supervision needs;
- International best practice suggests keeping non-offending, special care children within the social services/health arena;
- Bringing non-offending, special care children into the criminal justice stream could create a perception of criminalising such children.

It would appear that such a body would sit most comfortably in a care and social services environment. This would reflect the practice in other international jurisdictions which have placed youth justice in structures which also have responsibility for the delivery of broad child-related services.

However, no existing social service structure seems appropriate for the incorporation of a youth care and justice service at this time. The capacity of care and social services would have to be expanded to cope with the introduction of these additional services and the organisational structures would need revision to an extent not practical in the short term.

Therefore, as an interim measure, it is proposed that a Youth Justice Service, which would take responsibility for offending children only, be established under the aegis of the Department of Justice, Equality and Law Reform.

5.2 Youth Justice Service

The Youth Justice Team recommends the establishment of a Youth Justice Service, under the aegis of the Department of Justice, Equality and Law Reform on this interim basis. If the proposal is implemented, it is recommended also that its structural location be reviewed within five years to take account of our view that such a service would be best located within an environment of care and wider child-related services.

This new Youth Justice Service should bring together services for young offenders under one governance and management structure with the following objectives:

- Development of a specific youth justice policy from a single unified perspective;
- Responsibility for services for young offenders including detention, community sanctions, restorative justice conferencing and diversion projects;
- Improved delivery of services through the development of national and local mechanisms to drive change.

The statutory functions and independence of the Garda Síochána and the Courts Service in the provision of youth justice services, however, should remain as they are. The Youth Justice Service could develop protocols with these and other relevant agencies to ensure that common goals are identified in relation to the strategic development of services for young offenders.

5.2.1 Policy

“Development of a specific youth justice policy from a single unified perspective”

The Service should assume a policy function in relation to youth justice and could:

- Provide leadership within a single body in the youth justice area;

- Build up a consistent and comprehensive information base on youth offending and commission research;
- Develop and implement a comprehensive youth justice strategy, and links with other child-related strategies, in accordance with the principles and objectives of the Children Act 2001 in particular;
- Develop and implement monitoring and evaluation mechanisms to ensure value for money in co-ordinated spending on youth justice;
- Establish protocols with relevant agencies concerning common goals in the strategic development of services for young offenders;
- Develop and carry out ongoing public information measures on youth justice issues;
- Implement crime prevention initiatives;
- Develop and implement continuing and professional training for personnel;
- Produce an annual report.

5.2.2 Services for Young Offenders

Responsibility for services for young offenders including detention, community sanctions, restorative justice conferencing and diversion projects”

Detention

The Department of Education and Science has responsibility for detention schools for young offenders. The Department’s primary responsibility and core business is the provision of education and the administration of a national education system. Accordingly, the Department has a limited role in the provision of residential care. The Department itself is of the opinion that the administration of detention schools would appear to be more appropriate to a body with experience and expertise in childcare, residential care and security issues.

The primary aim of the proposed Youth Justice Service is to bring together the services for all young offenders under one governance and management structure. The Youth Justice Service should therefore assume responsibility for the operation of the children detention schools. Existing staff, financial resources and infrastructure

for these schools would transfer to the new Youth Justice Service. The Department of Education and Science should continue to play an essential role in the provision of appropriate educational supports.

In line with the same, singular governance objective the service should also assume operational responsibility for the detention of children aged 16 and 17. These children are currently detained within the Irish Prison Service in St. Patrick's Institution. When Part 9 of the Children Act 2001 is fully commenced, 16 and 17 year old offenders will be detained in a children detention centre(s), operational responsibility for which should reside with the Youth Justice Service. The outcome of bringing 16 and 17 year old offenders into this new framework should be to allow the education-focused model of the detention school to become the objective for all children under 18 years of age, in detention.

The Service should therefore have operational responsibility for:

- Detention Centre(s),
- Detention Schools.

The proposal for the establishment of a Youth Justice Service and the potential development of a parallel management structure in the HSE with responsibility for special care issues has implications for statutory functions of the Special Residential Services Board (SRSB). In the context of the team's proposals some of the current responsibilities of the SRSB which would overlap with the role of the Youth Justice Service would require to be addressed. The proposed advances in the delivery of services in both youth justice and special care should warrant an examination of the future role of the SRSB.

Community Services

The Youth Justice Service should implement the provisions of the Children Act 2001 relating to community sanctions, restorative justice conferencing and diversion projects. This will involve a role in the following community services:

- Probation and Welfare:

- Projects dealing with young offenders;
- “Youth” Probation and Welfare services;
- 2001 Act Community Sanctions;
- Garda Youth Diversion Projects (policy/oversight/resourcing functions).

The new Service should place a particular emphasis on the development of community services to meet the after care needs of children who have been in detention.

Conferencing

- Probation and Welfare family conferences
- Garda Conferencing

The Youth Justice Service should adopt a role in supporting and facilitating the convening of conferences in these two strands, through the provision of training, standard setting and awareness-raising.

5.2.3 Delivery of Services

“improved delivery of services through the development of national and local mechanisms to drive change”

Nationally

The proposed Youth Justice Service should report to the Minister for Justice, Equality and Law Reform within the structures of his Department. The Service should work primarily to implement better co-ordinated services within the youth justice system across the statutory and community/voluntary sectors. Working in partnership with others, the Service should strive to successfully divert children from becoming involved in crime and ultimately assist with the re-integration of young offenders into the community.

To facilitate the development of cross-agency collaboration a **Youth Justice Oversight Group**, comprising representatives of the Youth Justice Service, the Department of Education and Science, National Educational Welfare Board,

Department of Health and Children, the Health Service Executive, Special Residential Services Board, Probation and Welfare Service and the Garda Síochána, should be established. Such a mechanism for driving the implementation of a cross-cutting youth justice strategy is operating effectively in other jurisdictions – for example, in New Zealand.

The role of this group should be to:

- Ensure the development of a national Youth Justice Strategy;
- Approve and monitor the implementation of that Strategy;
- Secure resources for the youth justice area;
- Provide a co-ordinated and coherent national approach to the development of youth justice policy and services; and
- Provide commitment and support to local youth justice teams.

Locally

The Youth Justice Service should develop local Youth Justice Teams to enhance local service delivery around offending behaviour and facilitate effective communication and co-ordination between the relevant agencies and professionals. Collaboration between welfare and justice systems at local level is paramount in ensuring cohesion in the State's response to dealing with young offenders and children at risk of offending.

In order to ensure successful local co-ordination, local youth justice teams should involve key agencies including the HSE, Garda, Probation and Welfare Service, National Education Welfare Board, School Completion Programme, Local Authorities and community and voluntary sectors and should aim to:

- Identify gaps in services at local level and work to fill these gaps;
- Ensure that local agencies adopt a more co-ordinated approach to improve the delivery of services to young offenders/those at risk of offending and their families;
- Develop increased opportunities for early intervention based on a multi-agency perspective;

- Identify available resources to maximise cost effectiveness and achieve value for money;
- Support best practice through joint training, problem sharing and information sharing.

In this context, the Youth Justice Service should consult with the key agencies to identify existing structures and ascertain/develop the most effective service delivery mechanism having regard to the fact that any new locally based structure must be developed with reference to existing structures, must add value and avoid duplication of work. It is important to note too that any local structures need to be developed to meet specific local circumstances and a “one size fits all” structure will not be appropriate for all local circumstances.

5.3 Children Services

It is essential, in tandem with the proposed development of a Youth Justice Service, that the HSE should establish a dedicated management structure for special care services. This is necessary to ensure the ongoing development of specialisation not least in the delivery of residential services to children in special care which would complement the work of the Youth Justice Service. The existence of dual governance structures at national level for children in specialist residential care would require the development of protocols between both services in relation to their mandates and to ensure that the best possible service is delivered by the State to troubled and troublesome children.

The Department of Education and Science should continue to play the primary role in the provision of appropriate educational services to the detention schools and centres. The Department should develop a specific strategy for the provision of mainstream and alternative educational services targeted specifically at the needs of young offenders both in detention and under supervision within the community. Educational facilities within the community could build on the extensive range of programmes already in operation, particularly Youthreach, the School Completion Programme, and Youth Encounter Schools.

For older children in particular, any strategic approach should be developed in conjunction with FÁS, the Probation and Welfare Service and other after-care service providers to ensure a managed transition for each individual from detention to further education, vocational education, training and employment.

A similar requirement for the development of a strategy would arise in relation to the provision of educational services to non-offending children in residential care. In this context, there would be an opportunity for the Department of Education and Science to develop a global strategy on the provision of appropriate education services for all children in special residential accommodation (care and custody), developing an integrated continuum from primary to vocational levels.

The Youth Justice Service should also develop a role in actively promoting the needs of offending children in the wider arena of children's services. The Service should seek to influence the wider plans and strategies of agencies with broad responsibilities for children in order to ensure that they incorporate service developments for children who are at risk of offending or who have engaged in offending behaviour.

5.4 Implementation Approach

The proposed new Youth Justice Service would require the establishment of new structures and relationships both locally and nationally, the transfer of responsibilities within and between Government Departments and their agencies and the development of new services. This is a challenging and complex task which must be approached sensitively on the basis of an agreed and structured implementation plan.

The first step in establishing a new Youth Justice Service would be to set up an implementation planning group in the Department of Justice, Equality and Law Reform, which would also include personnel from the areas affected by the new structure, primarily the Department of Education and Science, the Probation and Welfare Service and the Irish Prison Service.

The group would develop a detailed plan to address the transfer of functions envisaged, personnel issues and resources transfers.

The group will also identify proposals for any legislative changes which might be required to give effect to the new framework. This will be done in partnership with the Departments of Health and Children and Education and Science and the Office of the Attorney General.

The group will define in detail the role and functions of the proposed national oversight group and the local mechanisms.

5.5 Recommendations

1. Establish on a non-statutory basis the Youth Justice Service (YJS) as an executive office of the Department of Justice, Equality and Law Reform with a remit to:
 - develop a unified youth justice policy including crime prevention;
 - devise and implement a national youth justice strategy with links to other children related strategies;
 - assume responsibility for detention orders for all offenders under 18 years of age;
 - implement the provisions of the Children Act 2001 in relation to community sanctions, restorative justice conferencing and diversion projects;
 - co-ordinate service delivery at national and local level.

The YJS should be established on an interim basis subject to review within 5 years.

2. Transfer policy and operational responsibility for the residential (industrial and reformatory) schools for young offenders from the Department of Education and Science to the YJS.

3. Transfer responsibility for the detention of all offenders under 18 years of age from the Irish Prison Service to the YJS with a view to developing the education focussed model of the detention schools for all children in detention.
4. Establish a national Youth Justice Oversight Group comprising representatives of the YJS, the Garda Síochána, the Probation and Welfare Service, the Department of Education and Science, the National Educational Welfare Board, the Department of Health and Children, the Health Service Executive and the Special Residential Services Board, to facilitate cross-agency collaboration and to monitor the implementation of a national youth justice strategy.
5. Develop local youth justice teams, in consultation with key agencies, to enhance local service delivery to troubled and troublesome children.
6. The Department of Health and Children should develop a parallel structure for special care within the structure of the HSE. In light of this proposed development and a new youth justice framework, the Department of Health and Children should review the statutory role of the Special Residential Services Board in consultation with key interests.
7. The Department of Education and Science should prepare a strategy for the provision of educational services in the new youth justice structure.
8. The following steps should be taken to advance the recommendations contained in the Youth Justice Report:
 - establish an implementation planning group under the direction of the Department of Justice, Equality and Law Reform to include, in addition, personnel from the Department of Education and Science, the Probation and Welfare Service and the Irish Prison Service, and others as appropriate;

- the group would develop a detailed implementation plan for the necessary organisational changes, to include consideration of the transfer of functions, personnel and budgets to the YJS;
- the group would identify, in consultation with the Department of Health and Children, the Department of Education and Science and the Office of the Attorney General, proposals for legislative amendments required to give effect to the changes arising under the new youth justice framework;
- the group would prepare detailed profiles on the role and functions of the Youth Justice Oversight Group and local structures.

The group should report back to Government, through the Minister for Children, with proposals in October 2005.

Appendix A – Children Act 2001

Overview of commencements

Part 1 Preliminary <i>Justice, Equality and Law Reform</i>	<i>All except some of Schedule 2 (s.5)</i>
Part 2 Family Welfare Conferences <i>Health and Children</i>	<i>All except 7(1)(a), 10(2) and 13(2)</i>
Part 3 Amendment of Act of 1991 <i>Health and Children</i>	<i>All except 23D</i>
Part 4 Diversion Programme <i>Justice, Equality and Law Reform</i>	<i>All</i>
Part 6 Treatment of Child Suspects in Garda Stations <i>Justice, Equality and Law Reform</i>	<i>All except s.59 and s.61(1)(b)</i>
Part 7 Children Court <i>Justice, Equality and Law Reform</i>	<i>All</i>
Part 8 Proceedings in Court <i>Justice, Equality and Law Reform</i>	<i>s.78 – 87 & s.89 – 94</i>
Part 9 Powers of Courts re: Child Offenders <i>Justice, Equality and Law Reform</i>	<i>s.108- 110; s.113-114; 133- 136</i>
Part 11 Special Residential Services Board <i>Health and Children</i>	<i>All</i>
Part 12 Protection of Children <i>Justice, Equality and Law Reform</i>	<i>All</i>
Part 13 Miscellaneous <i>Justice, Equality and Law Reform</i>	<i>All except s.259, 262, 263 & 265</i>

Part 1 Preliminary

Deals with the terms used in the Act and other routine matters. This part has been commenced with the exception of some of section 5 (the Acts to be repealed in Schedule 2).

Part 2 Family Welfare Conferences

Provides for the introduction of Family Welfare Conferencing prior to seeking a Special Care Order. These conferences are to be convened by the health boards. They represent an early intervention inter-agency response to children at risk. This Part has been commenced with the exception of sections 7(1)(a), 10(2) and 13(2) which relate to court ordered Family Welfare Conferences.

Steps to allow for the full implementation of the Special Care Provisions at District Court level, including the required amendment of the regulations as a consequence of the Health Act 2004, are expected to be completed in 2005.

Part 3 Amendment of Act of 1991

Provides for Special Care Orders, regulation of Special Care Units and private fostering arrangements. This Part has been commenced with the exception of section 23D (which requires additional services, including a health board out-of-hours service to be in place).

Part 4 Diversion Programme

This places the Garda Diversion Programme on a statutory basis and expands it by introducing restorative justice measures into the juvenile justice system. This Part has been commenced in full. Almost 90% of children admitted to the programme do not come to the notice of the Garda again before they reach their 18th birthday. To be admitted to the programme, a child must have accepted responsibility for the offence and the evidence available must be sufficient to prosecute.

Part 5 Criminal Responsibility

This Part provides for raising of the age of criminal responsibility from 7 to 12 years and placing the *doli incapax* rule on a statutory basis (a rebuttable presumption that a child is incapable of crime). This Part has not been commenced. The commencement

of this Part has major implications for the health boards and the Garda Síochána.

Part 6 *Treatment of Child Suspects in Garda Síochána Stations*

These provisions place the Treatment of Suspects in Garda Station Regulations on a full statutory basis insofar as they relate to children. In doing so they raise the age of children comprehended by the provisions from those under 17 years of age to those under 18 years of age. This Part has been commenced with the exception of Section 59 and section 61(1)(b) (which require additional services, including a health board out of hours service to be in place).

Part 7 *Children Court*

This Part provides for the establishment of the Children Court. It requires judges who sit on the Children Court to undertake any relevant course of training or education that may be required by the President of the District Court and provides for more efficient arrangements for the hearing of proceedings. This Part has been commenced in full.

Part 8 *Proceedings in Court*

This Part sets out the proceedings in the Children Court. It contains two significant initiatives. The first, already adverted to in relation to Part 2, is the referral of children whose real problem may be a need of care or protection to the health board for the convening of a family welfare conference (this provision is not yet in operation – see Part 2 above).

The second initiative relates to the provision whereby the court may adjourn a case and direct the Probation and Welfare Service to convene a family conference and formulate an action plan for the child. This provision has been commenced.

The remand provisions are also set out in this Part (section 88). Children under 16 years will be remanded in custody to junior remand centres as designated by the Minister for Justice, Equality and Law Reform. Section 88(5) provides that the Minister for Justice, Equality and Law Reform can, with the agreement of the Minister for Education and Science, designate any place to be a junior remand centre including part of a Children Detention School. Operational and administrative matters for the running of these Centres may be prescribed by the Minister for Education and Science.

The remaining provisions of Part 8 have been commenced, including the provision that children are no longer be required to pay bail money into court, attendance by parents or guardians in court and restriction on reporting in interests of the child.

Part 9 Powers of Court in relation to Child Offenders

This Part sets out the powers of the courts in relation to child offenders from the time of a finding of guilt to a decision on how best to deal with the child. In the main, it deals with non-custodial measures to be available to the court so that detention is a last resort. A wide range of community sanctions, ten in all and eight of which are new, will be available to the courts to impose on serious offenders who have been found guilty of committing offences.

The 8 new community sanctions are:

- (i) day centre order;
- (ii) probation (training or activities) order;
- (iii) probation (intensive supervision) order;
- (iv) probation (residential supervision) order;
- (v) suitable person (care and supervision) order;
- (vi) mentor (family support) order
- (vii) restriction on movement order (commenced)
- (viii) dual order.

These provisions require a very significant input from the Probation & Welfare Service.

Sections of this Part which have commenced include *Fines, Costs, etc. (sections 108 to 110)*, *Parental Orders (sections 113 and 114)*, *Restriction on movement orders (sections 133 to 136)*.

Part 9 also makes provision for the making of detention orders, deferment of detention, a new detention and supervision order and the designation of places of detention for 16 and 17 year olds. These provisions have not been commenced.

Part 10 *Children Detention Schools*

Responsibility for Part 10 of the Act lies with the Department of Education and Science, which provides for the establishment of Children Detention Schools to replace the existing reformatory and industrial schools. This Part has not been commenced, however, to facilitate the appointment of the Special Residential Services Board in 2003, section 159(1) was partially commenced to allow for the membership of representatives of the Children Detention Schools. While some work on the commencement of the educational provisions of the Act is ongoing within the Department of Education and Science, there is a difficulty in commencing the provisions until separate detention facilities are provided for 16 and 17 year olds.

Part 11 *Special Residential Services Board*

This Part has been commenced in full and places the Special Residential Services Board on a statutory footing. The Board has a key role in ensuring that secure accommodation is not over used and that inappropriate placements are not made. In this regard the Board also acts to resolve differences between services over the most appropriate placement of children prior to court appearances.

Part 12 *Protection of Children*

This Part has been commenced in full. The more significant provisions of this Part update the law on cruelty to children, reverse the burden of proof on parents whose children are found begging and update the law on persons who cause or encourage a sexual offence on a child.

Part 13 *Miscellaneous*

This Part has been commenced with the exception of sections 259, 262, 263 and 265. Amongst them is a provision allowing for a limited "clean slate" in respect of most offences committed by children where a period of at least three years has elapsed since the finding of guilt and the child has not been dealt with for an offence in the three year period following that offence. The outstanding sections relate to Probation and Welfare Officers duties under the Act, the temporary accommodation of children in transit to a detention centre/school and appealing the committal of a child to a children detention school/centre.

Appendix B – Legal Framework

Irish Domestic legislation

The Constitution

The Irish Constitution, the primary instrument of Irish law, sets out the fundamental rights to which every Irish citizen, including every child, is entitled to. It sets out rights in relation to detention and trial (Article 38), the right to liberty and other personal rights (Article 40).

The Children Act 1908

Up until recent years, the Children Act 1908, supplemented by other statutory measures, provided the statutory framework for youth justice in Ireland. Some provisions of the 1908 Act are still in force but will be replaced once the Children Act 2001 is fully commenced. It should also be noted that enactments dealing with the wider criminal justice system can apply to children and sometimes contain specific provisions concerning children and young persons.

The Children Act 2001

The Children Act 2001 is a major piece of legislation primarily concerned with children and the criminal justice system. The overall ethos of the act is a child centred approach aimed at the rehabilitation of young offenders coupled with the diversion of young offenders away from crime and the criminal justice system. The Act also introduces principles of restorative justice and a whole range of innovative methods for dealing with young offenders. Accountability on the part of the child and strengthening the role of the family are also key features of the Act.

To date, the sections commenced include provisions for family welfare conferencing, the Garda diversion programme, the treatment of child suspects in Garda stations, the children court and court proceedings, provisions establishing the Special Residential

Services Board and provisions relating to the protection of children. A section of the Act which amends the Childcare Act 1991 has also been commenced.

Provisions concerning children detention schools and the powers of court in relation to child offenders (mainly non-custodial measures available to the court so that detention is a last resort) have not yet been commenced. The provision raising the age of criminal responsibility, from 7 to 12 years of age, also remains to be implemented.

International Law

There are a number of international instruments relevant to youth justice in Ireland:

The European Convention on Human Rights 1950;

The International Convention on Civil and Political Rights 1966;

UN Convention on the Rights of the Child 1989;

UN Rules for the Protection of Juveniles Deprived of their Liberty 1990;

UN Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") 1985;

UN Guidelines for Action on Children in the Criminal Justice System 1997;

UN Guidelines for the Prevention of Juvenile Delinquency 1990 (The Riyadh Guidelines).

Not all of these instruments have the same status or legislative effect. Non-binding instruments have no direct legal effect but serve to inform and identify recommended minimum standards. Together with the Constitution and domestic law, these international instruments form the legal and ethical framework for the administration of youth justice in Ireland.

International Human Rights Law

The European Convention on Human Rights and *The International Covenant on Civil and Political Rights* are the key elements of international human rights law relevant to youth justice. Children are afforded all the rights and protection afforded to adults under these instruments. The International Covenant on Civil and Political rights (ICCPR) was the first to contain specific provisions relating to the administration of

youth justice. Its provisions include the separation of juveniles from adults, speedy adjudication, enhanced privacy rights and a requirement that criminal proceedings take account of the age and maturity of the child.

UN Convention on the Rights of the Child 1989

The Convention on the Rights of the Child is more recent and important in relation to juvenile justice. It incorporates the full range of human rights – civil and political rights as well as economic, social and cultural rights – of all children. Among the rights identified in the convention, under article 37, are:

- A prohibition on torture, capital punishment or life imprisonment without the possibility of release;
- Detention as a last resort for the shortest appropriate period of time;
- Treatment with humanity and dignity, taking into account the needs of the child and his or her age, and separating the child from adults;
- Right to legal assistance and to challenge their detention before a court.

Article 40 concerns the rights of an accused child and directs States to treat the child with dignity and worth in a manner which reinforces their respect for the rights of others, takes into account the child's age and promotes their reintegration into society. It ensures, inter alia, the presumption of innocence, right to legal assistance, a fair trial, an appeal, privacy and not to be compelled to give testimony or admit guilt.

It directs States to seek to establish procedures, authorities and institutions specifically applicable to accused or offending children, to establish a minimum age of criminal responsibility and, whenever appropriate, divert children from judicial proceedings through a variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care.

Non-binding UN Rules and Guidelines that apply to the area of juvenile justice:

- UN Rules for the Protection of Juveniles Deprived of their Liberty 1990;
- UN Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") 1985;

- UN Guidelines for Action on Children in the Criminal Justice System 1997;
- UN Guidelines for the Prevention of Juvenile Delinquency 1990 (The Riyadh Guidelines).

These rules and guidelines reiterate many of the fundamental rights identified in the Convention and provide further guidelines in relation to the management of juvenile facilities and the personnel working in the area, the importance of crime prevention measures and the need to mobilise all resources including the family, schools, state bodies, and voluntary and community groups.

According to these instruments the juvenile justice system must be developed in a systematic and coordinated manner, within a comprehensive framework of social justice grounded on research based policy evaluation and development. The importance of cooperation, coordination and communication within and between government and non-government bodies, nationally and internationally is emphasised, as is the need for proportionality and discretion at all stages of the process.

Appendix C - Initiatives

1. Initiatives aimed at Young Offenders/Children at risk of offending:

Probation and Welfare Service

1.1 *Probation and Welfare Projects*

The Garda Síochána

1.2 *Garda Juvenile Diversion Programme*

1.3 *Garda Youth Diversion Projects*

2. Preventative Initiatives aimed at Poverty and Social Exclusion

The Garda Síochána

2.1 *Local Drugs Task Force Projects*

Department of Education and Science

2.2 *School Completion Programme*

2.3 *Junior Certificate Support Programme*

2.4 *Youth Encounter Projects*

2.5 *Youthreach*

2.6 *Children at Risk Initiative*

2.7 *Special Projects for Youth Scheme*

Department of Health and Children

2.8 *Community based Programmes*

2.9 *Springboard Projects*

2.10 *Youth Advocate Programmes*

2.11 *Family Welfare Conferences*

2.12 *High Support and Special Care*

2.13 *Youth Homelessness Services*

Department of Community, Rural and Gaeltacht Affairs

2.14 *Community Development Programme*

2.15 *Local Development Social Inclusion Programme*

2.16 *Young people Facilities and Services Fund*

2.17 *Dormant Accounts*

3. Initiatives with a Broad Target Group

Department of Justice Equality and Law Reform

3.1 *Equal Opportunities Childcare Programme*

The Garda Síochána

3.2 *Garda Primary Schools Programme*

3.3 *Garda Second level/SPHE Programme*

Department of Education and Science

- 3.4 *National Educational Welfare Board*
- 3.5 *Early Childhood Education:*
 - 3.5.1 Early Start Pilot Programme
 - 3.5.2 Rutland Street Project
 - 3.5.3 Traveller Pre-Schools
- 3.6 *Initiatives at Primary Level:*
 - 3.6.1 Disadvantaged Areas Scheme
 - 3.6.2 Giving Children and Even Break
 - 3.6.3 Breaking the Cycle
 - 3.6.4 Home School Community Liaison Scheme
 - 3.6.5 Support Teacher Project
 - 3.6.6 Book Grant Scheme
- 3.7 *Post Primary Level:*
 - 3.7.1 Disadvantaged Areas Scheme
 - 3.7.2 Home School Community Liaison Scheme
 - 3.7.3 Book Grants
- 3.8 *Literacy*
 - 3.8.1 Learning Support Teacher Service
 - 3.8.2 Resource Teaching Scheme
 - 3.8.3 Learning Support Guidelines
 - 3.8.4 Reading Recovery Programme
 - 3.8.5 First Steps Initiative
 - 3.8.6 Junior Certificate School Programme Literacy Strategy
- 3.9 *Asylum Seekers*
- 3.10 *Travellers*

Department of Health and Children

- 3.11 *General Childcare/Family Support Services*

Department of Community, Rural and Gaeltacht Affairs

- 3.12 *Area Based Rural Development Initiative and Leader + Initiative.*

** Costs indicated in relation to initiatives are estimated costs.*

1. Initiatives aimed at young offenders/children at risk of offending

Probation and Welfare Service

1.1 Probation and Welfare Service Projects €5.6million

The Probation & Welfare Service provides funding for projects which support the work of the Service in managing offenders in the community. The Service currently supports seventy-two such projects nationally of which forty one target young offenders.

The priority target group for the forty two projects and programmes are young offenders who have been before the courts or who have been released following a period of detention - whether it be in a detention school or prison.

The overall objective of the projects/programmes is to assist the reintegration of young offenders into their community and to reduce the risk of re-offending. Projects can be divided between educational/vocational, counselling and offender reintegration, substance misuse treatment and aftercare, restorative justice and those providing residential services and day assessment.

Educational/Vocational

1. Bond Project, Blanchardstown
2. Autocrime Project, Cork
3. Athy Alternative Project
4. Ballinasloe Training Workshop, Galway
5. Candle Community Trust, Ballyfermot, Dublin 10
6. Moyross Probation Project, Limerick
7. Clonmel Youth Training, Co. Tipperary
8. Dóchas don Óige, Galway
9. Kilkenny Employment for Youth, Kilkenny
10. Linkage Programme, Dublin 2
11. All Hallows Training Workshop, Drumcondra
12. Matt Talbot Community Trust, Dublin 10
13. PACE, Dublin 4
14. St. Vincent's Trust, Dublin 2
15. Stepping Out Project, Athlone, Westmeath
16. Tivoli Training Project, Dun Laoghaire
17. Tower Programme, Clondalkin, Dublin 22
18. Treble R Industries, Dublin 2
19. TREO Waterford
20. Tuam Community Training, Galway
21. Deonach, Tallaght, Dublin 24
22. Target, Tallaght, Dublin 24
23. WYTEC Waterford Youth Training and Education Centre
24. Churchfield Youth Training and Education Centre, Cork

Counselling and Offender Reintegration

25. Adventure Sports Project, Dublin 1

26. Cornmarket Project, Wexford
27. Cox's Demesne, Dundalk
28. Kerry Adolescent Counselling Centre
29. Southill Outreach, Limerick
30. Wexford Centre Project
31. W.H.A.D, Ballyfermot

Substance Misuse Treatment and Aftercare

32. Aislinn Adolescent Addiction Treatment Centre, Kilkenny
33. Ballymun Youth Action Project
34. Crinian Project, Dublin 1
35. Matt Talbot Adolescent Service, Cork

Restorative Justice Projects

36. Restorative Justice Services, Tallaght

Accommodation/Residential

37. Lionsvilla Probation Hostel, Dublin 20
38. Cork Probation Hostel
39. Waterford Probation Hostel

Day Assessment

40. The Village Project, Finglas

Mentoring

41. LeCheile Project, Coolock

The Garda Síochana

1.2 Garda Juvenile Diversion Programme €5.284million

The **Garda Juvenile Diversion Programme** aims to divert juvenile offenders from criminal activity. The programme provides that if certain criteria are met an offender under 18 years of age may be cautioned as an alternative to prosecution.

The programme is used to its greatest extent in relation to minor offences and/or for those with no or limited previous experiences of offending.

Upon detection, young offenders may be either prosecuted or diverted from prosecution under the Garda Juvenile Diversion Programme by means of cautioning or a decision that no further action is warranted. Almost two out of every three referrals to the Programme are dealt with by means of caution rather than prosecution. The decision to caution is made on the basis of an admission of wrongdoing, the nature of the offence and the juvenile's criminal history.

The Programme is administered by the Director of the Garda National Juvenile Office, Harcourt Square and is implemented throughout all Garda divisions by 86 specially trained Garda Juvenile Liaison Officers. Over 165,000 children have been included in the programme since its introduction in 1963.

The Children Act 2001 placed the Garda Juvenile Diversion Programme on a statutory basis and incorporated into it, as new features, restorative cautioning and conferencing.

Restorative Cautioning

Section 26 provides for so-called ‘restorative cautioning’, which means that the victim may be present at the administration of a formal caution to a child by a member of the Garda Síochána under the Garda Juvenile Diversion Programme. This form of cautioning allows for a discussion during which the child has to confront the effects of his/her behaviour and the child may be invited to apologise and make some form of reparation.

Restorative Conferencing

Sections 29 – 51 provide for the convening of a conference in respect of a child who has been formally cautioned and is being supervised by a Garda Juvenile Liaison Officer. The conference has the remit to examine the child’s problems, reasons for offending, etc. and provides for a discussion in relation to how the child might, through family support and community involvement, be diverted from crime, perhaps through the formulation of an action plan. The conference may be convened only on the direction of the Director of the Garda National Juvenile Office. The conference facilitator must be a member of the Garda Síochána.

In 2004, a total of 177 restorative events took place, an increase of 59 on the 2003 total of 118. The 177 events comprised of 138 restorative cautions and 39 restorative conferences.

1.3 Garda Youth Diversion Projects €5.471million

Garda Youth Diversion Projects are community-based, multi-agency crime prevention initiatives which seek to divert young persons from becoming involved – or further involved – in anti-social and/or criminal behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve long –term employability prospects. By doing so, the projects also contribute to improving the quality of life within communities and enhancing Garda/community relations.

The primary project target group, which forms the majority of project participants, is young people who have entered the Garda Juvenile Diversion Programme and are considered at risk of remaining within the justice system. A secondary target group are young people who, although they have not been officially cautioned, have come to the attention of the Gardaí, the community or local agencies as a result of their behaviour and are considered at risk of entering the justice system at a future date.

There are currently sixty-four projects in operation which cater for approximately 3,000 participants per annum. The budgetary allocation of funding for the Projects (along with 7 Local Drug Task Force Projects) in 2005 is €5.471 million.

List of Garda Youth Diversion Projects

County	Location	Project Title
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Clare	Ennis	Ennis Youth Project
Cork	Ballincollig	Ballincollig Youth Project
Cork	Bandon	Bandon GYDP
Cork	Farranree	The FAYRE Project
Cork	Knocknaheeny/Hollyhill	Knocknaheeny/Hollyhill GYDP
Cork	Mahon	The MAY Project
Cork	Midleton/Cobh	The FEABHAS Project
Cork	The Glen, Cork City	The GAP Project
Cork	Togher	The TACT Project
Donegal	Raphoe	Raphoe GYDP
Dublin	Ballyfermot	The ABLE Project
Dublin	Ballymun	The BAY Project
Dublin	Blanchardstown	The WEB Project
Dublin	Cherry Orchard	The CODY Project
Dublin	Clondalkin	The SWIFT Project
Dublin	Cabra West	The CYI Project
Dublin	Darndale & Priorswood	The Woodale Project
Dublin	Donore Avenue	The DÁN Project
Dublin	Finglas South	The FAN Project
Dublin	Jobstown	The JAY Project
Dublin	Killinarden	The KEY Project
Dublin	Kilmore	The YAK Project
Dublin	Dun Laoghaire	The LAB Project
Dublin	North Inner City II	The DIME Project
Dublin	North Inner City	The NICKOL Project
Dublin	Oliver Bond Street	The YIS Project
Dublin	Phoenix Park Area	The MOST Project
Dublin	Poddle Close	Poddle Close GYDP
Dublin	Ronanstown	The GRAFT Project
Dublin	Sandyford	The SAY Project
Dublin	'Five Lamps' Area	St. Agatha's GYDP
Dublin	Whitechurch	The YEW Project
Galway	Ballinasloe	The Junction Project
Galway	Ballybane	The BÁN Project
Galway	Westside	The BRÍS Project
Kerry	Killarney	The BAPADE Project
Kerry	Tralee	Connect 7 Project
Kilkenny	Kilkenny City	Kilkenny City GYDP
Laois	Portlaoise	The BLOCK Project
Limerick	Ballynanty	Ballynanty GYDP
Limerick	Moyross	The CCYDG Project
Limerick	Southill	The Limerick South City Youth Initiative
Longford	Longford Town	The LEAP Project
Louth	Cox's Demesne, Dundalk	The High Voltage Project
Louth	Drogheda	The BOYNE Project
Louth	Muirhevnamór, Dundalk	The TEAM Project
Mayo	Ballina	The YAB Project
Meath	Navan	The NYPD Project

Meath	Trim	The SMART Project
Monaghan	Monaghan Town	Monaghan Town GYDP
Offaly	Edenderry	The ACORN Project
Offaly	Tullamore/Clara	The Slí Eile Project
Roscommon	Roscommon Town	The RAD Project
Sligo	Sligo Town	The YAPS Project
Tipperary	Clonmel	The CYD Project
Waterford	Dungarvan	The DAY Project
Waterford	Waterford Inner City	Waterford Inner City GYDP
Waterford	Waterford Suburbs	The SWAY Project
Waterford	Waterford Suburbs	The BALL Project
Westmeath	Athlone	The ALF Project
Westmeath	Mullingar	The EYE Project
Wexford	Clonard & Coolcotts	The SAFE Project
Wicklow	Bray	The New Directions Project
Wicklow	Wicklow Town	Wicklow Town GYDP

2. Preventative Initiatives aimed at Poverty and Social Exclusion

The Garda Síochána

2.1 Local Drugs Task Force Projects

Following the 'First Ministerial Report on Measures to Reduce Demand for Drugs' (1997), the Government allocated resources to a number of designated areas in which significant heroin abuse problems were identified. National and local structures were established which were designed to bring forward proposals to address those problems in each of the named areas.

Local Drugs Task Forces have been established in each of the 14 designated areas comprising representatives of local communities and State agencies including the Garda Síochána. These Task Forces have proposed a number of initiatives ranging from treatment, rehabilitation, education/prevention to supply control. Once agreed locally, these proposed plans are then forwarded to the National Drugs Strategy Team for consideration and, if in order, transmission to the Cabinet for approval for funding.

Projects operate on a pilot basis for one year, after which a formal independent evaluation is undertaken by the National Drugs Strategy Team. The purpose of the evaluation is to establish whether the project should be mainstreamed to the relevant agency, and subsequently factored into their central services provision. Since the commencement of the initiative, over 400 such projects have been successfully mainstreamed through various Government Departments and agencies. Currently nine Local Drugs Task Force Projects are now being operated for which the Department of Justice, Equality and Law Reform and the Garda Síochána are the channel of funding. Of these nine projects, six are mainstreamed and the other three will be evaluated during 2005/2006.

Department of Education and Science

2.2 School Completion Programme (SCP) €23.5million

The main programme within the Department for tackling the issue of early school leaving is the School Completion Programme, which was launched in 2002. The Programme is based on an integrated cross-community approach to tackling educational disadvantage, involving primary and post primary schools, parents, communities and relevant statutory and voluntary agencies. Its objective is to provide a range of interventions in areas of disadvantage that support the retention of young people in education.

Eligible schools were selected on the basis of their pupil retention rates from the Department's Post-Primary Pupil database. Schools are grouped into 82 clusters of one or more second-level schools and their main feeder primary schools. Each cluster has established a committee composed of principals, voluntary and statutory agencies including County Development Boards, Local Drugs Task Forces, Area Partnerships, the local programme coordinator, parents, community interests etc. This committee is responsible for developing and overseeing implementation of a fully costed, integrated plan to tackle early school leaving in the area, including specific retention targets. At present, 410 schools have been included in the School Completion Programme (299 primary and 111 post primary), which is supported by a national coordinator and four assistant coordinators.

2.3 *Junior Certificate Support Programme (JCP)*

The JCP is an intervention targeting potential early school leavers. It provides support for students through an individual profiling mechanism. There are 170 schools/centres participating in designated disadvantaged areas throughout the country.

2.4 *Youth Encounter Projects* €947,000

The Youth Encounter Projects were first established in 1977, on a pilot basis, to provide educational facilities for children who had become alienated from the conventional school system, are persistent truants and have become involved in, or are at risk of becoming involved in minor crime and delinquency. The Youth Encounter Projects are non-residential and consists of five special primary schools, three in Dublin one in both Limerick and Cork, as follows:

- St. Paul's Y.E.P., Finglas, Dublin
- Scoil Caoimhín Y.E.P., Cork.
- St. Augustine's Y.E.P., Limerick.
- St. Vincent's Trust Special Project, Henrietta St., Dublin.
- St. Laurence O'Toole Special School, North Strand, Dublin 1.

Each school caters for an enrolment of approx. 20 - 25 pupils aged between 10 to 15 years. The stated primary objective of the Youth Encounter Projects is to rehabilitate the pupils and to return them to the conventional school system in the shortest possible time. It is not the intention that the Projects develop into an alternative system of education, therefore the Projects are required to liaise closely with specified schools in their catchment area at both first and second level.

The Youth Encounter Projects have a teacher-pupil ratio of 8:1, which is related to the ratio in special schools and classes for behavioural/socially disturbed children, as recommended in the Report of the Special Education Review Committee, 1993. In

addition to having a preferential pupil teacher ratio, the Projects also have the benefit of additional resources such as a Community Worker, a 'Bean a Ti' as well as Clerical, Maintenance, Cleaning and Security staff. In total, the schools employ over 18 whole time equivalent non-teaching staff. This enables the Projects to provide a comprehensive life-skills programme in addition to the normal curriculum. The educational service provided at these projects embraces the full range of subjects. However, because of the difficulties of the children in question particular emphasis is placed on numeracy, literacy and life-skills. There is also a strong emphasis on vocational and personal development aspects with activities such as music, art/craft etc. forming an important part of their programme. In many cases the children have low levels of attainment. However, some children are capable of doing the State Examinations and the service provides for the needs of such children.

2.5 Youthreach

The Department offers a number of "second chance" education programmes which include the **Youthreach** initiative which aims to provide education, training and work experience to young people aged 15-20 with no formal education or training qualifications. Youthreach operates 180 centres nationwide and accepts early school leavers with less than 5 Ds in the Junior Certificate. Referral can vary from Gardaí, Health Boards, community, National Educational Welfare Board and self referral. Youthreach operates an inter-disciplinary approach – education, youth work and training, builds self-esteem, communication skills and employability.

2.6 Children at Risk Initiative €1.2million

The objective of this initiative is to develop preventative and supportive programmes which are targeted at children and young people who are at risk of educational disadvantage and social exclusion. A key focus of the initiative is the empowerment of local communities to develop innovative and flexible programmes that address identified needs of intended participants.

Funding is allocated to projects on an annual basis and commitment to funding is given on a year to year basis. Projects range from after school and homework supports, mentoring, literacy/numeracy and projects to support early school leavers. Funding was allocated to over 30 projects in 2004 at a cost of over €1.2 million.

2.7 Special Projects for Youth Scheme €12.5million

Under this scheme grant-in-aid is made available to organisations and groups for specific projects which seek to address the needs of young people who are disadvantaged due to a combination of factors, e.g. unemployment, social isolation, substance abuse, homelessness, inadequate take-up of ordinary educational opportunities.

Projects facilitate the personal and social development of participants, thus enabling them to realise their full potential. This aim underpins all programmes and activities of Special Projects for Youth. Services are delivered by a combination of local youth organisations and local community groups. In general, these youth work initiatives entail consultation with the local community, the involvement of members of the local community in the management structure of the project, and liaison with other voluntary and statutory agencies operating in the youth service sphere.

While the Department has overall responsibility for the allocation of funding, projects are monitored by Grant Administering Agencies, in most cases the local Vocational Education Committee or National Youth Organisations such as the National Youth Federation and the Catholic Youth Care. Projects engage in self-evaluation and present an annual progress report, including details of income & expenditure, to both the Grant Administering Agency and the Youth Affairs Section. There are currently 167 Projects in receipt of funding under this Scheme.

Department of Health and Children

2.8 Community Based Programmes

Intensive community based services which have been put in place to provide support for children who may have emotional and behavioural problems include the Springboard Initiative, the Youth Advocacy Pilot Projects and Family Welfare Conference service.

2.9 Springboard Projects

The Springboard Family Support Projects were established by the Department of Health and Children in 1998. Springboard is a community based early intervention initiative to support families. The Projects focus on strengths within families and work at the families pace to find solutions to their problems. They work intensively with families and young people (8-12 age group) who are most vulnerable, including those for whom there are child protection concerns. Projects would cater for between 15 and 25 children and their families at any one time. Springboard offers a range of interventions including individual work, group work, peer support, family work, advocacy and practical help. There are currently 22 projects in operation nationally and €7m approximately is spent on these. Funding has been provided to the Health Service Executive for the development of an additional 5 Springboard Projects in 2005 (€1.7m).

2.10 Youth Advocate Programmes

Youth Advocate Programmes (YAP) were established on a pilot basis by the Department of Health & Children and the Northern Area and Western Health Boards in 2002. YAP provides supportive community based alternatives for the care and protection of children most at risk. YAP aims to maintain young people at risk of out-of-home placement in their own homes. There are currently three YAP Projects in operation nationally, one in North Dublin (caters for 25 children at any one time), one in Galway (caters for between 15 and 20 children at any one time) and one in Meath (caters for 12 children at any one time). Approximately €1.5m is spent on these projects. Funding has been provided to the Health Service Executive for the development of two new YAP projects and the expansion of existing projects in the HSE - Eastern and HSE - North Eastern Areas (€1.45m).

2.11 Family Welfare Conferences

The concept of the Family Welfare Conference originated in New Zealand and it is designed to maximize the use of the child's social and family support networks at a time of crisis in their lives. They have been established successfully in a number of countries, adapting the original model to fit different contexts and cultures. Family Conferencing is a key theme of the Children Act, 2001. Health Boards (now the

HSE) have been using Family Welfare Conferences successfully over the past few years in a range of welfare cases (which has also allowed for the development of the necessary expertise). The HSE has indicated that 150 Family Welfare Conferences were held in 2004. Part 2 of the Children Act, 2001 provides for Family Welfare Conferencing which together with Part 3 (Special Care) and Part 11 (Special Residential Services Board) of the Act provide a system for the detention of non-offending children in need of special care of protection at District Court Level. Steps to allow for the operation of this system in the context of the Health Act, 2004 are due to be finalised shortly. An additional €0.4m provided to the HSE this year to allow for expansion of conferences by the Executive.

2.12 High Support and Special Care

120 high support and special care places have been developed to cater for a very small number of non-offending children in need of special care or protection. Special care units provide secure care intervention for a small group of non-offending children in need of special care or protection on foot of a court order of detention. Education is provided in school on site, funded and staffed by the Department of Education and Science. A review of usage of Special Care is being undertaken by the Special Residential Services Board at present. Nationally there are two Special Care Units in operation with a combined capacity of 25. Fifty three children were provided with places in the two units in 2004. The placing of a child in a special care unit should only be considered as a last resort and for as short a period of time as possible when other forms of residential or community care are deemed to be unsuitable. High support units are open facilities (i.e. children are not detained) and are designed to provide an alternative to and a step-down service from special care. Education is provided generally on site in schools funded and staffed by the Department of Education and Science.

2.13 Youth Homelessness Services

The Youth Homelessness Strategy was published on 31st October 2001. The former Health Boards, now the Health Service Executive (HSE) have lead responsibility for implementation of the Strategy and they prepared detailed action plans in this regard for the period 2002-2004. The Department of Health and Children has requested that the HSE undertake a review of these action plans to ascertain the extent of their implementation. This will be completed later this year.

Since the publication of the Youth Homelessness Strategy, significant progress has been made, including:

Approximately €12m has been allocated by the Department of Health and Children to the former health boards for the development of youth homelessness services since 2001. 195 new whole-time equivalent posts have been filled across the Health Service Executive (up to 31st December 2004). Although these posts impact on youth homelessness services, they are not all exclusively dedicated to youth homelessness services. 11 new units have opened nationwide. Over 42 new/extended services, including aftercare, have been developed around the country.

In recent years many services have been developed to counter the problem of youth homelessness in the Dublin region. The Crisis Intervention Service for young people out of home is based in the city centre and includes an outreach service, emergency

out of hours social work service, reception centre, residential units and a day centre. A Director for Homelessness was appointed in the former Eastern Regional Health Authority (Health Service Executive Eastern area) in 2000.

In Cork, Liberty Street House became fully operational in 2003, and acts as a focal point for youth homelessness services in Cork. The centre provides a variety of services: - social work, medical, financial – for young people out of home or in danger of becoming homeless.

Services for homeless children are also provided by the other Health Service Executive areas and generally these are provided as part of the child protection and welfare services. The services provided include units for young people out of home supported lodgings, and the provision of out reach, leaving and after care services.

Department of Community, Rural and Gaeltacht Affairs

2.14 Community Development Programme €22.4m

The Community Development Programme provides financial assistance, in the form of salaries and overhead costs (core costs), to community development projects (CDPs) in disadvantaged areas. Some small scale grants are available once a year for educational and training activity, but generally projects resource programme activities through funding levered from other Government Programmes or local statutory agencies. The Programme has been allocated €22.4m for 2005, with a total of 186 projects currently supported across the country. Projects support self-help work in specific target groups that experience disadvantage, including disadvantaged youth, for example, traveller youth, teenage lone parents and those at risk of early school leaving.

2.15 Local Development Social Inclusion Programme

The Local Development Social Inclusion Programme is a series of measures designed to counter disadvantage and to promote equality and social and economic inclusion. It is managed by ADM on behalf of the Department. 38 Area-based Partnerships, 31 Community Partnerships and two Employment Pacts, which work in the most disadvantaged areas of the country, implement the Programme at a local level. Each of these groups prepare a strategic plan setting out objectives, actions and targets across three sub-measures of the Programme, Services for the Unemployed, Community Development and Community Based Youth Initiatives.

The Community Based Youth Initiative is one of the sub-measures under the Local Development Social Inclusion Programme whose actions are aimed at enhancing the social and personal development of young people who have left school early or who are at risk of leaving school early. Many of the actions seek to increase the range of community based education and youth development opportunities available from early years through to adulthood, particularly in areas of disadvantage.

LDSIP funded Partnerships and Community Partnerships prioritise their actions on the basis of locally identified needs, established through consultation processes. Actions that target young offenders are therefore only undertaken in areas where there

is an established need for such actions. Some of their actions supported in 2004 included young offenders as a target group.

2.16 Young Peoples Facilities and Services Fund €85m to date

The Young People's Facilities and Services Fund (YPFSF) was established by the Government in 1998 to assist in the development of youth facilities, including sport and recreational facilities, and services in disadvantaged areas where a significant drug problem exists or has the potential to develop. The main aim of the fund is to attract "at risk" young people in disadvantaged areas into these facilities and activities and divert them away from the dangers of substance misuse. The target group of the programme is young people in the age range of 10 to 21 years who are defined as "at risk" due to factors, such as family circumstances, educational disadvantage, or involvement in crime or substance misuse.

2.17 Dormant Accounts €55.2m to date

In 2004, the Dormant Accounts Fund Disbursement Board approved funding for projects and programmes designed to assist the following three broad categories of persons:

- those affected by economic and social disadvantage;
- those affected by educational disadvantage;
- persons with a disability, in particular those who require more intensive levels of support in the areas of health and personal social services.

In fulfilling its statutory remit, the Board seeks to ensure that dormant accounts funding is disbursed in a manner that optimises its effectiveness and assists the personal, educational and social development of persons who are disadvantaged in any of the three areas mentioned in the enabling legislation.

3. Initiatives with a broad target group

Department of Justice, Equality and Law Reform

3.1 Equal Opportunities Childcare Programme

The Department of Justice, Equality and Law Reform has responsibility for the Equal Opportunities Childcare Programme 2000-2006. The Programme is part funded by the European Union (€181.8m) and has a budget of approximately €499m over 7 years.

The Programme, which aims to meet the needs of parents from both a labour market and a social inclusion perspective, operates under three sub-measures and provides grant assistance in the form of:

- Capital funding for both community/not for profit groups and for private providers (€204.5m)

- Staffing supports for community/not for profit groups aimed at socially excluded families in disadvantaged areas (€193.5m), and
- Supports for quality improvement projects including supports to the City/County Childcare Committees and the National Voluntary Childcare Organisations (€3.3m)

Some 36,000 new childcare places will be created with funding committed to date (almost €357m).

The Garda Síochána

3.2 Garda Primary Schools Programme

The Garda Primary Schools Programme, which was first introduced in 1991, is a comprehensive education programme implemented by members of the Garda Síochána, consisting of a series of presentations by Gardaí to 5th class pupils in primary schools throughout the country.

The Programme aims to teach children sensible and responsible patterns of behaviour in order that they may:

- Lessen the risks they may face through crime
- Be safer on the roads and at home
- Positively contribute towards Crime Prevention
- Know what the Role of the Gardaí is
- Develop positive attitudes towards the Gardaí and the work they do.

3.3 Garda Second Level/SPHE Programme

The Garda Second Level/SPHE Programme has been developed to further the role of the Garda Síochána in education. Social, Personal & Health Education (SPHE) is a timetabled subject in all Junior Cycle classes. It promotes the social and personal development of students and provides them with health education. Of the ten various modules covered in SPHE, two have been identified for Garda involvement based on Garda expertise, experience and professional knowledge. These are Substance Use and Personal Safety.

Department of Education and Science

3.4 National Educational Welfare Board **€6.5million**

The Education (Welfare) Act 2000 established the National Educational Welfare Board as the single national body with responsibility for school attendance. The Act provides a comprehensive framework promoting regular school attendance and tackling the problems of absenteeism and early school leaving. The general functions of the Board are to ensure that each child attends a recognised school or otherwise receives a certain minimum education.

To discharge its responsibilities, the Board is developing a nationwide service that is accessible to schools, parents/guardians and others concerned with the welfare of young people. For this purpose, Educational Welfare Officers are being appointed and deployed throughout the country to provide a welfare-focused service to support regular school attendance and discharge the Board's functions locally. The Board has appointed a Chief Executive Officer, Directors of Corporate and Educational Services, and the necessary support and service delivery staff. The overall authorised staffing complement is 84, comprising 16 HQ and support staff, 5 regional managers, 11 senior education welfare officers and 52 educational welfare officers.

At this stage of its development, the aim of the Board is to provide a service to the most disadvantaged areas and most at-risk groups. Five regional teams have now been established with bases in Dublin, Cork, Limerick, Galway and Waterford and staff have been deployed since December 2003 in areas of greatest disadvantage and in areas designated under the Government's RAPID programme. Thirteen towns with significant school going populations, twelve of which are designated under the Government's RAPID programme, also now have an Educational Welfare Officer allocated to them. These towns are Dundalk, Drogheda, Navan, Athlone, Carlow, Kilkenny, Wexford, Bray, Clonmel, Tralee, Ennis, Sligo and Letterkenny. In addition, the Board will follow up on urgent cases nationally where children are not currently receiving an education.

The Board has sought the first comprehensive data returns from schools in relation to attendances/absences in the 2003/04 school year and these will assist it in keeping the level of need for the new service in particular areas under review. Work is also proceeding on the establishment of the register for 16 and 17 year olds who leave school to enter employment.

3.5 *Early Childhood Education:*

3.5.1 Early Start Pilot Project €4million

This Pilot Project was introduced in 1994 and operates in 40 schools. The Project caters for pupils aged 3 to 4 years who are most at risk in areas of social disadvantage. In total, the scheme encompasses 56 teachers and 56 childcare workers, employed in 16 full units and 24 half units, with a total of 1680 places in Early Start centres. Annual expenditure is approximately €4m.

3.5.2 Rutland Street Project €583,000

The Rutland St. Project is in operation since 1969. It caters for 95 pupils age 3-5yrs and includes a pre-school centre, a special staff teaching allocation, classroom assistants, secretarial services and cooks, together with the provision of school meals. Provision in 2004 is €583,000.

3.5.3 Traveller Pre-schools €1.25million

Traveller pre-schools are supported through 98% funding of tuition and transport costs. There are currently a total of 52 pre-schools catering for more than 500 Traveller children. Annual expenditure on this service is in excess of €1.25m.

3.6 *Initiatives at Primary Level*

3.6.1 Disadvantaged Areas Scheme €14.32million

This Scheme benefits schools by providing additional capitation grants of €8 per capita, a maximum class size of 29:1, a refund of the television licence fee and eligibility for 95% building grants for building projects. There are 311 primary schools with designated disadvantage status and over 67,000 pupils benefit from this scheme. 293 concessionary posts are allocated under this scheme. Annual expenditure is approx. €14m.

3.6.2 Giving Children an Even Break (GCEB) €8million

2,350 participating schools are benefiting from a range of additional supports including teacher posts and financial supports to be targeted at disadvantaged pupils. The additional supports provided reflect the level of concentration of pupils from educationally disadvantaged backgrounds in each school invited to participate in the Programme. Annual expenditure is approx. €8m.

3.6.3 Breaking the Cycle €3.586million

The Breaking the Cycle Pilot Project was launched in 1996. It seeks to discriminate positively in favour of primary schools in selected urban and rural areas which have high concentrations of children who are at risk of not reaching their potential in the education system because of their socio-economic backgrounds.

The Breaking the Cycle Project has been subsumed into the Giving Children an Even Break (GCEB) Programme. Schools included in the GCEB programme and already in receipt of additional resources under the Breaking the Cycle Pilot Project retain their entitlements under this scheme. Expenditure in 2003/04 was some €3.6 million.

3.6.4 Home School Community Liaison Scheme (HSCL) €7million

The HSCL scheme is concerned with establishing partnership and collaboration between parents and teachers in the interests of the child's learning. The HSCL Scheme also operates transfer programmes to help primary school pupils to make the transition to post primary level. A HSCL coordinator works with school staff, parents and relevant community agencies in advancing these aims. A National Co-ordinator and two assistant co-ordinators oversee the day-to-day operation of the Scheme.

All 311 primary schools with designated disadvantaged status were invited to join this scheme in 1999. 279 primary schools are currently participating. Expenditure on this scheme will be in the region of €7 million in 2004.

3.6.5 Support Teacher Project €1.68million

The Support Teacher Project supports 48 designated schools with 42 teachers. It aims to co-ordinate a whole school approach to designing and implementing good practice and strategies. These strategies will help to prevent the occurrence of disruptive behaviour and to teach and counsel small groups and individuals who exhibit persistent behaviour difficulties in the classroom.

Current expenditure on teacher posts is approx €1.68m per annum

3.6.7 Book Grant Scheme €5.3million

This grant is paid to schools based on the number of 'needy' pupils enrolled. Needy is defined as those families on low incomes, those dependent on social welfare or those experiencing financial hardship due to specific circumstances. The latest figures available indicate that 140,000 pupils were assisted under the scheme in the 2002/2003 school year.

3.7 Post-Primary Level

3.7.1 Disadvantaged Areas Scheme €14million

This Scheme benefits 203 schools serving approx 93,000 pupils by providing over-quota teaching posts, additional funding to launch book rental schemes, additional capitation grants of €38 per pupil and a home/school liaison grant to develop links with parents. Annual expenditure is approx. €14m.

3.7.2 Home School Community Liaison (HSCL) Scheme €8.7million

The HSCL scheme is concerned with establishing partnership and collaboration between parents and teachers in the interests of the child's learning. A HSCL coordinator works with school staff, parents and relevant community agencies in advancing these aims. A National Co-ordinator and two assistant co-ordinators oversee the day-to-day operation of the Scheme. All 203 post-primary schools with designated disadvantaged status were invited to join this scheme in 1999. 194 post primary schools are currently participating. Expenditure on this scheme in 2004 was approximately €8.7 million.

3.7.3 Book grants €6.4million

A necessitous pupil, for the purpose of this scheme, is defined as a pupil from a family in which genuine hardship exists because of unemployment, prolonged illness of parent, large family with inadequate means, single parent family or other circumstances which would indicate a similar degree of financial hardship. School returns show that 136,000 such pupils were assisted under the scheme in the 2003/2004 school year. Provision in 2004 is €6.4 million

3.8 Literacy €2.3million

3.8.1 Children with literacy or numeracy problems are catered for by the **Learning Support Teacher Service**. The number of learning support teachers in the primary system has increased from 1,302 in 1998 to over 1,500 currently. At second level, in excess of 530 learning support teachers are currently employed.

3.8.2 The **Resource Teaching scheme** operates in schools catering for pupils with more severe learning difficulties and disabilities. The number of resource teachers in the primary system has grown from approximately 100 at the end

of 1998 to more than 2,600 at present. There are currently more than 1,050 resource teachers catering for students at second level.

3.8.3 Learning Support Guidelines were issued to all Primary Schools for all Learning-Support Teachers, Resource Teachers and Resource Teachers for Travellers in 2001.

3.8.4 The Reading Recovery programme is a school based early intervention programme designed to reduce literacy problems in schools. The Programme was originally piloted in County Monaghan in 2000. It has since been extended and currently operates in 66 primary schools (41 in Monaghan, 25 in Dublin).

3.8.5 The First Steps Initiative is a research-based literacy resource including professional development courses and support materials for primary teachers. The overarching aim of First Steps is to support schools as they help all children make measurable and observable progress in language and literacy development. Teacher training in First Steps continued during summer 2004.

3.8.6 The Junior Certificate School Programme Literacy Strategy promotes a whole school approach to literacy development at junior cycle. This approach was adopted on foot of research indicating that such an approach can impact positively on literacy standards in schools that have a high concentration of students with literacy difficulties. Within the strategy schools are encouraged to put in place a literacy development plan which encompasses short term interventions with targeted students and the fostering of a reading culture throughout the school.

3.9 Asylum Seekers

There are currently a number of significant policy initiatives designed to build an intercultural dimension into education policy including:

- Additional teaching and non-pay resources are provided to schools at primary and second level to cater for the needs of pupils for whom English is not the mother tongue. A total of 303 non-national teaching posts were allocated to primary schools in 2003/04 to cater for non-national pupils.
- Post-primary schools with an enrolment of fourteen or more non-national students with English language deficits are entitled to an additional teacher to address the needs of these students.
- The Social Personal and Health Education programmes at primary and post primary levels, and the Civic Social and Political Education programme at second level, are designed to promote a respect for human dignity, tolerance for the values and beliefs of others, and a celebration of diversity. Their format allows scope for teachers to deal with issues such as racism and xenophobia.

3.10 Travellers

On a national basis, there is a continuum of provision for Travellers from pre-school to further education, including the following specific measures:

- **Primary Level (€23million)** 519 Resource Teachers for Travellers at primary level

- **Post-Primary Level: (€5.47million)** At post primary level, an ex-quota allocation of 1.5 teaching hours per week is allowed per Traveller child enrolled and additional full time equivalent teachers are appointed as a result. The capitation grant of €426 continues to be paid to support Traveller children and families to successfully participate in the life of the school.
- **Visiting Teachers (€1.6million):** 40 visiting teachers for Travellers encompass all levels of education. The service seeks to provide opportunities for Traveller parents, their children and schools to engage in a process of development that maximises participation and attainment levels and promotes an intercultural education for all.
- **Junior Education Centres:** A number of children aged 12 to 15 years, attend Junior Traveller Training Centres. A grant of €254 per pupil is provided to cover overhead costs. Teaching resources are provided by the Vocational educational Committees. There are four education centres in Ireland.
- **Senior Traveller Training Centres:** These Centres provide a programme of general education, vocational training and work experience and guidance/counselling/psychological services for some 981 travellers annually. A National Co-ordinator promotes and monitors the development of the network. As with Youthreach, programmes are provided in an out-of school setting, and feature integrated personal development, literacy, numeracy, ICT and communications and a range of vocational options and work experience. Trainees are paid a training allowance. There is no upper age limit on the programme in order to attract Traveller parents; in view of the impact participation has on their children's schooling. Guidance and counselling and childcare services are available for participants.

Department of Health and Children

3.11 Child Protection and Family Support Services

Health Service Executive: Family Support Services

The Health Service Executive has responsibility for providing for children who are not receiving adequate care and protection and for providing child care and family support services.

The dominant focus in child care services since the early 1990s has been on the protection and care of children who are at risk. More recently, the policy focus has shifted to a more preventative approach to child welfare, involving support to families and individual children, aimed at avoiding more serious interventions later on.

Family Support Services aim to achieve the following:

- (1) respond in a supportive manner to families where children's welfare is under threat;
- (2) reduce risk to children by enhancing their family life;
- (3) prevent avoidable entry of children into the care system;
- (4) attempt to address current problems being experienced by children and families;
- (5) develop existing strengths of parents/carers and children who are under stress;
- (6) enable families to develop strategies for coping with stress;

- (7) provide an accessible, realistic and user friendly service;
- (8) connect families with supportive networks in the community;
- (9) promote parental competence and confidence;
- (10) provide direct services to children;
- (11) assist in the re-integration of children back into their families.

General Family Support Services

General family support services are offered to a wide range of families for the purpose of either preventing problems or addressing problems after they have emerged. For example, some services such as Community Mothers, Lifestart, Homestart, etc., are offered to prevent family problems occurring while other services such as family projects, respite, Family Welfare Conferences, Springboard, Teen Parenting, Youth Advocacy, etc., are offered when problems are beginning to emerge or have already developed. The following are the general family support services provided by the Health Service Executive:

- Family Support Projects & Centres
- Family Support Services with a residential component
- Day Foster Care
- Respite Care
- Parent Support & Education Programmes such as Community Mothers Programme
- Family Support Workers in Health Service Executive.
- Family Welfare Conferences
- Family Support Services for Asylum Seekers
- Family Support Services for Travellers
- Traveller Health Initiatives
- Services for domestic violence including refugee services
- Home Management Advisory Services
- Parent & Toddler Services
- Springboard Projects
- Teen Parent Projects
- Pre-school services & nurseries including community child services
- After-school & out-of-school services
- Community Child Care Workers in Health Service Executive
- Youth Services including Neighbourhood Youth Projects & Youth Advocate Programmes
- Mentoring Programmes
- Services for young people misusing drugs
- Youth Homeless Service
- Teenage Health Initiative
- Community Development Projects

Department of Community, Rural and Gaeltacht Affairs

3.12 Area Based Rural Development Initiative and Leader + Initiative

The Department provides support to rural communities under the Leader + Initiative and the Area Based Rural Development Initiative. The essential aim of the Leader + Initiative, which has a public contribution of some €3.7m and is delivered in 22 areas, is to encourage new approaches to integrated and sustainable development in rural communities, through local participation.

The Area Based Rural Development Initiative, which has a public contribution of €75.6m, complements the LEADER + programme and ensures the availability of funding in the 13 areas that were not appointed to deliver the LEADER+ Programme.

Both initiatives aim to build better communities by piloting actions that enhance learning and participation, particularly targeting women and young people. The provision of services and training to young people under 25 in rural areas is a target for the LEADER Programme.

Appendix D - International Overview

Main common features of jurisdictions considered.

Statements of Principles Governing Youth Justice

One of the primary recommendations of the **Northern Ireland** Criminal Justice Review was the development and incorporation in legislation of the aims of the youth justice system and its principles. These are set out in the Justice (Northern Ireland) Act 2002 (s. 53).

The renewal process in **New Zealand** involved the commissioning of a Ministerial Task Force. The Task Force produced a comprehensive youth offending strategy setting out in detail the Government's approach to tackling youth offending and the structural mechanisms to be deployed to improve the delivery of services to young offenders.

In **Canada** the Federal Government published its Youth Justice Renewal Initiative in 1998 following a two-year period of provincial and parliamentary consultation. The initiative set out its renewed policy approach to youth justice and led to new legislation being enacted in 2002. An interesting feature of the Canadian legislation is the incorporation in the body of the text of the principles governing youth justice policy.

In Ireland, it is noted that the Children Act 2001 contains a number of aims and principles throughout. It is considered that they could be compiled to reflect a statement from the Oireachtas about the values on which the legislation is based. The statement could be used as a basis for a more comprehensive strategy of practical objectives.

Comprehensive Strategies Directed at Crime Prevention and Early Intervention

In each jurisdiction examined, a 'whole-of-Government' youth justice policy is elaborated. Such policies not only set out the crime prevention and social protection strategies to be achieved but also address the mechanisms needed to co-ordinate

interventions with young people at risk across the various sectors involved at national and local level. The development of 'whole-of-Government' strategies, by definition, links the provision of services to young offenders within the criminal justice framework into the wider framework of the delivery of care, education and social services.

Clear Leadership in Youth Justice Field

A key recommendation arising from the **Northern Ireland** Criminal Justice Review, was the need to establish a management mechanism for the juvenile justice system. The NI Youth Justice Agency was established in 2003 to support the implementation of policy and to co-ordinate across the delivery of services to young offenders.

In **New Zealand**, the youth offending strategy provides a leadership and oversight mechanism involving a Ministers' group (comprising Justice, Social Development, Health and Education), a senior officials group (reflecting the Ministers' group) and an advisory council. The establishment of these mechanisms is considered to have been critical to the success of the youth justice renewal and in underpinning local co-ordination through multi-disciplinary youth justice teams.

In the **UK**, the 1998 the Crime and Disorder Act provided for the establishment of the Youth Justice Board. The initial remit of the Board was to drive the implementation of the new youth justice infrastructure provided for in the legislation through the establishment of cross-sectoral local youth offending teams.

Links with other Child-related Strategies

In **New Zealand**, the Department for Child, Youth and Family (under the Ministry for Social Development) has the main operational responsibility for youth justice. It also has statutory responsibility for care and protection of children. This places it in wider social services context and allows access to and control of a range of support services for youths at risk of offending. The leadership structures in New Zealand (see 2.3.3 above) were instrumental in ensuring co-ordination between the various bodies providing services to young offenders at national and local level.

Experience in **Canada** varies from province to province. **British Columbia** is considered to have been successful in recent years in adopting a new approach to youth offending which has reduced offending and conviction rates, and reduced the use of custody. An important element in this approach was the establishment of a Ministry for Child, Youth and Family Development which incorporates youth justice policy. It, therefore, brought the implementation of youth justice policy within the framework of the wider provision of social support services to children and their families.

Scotland, Denmark and Norway have what may be considered an inbuilt advantage in dealing with youth offending. The range of social, educational, health and other support services are provided by the local authorities/municipalities which have significant functions and powers in these areas. It has been possible to use this delivery mechanism to tackle youth offending in a comprehensive and integrated manner.

Diversion from the Formal Justice System

*It is accepted as a fundamental principle of modern youth justice systems in **all jurisdictions** examined, that it is desirable, to the greatest extent possible, to divert young people from the formal criminal justice system and to use custody only as a last resort. To this end, police and/or community diversion, cautioning, conferencing and extrajudicial/alternative sanctions, in various forms, are features of the framework to deal with youth offending in these other jurisdictions.*

Specialised Service Delivery and Specialised Training for those Involved

*All of the **jurisdictions** examined make use of specific interventions with young people to tackle offending behaviour which are tailored to suit the particular circumstances of the individual.*

In **New Zealand**, considerable effort has been put into training and development of the family group conference co-ordinators who are employed by the Department of

Child, Youth and Family. The conferences are an essential element of the New Zealand youth justice system and a national manager has been appointed to focus on training and evaluation of the co-ordinators.

In **Canada**, an integral part of the federal youth justice review process was the development of detailed training materials for those involved in youth justice. The Royal Canadian Mounted Police, for example, dedicates a significant effort to producing training materials and youth justice information resources for their detachments.

Statistical Data/Research

The **Canadian Federal Government** has put significant resources into research as part of its youth justice renewal process. The Justice Ministry has continued to support research on the operation of the new youth justice system and the changes in the scale and nature of youth offending. This research is published on the Department's website as a matter of course.

The **New Zealand** Ministerial Task Force identified as a significant issue the deficit that existed in information about youth offending. A key focus of the youth offending strategy is the development of consistent and comprehensive information and evaluation of the operation and effectiveness of the range of interventions with offending children.

An important recommendation of the **Northern Ireland** Criminal Justice Review was that all new youth justice initiatives should be routinely monitored and subject to rigorous review and evaluation. A number of research and evaluation reports on youth justice have been carried out by the NIO in conjunction with the NI Statistics and Research Agency.

Funds to Support and Evaluate Change

In **Canada**, the Federal Government allocated an additional \$1 billion (c.€52m) over a five year period for cost shared programmes with the provinces and territories to

underpin the introduction of the new youth justice system. In **Great Britain**, following the establishment of the Youth Justice Board, the Government allocated £85 million (c.€127m) over three years (additional to the operating budget of the board) to fund the operation of the new youth justice measures outlined in the 1998 Crime and Disorder Act. The **Northern Ireland** Youth Justice Agency was funded to the order of £12.9 million (c.€19.3m) for 03/04 and £16.5 million (c.€24.6m) for 04/05. **New Zealand** provides a fund of \$5m (c.€2.9m) as additional funding for supplementary support services to conferencing which is the key instrument in responding to offending.

Appendix E – Advertisement for Submissions



DEPARTMENT OF JUSTICE,
EQUALITY AND LAW REFORM
AN ROINN DLÍ AGUS CIRT,
COMHIONANNAIS AGUS ATHCHÓIRITHE DLÍ

Call for Submissions on Youth Justice

The Minister for Justice, Equality and Law Reform, Mr. Michael McDowell, T.D., has established a project team in the Department to examine the scope for rationalising the delivery of services in accordance with the Children Act 2001 which provides a modern statutory framework for a Youth Justice System.

The project team will:

- carry out an analytical review of the delivery of services in the context of the Children Act 2001, focusing specifically on the institutional framework involved
- consult with the relevant Government Departments/agencies and non-governmental experts active in the area of youth justice
- evaluate international developments in this area
- report to the Minister with recommendations for reform of institutional structures, where necessary, with the aim of improving outcomes in the youth justice area.

Submissions should be made in writing or by e-mail and should be confined to the matters set out above.

Submissions should be made before Friday 26th November, 2004. Please note that all submissions received will be subject to release under the provisions of the Freedom of Information Act, 1997, as amended.

Please send your submissions to:

Youth Justice Submissions
Department of Justice, Equality and Law Reform
2nd Floor
7 -11 Montague Court
Montague Street
Dublin 2

or

youthsub@justice.ie

Appendix F - Submissions

Submissions were received from the following:

	Name/Organisation
1.	Cork City and County YMCA
2.	Catholic Youth Care
3.	North East Inner City Community Policing Forum
4.	Joseph Minta, Dartry Road, Dublin 6.
5.	Directors of the Children Detention Schools
6.	Association of Garda Sergeants and Inspectors
7.	Youth Encounter School, Cork
8.	Catherine Ghent, Solicitor
9.	ISPCC
10.	WITH/Cúram
11.	Youth and Family Services, East Coast Area Health Board
12.	G Graham/ S Anderson, Dublin Institute of Technology
13.	Barnardos
14.	Donegal Youth Service
15.	North Inner City Drugs Task Force
16.	Family Welfare Conference Service, East Coast Area Health Board
17.	Breaking Through
18.	National Youth Federation
19.	Ms. Michelle Savage, FAS (Foetal Alcohol Spectrum) Ireland
20.	Youth Advocate Programmes Ireland
21.	Church of Scientology
22.	Dr. Ursula Kilkelly, UCC
23.	Children's Research Centre, Trinity College
24.	Young People at Risk Initiative (YPAR)
25.	Irish Youth Justice Alliance
26.	Youthreach
27.	Special Residential Services Board (SRSB)
28.	Foróige