

# Care and Justice: Children and Young People in Care in Contact with the Criminal Justice System | Summary of Recommendations

## Inter-Agency Working

**1.** The Department of Children and Youth Affairs, the Irish Youth Justice Service, An Garda Síochána and Tusla should develop a joint protocol on how to respond to children and young people with care experience in the criminal justice system. The benefits of restorative justice and diversion should be explored.

**2.** Results from a pilot project to develop clearer communication between Tusla, An Garda Síochána and residential care providers should be made available to help shape how the Garda Youth Diversion Programme can respond better to children in care.

## Equal Access to Service Provision

**3.** The Irish Youth Justice Service should consider how to ensure that young people in care have the same or greater access to services as young people living with their families, including access to the Bail Supervision Scheme.

## Data Collation

**4.** Tusla should collect more information about the number of children in care and those receiving aftercare supports who are in contact with the criminal justice system, to understand how we can prevent this from happening and improve young people's lives.

**5.** The information gathered by Tusla (Rec. 4) should be used when monitoring the implementation of the National Policy Framework for Children and Young People 2014-2020, *Better Outcomes, Brighter Futures*.

**6.** The Department of Justice and Equality should carry out research to find out the number of people with care experience in the prison population.

**7.** The Gardaí should develop an information system that allows them to report on the extent to which children in care come into contact with the criminal justice system.

## Policy

**8.** The specific needs of young people with care experience should be considered during the review of the *Youth Justice Action Plan*.

**9.** The remit of the Garda Youth Diversion Programme should be extended to young adults, as recommended by other bodies.

## Awareness Raising and Training

**10.** Professionals working with children in care, such as social workers, should receive training to help them understand the reasons why some children in care come into contact with the criminal justice system, and teach them skills to reduce the likelihood of this happening.

## Transitions from Care/Aftercare

**11.** Tusla should amend its guidance materials to provide clear information on the needs and supports that young people in contact with the criminal justice system require, including more flexible responses to young people who disengage from services.

## Legislative Provisions

**12.** A duty to implement any aftercare plan should be included in the revision of the *Child Care Act, 1991*. The Act should prioritise placement stability and ensure that all young people have access to services regardless of their education status.

The government should carry out research on the longer-term outcomes for children leaving care. This research should include contact with the criminal justice system.

How children's criminal records are treated should also be reviewed to ensure it is fair across all areas of law.

**For more detailed recommendations, see the Care and Justice report at [www.iprt.ie](http://www.iprt.ie)**

Background: Artwork by a young person from Westview Probation Service, facilitated by Splattervan.

# **Care and Justice: Children and Young People in Care in Contact with the Criminal Justice System | Plain Language Summary**

There are currently over 6,000 children in care in Ireland.<sup>1</sup> The vast majority of these children will have no contact with the criminal justice system.

However, for the small number who do come into contact with the criminal justice system, they are likely to have experienced multiple adversities and challenges in their lives.

These adversities can include: family breakdown, being taken into care itself, having to move accommodation and schools a lot, and separation from their communities.

Coming into contact with the criminal justice system can sometimes make things even harder for these young people.

There are certain factors which may lead to some young people from care coming into contact with the criminal justice system, including the type and quality of care provision, and how the criminal justice system responds to these young people.

A small proportion (approximately 6%) of children in care are accommodated in residential care.<sup>2</sup> Contact with the youth justice system has been reported as a particular issue for some young people in residential care. Many young people in this situation will have entered care in their late teens and have already had several placements. Issues have also been highlighted in relation to the circumstances under which children can be prosecuted for offending within their care placements.

While there is some evidence that suggests an over-representation of some children and young people in care in the youth justice system, there is a lack of regular data collected to identify the extent to which children in care come into contact with the youth justice system. This means there is no clear overall picture of the situation and we cannot reliably compare with non-care groups.

However, there are changes we can make to improve the outcomes for young people with care experience, and ensure they receive the quality supports they deserve. Flip the page for a summary IPRT's Care and Justice recommendations.

**To find out more, search 'IPRT Care and Justice' | #careandjustice19**

<sup>1</sup> Tusla (2018) Quarterly Service Performance and Activity Report. Quarter 3 2018. Dublin: Tusla.

<sup>2</sup> Ibid