



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

Still in our care

Protecting children's rights in custody in Northern Ireland

right to be heard right to health
right to equality right to privacy
right to education right to family
right to be safe right to be safe
right to family right to liberty right to privacy
right to be safe right to fairness

right to be part of society





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in Northern Ireland**

UPDATE REPORT

**September 2006
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Foreword

Still in Our Care reports on the findings of Human Rights Commission research into the care of children in custody in the Juvenile Justice Centre for Northern Ireland. The research evaluates the extent to which the Commission's previous recommendations have been implemented. I am pleased that in many instances our ideas have been taken onboard and there has been significant improvement in how children's rights are respected in custody. *Still in Our Care* finds a more child-centred regime in the Centre than in previous settings and increased professionalism in the approach to detained children. Sadly, however, the report finds that custody for children is not used as a last resort as required by human rights standards.

A new Centre is currently under construction on the Bangor site and is expected to replace the existing Centre by 2007. I have visited the site and, although questioning the wisdom of creating a single custodial facility for children, was impressed by the level of thinking that has gone into this project. Here I would like to highlight the need for more creative thinking on visiting facilities and arrangements for families.

The Human Rights Commission retains a particular interest in the rights of detained people and has therefore set up a working group of Commissioners on Places of Detention. The Commission expects soon to be given increased powers to enter places of detention and we must use these powers wisely with the aim of having the greatest possible impact within our limited resources.

The Commission would like to thank the report's co-author Dr Una Convery, who was throughout conscientious and professional in her approach. The high degree of commitment to this project by both Dr Convery and Dr Moore is reflected in their continued involvement in working to protect children's rights in the youth justice system. Putting human rights into practice has been to the fore of this research and the Commission is grateful to both of them for their dedication to this work. We are also grateful to Ann Jemphrey for her assistance in preparing the report for publication.

The current report builds on the Commission's previous investigation, *In Our Care* (2002), co-authored by Dr Moore and Dr Ursula Kilkelly with field research by Dr Convery. All three researchers have added much new material on human rights to the field of children in care and detention. As a result, these reports should greatly assist those in, and working with, the juvenile justice system in Northern Ireland.

I would also like to thank all those organisations – statutory and voluntary – that assisted with the research. Most of all, I would like to thank the children, staff and management at the Juvenile Justice Centre for giving so generously of their time. I know they have many hopes for the future and amongst those is the fruition of this work in human rights as well as the development of the new centre. The Commission looks forward to seeing their hopes realised.

Professor Monica McWilliams
Chief Commissioner

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right to equality right to health
right to education right to family
right to be heard right to liberty right to privacy
right to family right to liberty right to privacy
right to be safe right to fair trial

The authors

Una Convery

Dr Una Convery is a lecturer in criminology at the University of Ulster. She completed her PhD on the use of custody for boys and girls in the youth justice and prison systems in Northern Ireland in 2002. Following this she worked as a research fellow in the Institute of Criminology and Criminal Justice, School of Law at Queen's University Belfast, where she was involved in research at Hydebank Wood Young Offenders' Centre and Magilligan Prison. Una has also been involved in research into the health and well-being of health care staff and the promotion of teenage health awareness. Una co-authored (with Dr Ursula Kilkelly and Dr Linda Moore) *In Our Care* (2002), the report of the Human Rights Commission investigation into the care of children in juvenile justice centres in Northern Ireland.

Linda Moore

Dr Linda Moore has been investigations worker with the Northern Ireland Human Rights Commission since January 2000. Linda co-authored (with Dr Ursula Kilkelly and Dr Una Convery) *In Our Care* (2002). She has also published on policing issues including *Human Rights on Duty: Principles for Better Policing: International Lessons for Northern Ireland* (CAJ, 1997) (with Mary O'Rawe). She was a principal researcher on a team based at Queen's University Belfast researching the welfare and rights of children for the Northern Ireland Commissioner for Children and Young People, *Children's Rights in Northern Ireland* (NICCY, 2005). Linda is co-author (with Professor Phil Scraton) of *The Hurt Inside* (2005), the report of the Commission's investigation into the imprisonment of women and girls in Northern Ireland.

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ACRONYMS

ASBO	Anti-Social Behaviour Order
BSS	Bail Supervision and Support
CAMHS	Child and Adolescent Mental Health Services
CCTV	Closed Circuit Television
CJCO	Criminal Justice (Children) (Northern Ireland) Order 1998
CJINI	Criminal Justice Inspection Northern Ireland
CJR	Criminal Justice Review
CLC	Children's Law Centre
CRC	United Nations Convention on the Rights of the Child
CSCI	Commission for Social Care Inspection (England and Wales)
DENI	Department of Education, Northern Ireland
DHSSPS	Department of Health, Social Services and Personal Safety
ECHR	European Convention on Human Rights
HMCIP	Her Majesty's Chief Inspector of Prisons
IR	Independent Representation
ISU	Intensive Support Unit
JJC	Juvenile Justice Centre
JJCO	Juvenile Justice Centre Order
LAC	Looked After Care
MOU	Memoranda of Understanding
MP	Member of Parliament
NGO	Non-governmental organisation
NIACRO	Northern Ireland Association for the Care and Resettlement of Offenders
NICCY	Northern Ireland Commissioner for Children and Young People
NIO	Northern Ireland Office
NVQ	National Vocational Qualification
PACE	Police and Criminal Evidence
PBNI	Probation Board for Northern Ireland
PCC	Physical Control in Care
PSNI	Police Service of Northern Ireland
SEELB	South Eastern Education and Library Board
SSI	Social Services Inspectorate
TCI	Therapeutic Crisis Intervention
UNCRC	United Nations Committee on the Rights of the Child
YJA	Youth Justice Agency
YOC	Young Offenders' Centre

Executive summary

1. *Still in Our Care: Protecting children's rights in custody in Northern Ireland* reports on research into the care of children in the Juvenile Justice Centre for Northern Ireland.
2. The report follows from a previous Commission investigation into children's rights in custody in Northern Ireland, *In Our Care*, published in 2002.
3. The remit for *Still in Our Care* is to assess the extent to which the Commission's 2002 recommendations have been implemented.
4. The Juvenile Justice Centre (JJC) is situated in Rathgael, Bangor, Co Down. It accommodates up to 40 boys and girls, aged 10 to 17 years.
5. A new JJC with a capacity for 48 children is being built on the Rathgael site and is expected to open in 2007, replacing the current Centre.
6. *Still in Our Care* is based primarily on qualitative research with young people, staff and managers as well as interviews with professionals working in youth justice. The report also contains analysis of available statistics on the use of custody for children.
7. International human rights standards stress that wherever possible children and young people should be diverted from custody and rehabilitated in the community. Custody should be used only as a last resort and for the shortest possible time.
8. Recent legislative developments in Northern Ireland have placed a welcome emphasis on restorative justice and diversion from the criminal justice system. However, the introduction of Anti-Social Behaviour Orders (ASBOs) has the potential to further criminalise children and to lead to an increase in child custody.
9. The Commission remains concerned about the persistent high levels of custodial remand and detention of children under PACE (Police and Criminal Evidence (Northern Ireland) Order).
10. There is still an over-representation of children from Looked After Care in the JJC.
11. The age of criminal responsibility, at 10 years, is too low and the report recommends that it be significantly raised following appropriate consultation.
12. International human rights standards state that children should not be held with adults in prison, yet children under 18 years of age are still held in prison service custody at Hydebank Wood Prison and Young Offenders' Centre (YOC).
13. Developments intended to reduce the use of custody are welcome, including bail support, and should be built on through provision of additional placements and specialist services.
14. The Commission is concerned about the handcuffing of children travelling to and from the JJC. This should be monitored and a policy developed aimed at reducing and, if possible, eliminating their use.

Executive summary

15. Children are offered more support and information than previously on reception into the JJC. Even greater support may be needed for children in the difficult first few nights in custody.
16. The approach within the JJC to assessment, including liaison with external agencies, has improved and should be kept under review.
17. Individualised custody and community care plans are developed for children, but it remains difficult for JJC staff to carry out effective assessment for children detained for brief periods.
18. Overall, staff expressed positive views about their role. Staff training has improved and support for staff should be further developed given the demanding, complex work.
19. There has been a marked improvement in facilitating children's right to be heard through consultation and NGO involvement. The process is at an early stage and its development should be encouraged.
20. The shift towards a more child-centred approach is evident in terms of physical conditions, policy developments, attitude of management and staff, emphasis on staff training and reduction in use of physical restraint and separation.
21. The report recommends greater freedom of movement within the grounds for young people who have undergone risk assessment. The Commission is also concerned that external trips for risk-assessed, trusted young people no longer take place and recommends these be re-introduced.
22. It is recommended that the balance between care and control be reviewed with a view to reducing levels of control to that which is strictly necessary. This review should include the views of staff and young people.
23. Some staff raised concerns about safety for themselves and young people when using restraint. The Commission also has concerns about the extent to which the current method of restraint may cause emotional distress for children. The Commission supports the Criminal Justice Inspectorate Northern Ireland (CJINI) recommendation, that a review be carried out of incidents of restraint, taking into account staff and young people's views.
24. Greater family contact should be facilitated through improved arrangements for phone calls, visits and family involvement. A visitors' centre should be developed in the new centre.
25. The introduction of an independent complaints mechanism is welcome. An independent advocacy service should be developed to provide support for children.

Executive summary

26. Ways should be explored of facilitating greater participation of children in meetings about their care plans.
27. The Police Service of Northern Ireland (PSNI) CARE team should directly investigate child protection complaints in partnership with social services, rather than referring these to uniformed officers as is current practice.
28. Work on addressing offending behaviour has been increased through a range of programmes, but there insufficient information to assess their effectiveness.
29. There is a need for greater multi-agency and family involvement in assessment and planning for release.
30. One of the most positive developments has been the improvement in educational provision in the JJC. There should be a greater range of vocational training provided for young people past school leaving age.
31. Increased provision of suitable accommodation and post-release support services are required to ensure that children are safe on return to the community and to aid their rehabilitation.
32. There has been an improvement in health care provision in the JJC, but more is required in relation to help with smoking cessation, dental services, counselling and mental health services. There should be greater emphasis on dealing with self-harm and preventing suicide.
33. The Department of Health and Social Services and Public Safety (DHSSPS) and the Department of Education should take responsibility for the health care and education of children in custody.
34. All JJC policies and practices should explicitly incorporate human rights standards.
35. Plans for the new centre should be informed by appropriate consultation and research.
36. It is important that young people and staff are adequately consulted and informed of progress throughout the period of planning for the new centre.
37. All policies and procedures for the new centre should fully integrate the provisions and principles of the UN Convention on the Rights of the Child (CRC) and other relevant international human rights standards. They should be agreed prior to the transition to the new centre.
38. The Commission will continue to monitor the care of children in custody and will work in collaboration with other inspection and protection agencies to ensure that children's rights are protected.

Chapter 1 Introduction

Background to the research

In March 2002, the Human Rights Commission published *In Our Care: Promoting the rights of children in custody*.¹ The research focused on the care of children aged 10 to 16 years in juvenile justice centres in Northern Ireland. Its remit was to assess the extent to which the youth justice system was meeting the rights of children in custody.

In Our Care was critical of many aspects of children's treatment, finding an over-use of custodial remand; over-representation of children from looked-after care backgrounds in custody; deficient child protection procedures; over-use of physical restraint and isolation; lack of meaningful activities and programmes for young people; inadequate training and support for staff working in difficult circumstances; and under-resourcing of education and health services for children in custody. The research concluded that Lisnevin Juvenile Justice Centre was an unsuitable environment for accommodating children and recommended its immediate closure. The Commission subsequently decided to assess the extent to which the 170 recommendations of *In Our Care* had been implemented. This report details the findings and recommendations of the follow-up research.

Context

At the time of beginning the research for *In Our Care*, there were three juvenile justice centres (JJC) in Northern Ireland: St Patrick's JJC in West Belfast (for boys); Rathgael JJC in Bangor, Co Down (for girls and 'vulnerable' boys); and Lisnevin JJC near Millisle, Co Down (for boys only). Lisnevin was a highly secure institution built on the model of a Grade C prison. St Patrick's and Rathgael were more open, although both had some secure facilities. Children's rights organisations and the Human Rights Commission drew attention to Lisnevin as an unsuitable environment for children, campaigning for its closure.

Since the introduction of the Criminal Justice (Children) (NI) Order 1998, numbers of children in custody had fallen. In March 2000, the government announced its intention to 'rationalise' the system. A consultation review put forward a number of options for the future location of custody sites. By the time *In Our Care* was published in 2002, St Patrick's had closed and government had announced plans to close Lisnevin and build a new JJC on the site at Rathgael.

Lisnevin JJC was closed in October 2003 and the boys moved to Rathgael which had been refurbished and renamed the Juvenile Justice Centre for Northern Ireland. The JJC can accommodate up to 40 remanded and sentenced young people and comprises a series of 'house units' around a central green area, a school, medical centre and leisure facilities. At the time of writing, planning permission had been granted and construction had begun on the new centre on the Rathgael site with completion expected in 2007.

1. Kilkelly U Moore L and Convery U (2002) *In Our Care: Promoting the rights of children in custody* NIHRC, Belfast [Hereafter, *In Our Care*].

Conducting the research

The Commission decided to carry out the follow-up to *In Our Care* early in 2004 and had informed relevant parties of its plans. Commission researchers met the Director of the Juvenile Justice Centre to discuss arrangements for the research. Before fieldwork could begin, however, the Northern Ireland Office (NIO) denied the Commission access to the Centre. The Commission began lengthy legal proceedings with the aim of judicially reviewing the NIO decision.²

In December 2004, the then Secretary of State, Paul Murphy MP announced that the Commission would be granted the right of access to places of detention and the power to compel evidence and witnesses in conducting its investigations.³ In February 2005, the Commission came to an out of court settlement with the NIO, the parties agreeing an arrangement that granted the Commission access to carry out its research.⁴ Arrangements were made with the Centre management and the Youth Justice Agency (YJA) to carry out fieldwork in June 2005 (see Appendix for methodology). The research was conducted by Dr Linda Moore, investigations worker with the Commission and Dr Una Convery, independent consultant.

The methodology used for the research was a combination of semi-structured interviews with boys and girls, staff and management at the centre, observation of the regime at work, interviews with other professionals, documentary analysis and review of relevant literature. The methodology is attached as an Appendix to this report.

Fieldwork in the Centre took place over 10 days in June 2005. Young people were provided with written information beforehand to enable them to take an informed decision about participation. They were asked about their views on aspects of the regime from reception through to release, including their experience of living in the house units, education, activities, health care, discipline and care and safety. Staff were interviewed about their experience of working in the Centre and given the opportunity to voice any concerns and to highlight good practice. Interviews with staff were also conducted on a voluntary basis, although the Centre Director assured researchers that staff were expected to co-operate. Interviews with professionals outside of the Centre took place later in 2005 and 2006.

The researchers were treated courteously at all times by management, staff and children. They were provided with an office and access to a telephone; given keys to enter all house units and facilitated with privacy in house units to conduct interviews. A researcher attended morning management meetings and both researchers ate lunch in the units, providing an opportunity to observe the atmosphere at first hand. The researchers were given access to any files they requested (both Centre management and the researchers agreed that children's medical records and staff supervision records would not form part of the research).

2. In October 2004, the Criminal Justice Inspection Northern Ireland (CJINI) conducted an announced inspection of the Juvenile Justice Centre. Dr Linda Moore acted as independent guest inspector on the team.

3. Northern Ireland Office press release 17 December 2004 'Competition for Chief Commissioner of the Northern Ireland Human Rights Commission' [Online] Available: <http://www.nio.gov.uk/media-detail.htm?newsID=10675> [18 August 2006].

4. NIHRC press release 23 February 2005 'Human Rights Commission settles case against Government' [Online] Available: http://www.nihrc.org/index.php?page=press_news_details&category_id=2&press_id=220&Itemid=65 [18 August 2006].

Chapter 1 Introduction

The researchers were very content with the access provided during fieldwork and were grateful to young people, staff and management for their cooperation. Twelve children were formally interviewed (11 boys and one girl)⁵ and 13 staff (including teaching and health care staff). As interviews could not take place during education time, children had to give up their leisure time to be interviewed and some chose not to be interviewed. No member of staff declined a request from the researchers to interview them. In addition to those formally interviewed, other young people and staff talked to the researchers more informally during the week.

Although excellent access to the Centre was eventually received, the initial experience of being denied access by the NIO demonstrates the weakness of the Commission's existing powers. A key recommendation of *In Our Care* was that government enact to provide for enhanced powers to enable the Commission to access places of detention. In November 2005, government published a consultation document paving the way for enhanced powers for the Commission.⁶

Contents of report

Chapter Two of this report details the legislative context and assesses recent developments within the youth justice system. Chapter Three focuses on the human rights principle that the use of custody for children should be a last resort and explores the reality for children in Northern Ireland. The remaining chapters (4 to 12) deal with aspects of children's lives in custody and each begins with an outline of human rights standards. Also included, are extracts from the recently published thematic report from Her Majesty's Chief Inspector of Prisons (HMCIP) *Juvenile Expectations*.⁷ This provides criteria based on a combination of human rights standards and Safeguarding Children: *the Second Joint Chief Inspectors' Report on Arrangements to Safeguard Children*.⁸ These criteria are directed towards prison inspections but include much that is useful in the current context. Following the section on human rights in each chapter is a summary of the findings and recommendations of *In Our Care* and the Criminal Justice Inspection Northern Ireland (CJINI) inspection of the JJC in 2004. This is followed by discussion of the findings of the current research and, finally, a section outlining key recommendations.

Terminology

In international human rights law all under 18-year-olds are defined as children. The terms 'children' and 'young people' are used interchangeably throughout this report while recognising that all those in custody in the JJC are children.

5. There were only two girls in the Centre during fieldwork

6. NIHRC response to government consultation on the powers of the Commission February 2006 [Online] Available: <http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/73/169.doc> [18 August 2006].

7. Her Majesty's Inspectorate of Prisons (2005) *Juvenile Expectations: Criteria for assessing the conditions for and treatment of children and young people in custody*, HM Inspectorate of Prisons, London. [Hereafter *Juvenile Expectations*].

8. Commission for Social Care Inspections (on behalf of joint Inspectors' steering group) (2005) *Safeguarding Children: the Second Joint Chief Inspectors' Report on Arrangements to Safeguard Children*, July 2005, Commission for Social Care Inspection, Newcastle.

Recommendations

1. The government should enact legislation as soon as practicable to provide for enhanced powers for the Human Rights Commission, enabling access to places of detention including institutions where children are detained; the power to conduct unannounced visits and to compel access to relevant documentation.
2. Where appropriate, Memoranda of Understanding (MOU's) should be developed to ensure that oversight bodies work collaboratively for the best protection of children's rights.

Chapter 2 Developments in the youth justice system

Context

In Our Care considered children's rights in custody in the context of legislation, policy and practice on youth justice.⁹ It examined proposed changes in terms of the Criminal Justice Review (CJR),¹⁰ the Justice (NI) Bill 2001; reform of the juvenile justice estate; and proposals to establish a commissioner for children. This chapter discusses the establishment or occurrence of the following:

- The Justice (NI) Act 2002 and Justice (NI) Act 2004
- The Anti-Social Behaviour (NI) Order 2004
- The Youth Justice Agency
- The Northern Ireland Commissioner for Children and Young People
- The Criminal Justice Inspection Northern Ireland
- Detention of children in Hydebank Wood Prison and Young Offenders' Centre (YOC)
- Transition to a single Centre
- Plans for a new centre

The Justice (NI) Acts 2002 and 2004

The Justice (NI) Act 2002, intended to implement recommendations made by the CJR group, was passed in July 2002. To 'continue the process of change and improvement in the criminal justice system',¹¹ the Justice (NI) Act 2004 was passed in May 2004.

In Our Care welcomed the emphasis on diversion and reparation, and many of the provisions in the Justice (NI) Bill 2001, including the introduction of Reparation Orders, Community Responsibility Orders and Restorative Youth Conferences.¹² Provisions for these sentences were implemented under the 2002 Act and came into force in December 2003.¹³

The 2002 Act 'adds to already existing legislation, notably the Criminal Justice (Children) (NI) Order 1998 (CJCO) in a somewhat piecemeal approach'¹⁴ and fails to sufficiently address the concerns expressed by the Commission. Although the Commission stressed that the lack of any reference to human rights instruments in the 2001 Bill, as recommended by the CJR,¹⁵ was a 'serious oversight',¹⁶ this issue was not addressed in the 2002 Act and was insufficiently addressed under the 2004 Act. Under the 2004 Act, the Attorney General for Northern Ireland (a post not yet created) is to issue guidance on human rights standards to certain criminal justice organisations, including the Youth Justice Agency. However, this provision is dependent on the devolution of justice powers to Northern Ireland.¹⁷

9. *In Our Care* pp 18-24.

10. Northern Ireland Criminal Justice Review Group (2000) *Review of the Criminal Justice System in Northern Ireland* The Stationery Office, Belfast.

11. Justice (Northern Ireland) Act 2004 Explanatory Notes para 3.

12. *In Our Care* p 20.

13. Justice (Northern Ireland) Act 2002 (Commencement No.5) Order 2003.

14. *In Our Care* p 20.

15. CJR recommendation 169.

16. *In Our Care* p 20.

17. Justice (Northern Ireland) Act 2004 section 8.

Developments in the youth justice system Chapter 2

The government failed to amend the 2001 Bill 'to place a duty of care on those exercising functions in relation to the youth justice system to have as a primary consideration the child's best interests'.¹⁸ Both the Commission¹⁹ and the UN Committee on the Rights of the Child (UNCRC)²⁰ emphasised that the 'best interests' principle and the principle of children's right to participate should be included in all legislation. Explicit recognition of children's rights is not reflected in the aims of the youth justice system set out in the 2002 Act.²¹

The 2002 Act maintained the age of criminal responsibility, which was set at 10 years by the Children and Young Persons Act (NI) 1968, 'despite its inconsistency with international human rights law'.²² Government has continued to ignore recommendations set out by international standards,²³ the Human Rights Commission²⁴ and the UNCRC.²⁵

Children aged 17-years-old are included in the definition of children for the purposes of criminal justice under the 2002 Act²⁶ and are included within the jurisdiction of the youth court.²⁷ These provisions came into force on 30 August 2005.²⁸ However, the 2002 Act restricts the power of the courts to sentence 17-year-olds to the JJC under a Juvenile Justice Centre Order (JJCO) to those who will not reach the age of 18 during the period of the Order and who have not received a custodial sentence within the previous two years.²⁹ The courts' power to remand 17-year-olds to the JJC has been restricted to those who are under 17 years and six months old and who have not received a custodial sentence within the previous two years.³⁰

18. *In Our Care* recommendation 4, p 28.

19. *In Our Care* p 21.

20. Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations United Kingdom of Great Britain and Northern Ireland, 9/10/2002, UN Doc. CRC/C/15/Add.188, para 26.

21. Section 53.

22. *In Our Care* p 21.

23. United Nations Standard Minimum Rules for the Administration of Juvenile Justice (1985) [Hereafter the Beijing Rules] Rule 2.

24. NIHRC (2001) *Making a Bill of Rights for Northern Ireland: A Consultation by the Northern Ireland Human Rights Commission* NIHRC, Belfast, p 67.

25. UN Doc. CRC/C/15/Add.188, para 62(a).

26. Justice (Northern Ireland) Act 2002 section 53(6).

27. Above, section 63 and Schedule 11.

28. Above, (Commencement No. 10) Order 2005.

29. Above, section 64.

30. Above, para 69 to schedule 13.

Chapter 2 Developments in the youth justice system

In Our Care raised concerns about the detention of children along with adults in Prison Service custody,³¹ but this practice persists. Notwithstanding Article 37(c) of the United Nations Convention on the Rights of the Child (CRC)³² and UNCRC recommendations, the CJCO failed to implement the Chief Inspector of Prison's recommendation³³ for change in legislation so that children are not held in prison.³⁴ Although his successor reiterated that children should not be detained in prison,³⁵ this was not addressed in the 2002 and 2004 Acts. Rather, the government has limited the use of the JJC for 17-year-olds (see above) and maintained provisions for detaining children as young as 15 years along with adults in Prison Service custody. This is provided for children aged 16 and 17 years under the Treatment of Offenders Act (NI) 1968 and for those aged at least 15, deemed to be at risk of harming themselves or others, under the CJCO.³⁶

The detention of children in Prison Service custody is particularly acute for girls who are held in an adult prison (see below). Noting its concerns about the continued detention of children in the same facilities as adults, the UNCRC formed the opinion that 'only resource considerations' prevent the government's withdrawal of the reservation to Article 37(c) of the CRC.³⁷

Custody Care Orders were legislated for under the 2002 Act, but have not been brought into force.³⁸ They provide for custodial sentencing of 10 to 13-year-olds in secure 'care' accommodation. In *Our Care* agreed that young children should not be held in custody but warned of problems associated with the proposed Custody Care Orders.³⁹ The CJINI agreed that it is 'undesirable' to detain children of this age along with older children in the JJC, but also endorsed caution about what would effectively mean setting up a new custodial unit (in a care setting) for a small number of young children.⁴⁰

In 2005, the Youth Justice Agency published the findings of a review of 10 to 13-year-olds entering custody, commissioned by the NIO, the YJA and the Association of Directors of Social Services.⁴¹ The Commission welcomes the review's recommendations aimed at maintaining vulnerable children in the community and diversion from custody.⁴² They include changes to and additional services, programmes, accommodation within Trust areas, legislation, protocols, and training for staff in children's homes and Police Service of Northern Ireland (PSNI) personnel. The need for such provisions to help prevent the inappropriate use of custody was raised by *In Our Care* and is supported by the current research (see Chapter 3). Where secure accommodation is required for young children, it

31. *In Our Care* p 21.

32. Article 37(c) requires that children must be separated from adults in detention unless it is in the child's best interests to do otherwise.

33. Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: United Kingdom of Great Britain and Northern Ireland, 15/02/95 U.N. Doc. CRC/C/15/Add.34 (Concluding Observations) and UN Doc. CRC/C/15/Add.188.

34. HM Chief Inspector of Prisons (1997) *HM Prison Maghaberry (Northern Ireland) Report of an unannounced full inspection*, London.

35. HM Chief Inspector of Prisons (2002) *Report on a full inspection of HM Prison Maghaberry 13-17 May 2002*, London.

36. Under Article 13 of the CJCO children deemed to be at risk of harming themselves or others must be remanded to Prison Service custody and under para 6 to Schedule 2, children in the JJC deemed to be at the same risk may be sent to the prison system.

37. UN Doc. CRC/C/15/Add.188 para 6.

38. Justice (NI) Act 2002 section 56.

39. *In Our Care* p 22.

40. Criminal Justice Inspection Northern Ireland (2005) *Inspection of the Juvenile Justice Centre (Northern Ireland) October 2004*, Belfast, para 2.5. [Hereafter

41. CJINI Inspection JJC 2004].

42. McKeaveney P (2005) *Review of 10-13 Year Olds Entering Custody January 2003 - August 2004* YJA, Belfast [Hereafter, McKeaveney Report].

McKeaveney Report.

Developments in the youth justice system Chapter 2

should, as recommended by *In Our Care*, 'be of an adequate standard, staffed with appropriate numbers of well-trained professionals and serve the aim of returning the child to a more open setting as soon as is practicable'.⁴³

The Anti-Social Behaviour (NI) Order 2004

A significant legislative development is the introduction of the Anti-Social Behaviour (NI) Order 2004. Anti-Social Behaviour Orders (ASBOs) can be issued in a magistrates' court to a child aged 10 years or over, as a response to inconvenient non-criminal behaviour. While ASBOs are civil injunctions that impose conditions on the behaviour of the recipient, breach of an ASBO is a criminal offence carrying up to five years' imprisonment, a fine or both. The Commission has stressed its concerns about the Order and disappointment about proposals, since enacted under the Criminal Justice (NI) Order 2005, to extend the scope of bodies that may apply for an ASBO and introduce interim ASBOs on conviction for criminal offences.⁴⁴

The use of ASBOs in Northern Ireland to date has been limited, but there is an inevitable risk of growth in numbers issued, potentially leading to increased numbers of breaches. This will have clear implications for children receiving ASBOs in terms of criminalising their behaviour and potentially leading to increased child custody levels.

These concerns are supported by the documented evidence on the use of ASBOs in England and Wales since their introduction in 1999.⁴⁵ This reveals that some children have been 'fast-tracked' in to custody as a result of breaching ASBO conditions.⁴⁶

The Youth Justice Agency

The Youth Justice Agency (YJA), established as an Executive Agency within the NIO in April 2003, replaced the former Juvenile Justice Board. It consists of four Directorates, including the JJC, Youth Conferencing, Community Services and Corporate Services. The aim of the Agency is to prevent offending by children. The YJA carries out the functions of the Secretary of State for the provision of youth justice; however, youth justice policy continues to be the responsibility of the Criminal Justice Directorate of the NIO.

The Commission's recommendation that responsibility for the health care and education of children in the JJC be passed to the Department of Health and Social Services and Public Safety (DHSSPS) and the Department of Education (DENI) has not been implemented.⁴⁷

In addition to the YJA review of 10 to 13-year-olds entering custody,⁴⁸ the Commission welcomes the pending publication of research on pathways into care and custody and on the use of remand – issues which continue to raise concerns.

43. *In Our Care* p 48.

44. NIHRC response to government consultation on the Proposed Criminal Justice Order (Northern Ireland) 2005 [Online] Available: <http://www.nihrc.org/dms/data/NIHRC/>.

45. See for example Kilkelly U, Kilpatrick R, Lundy L, Moore L, Scraton P, Davey C, Dwyer C and McAlister S (2004) *Children's Rights in Northern Ireland* NICCY, Belfast. [Hereafter NICCY 2004]

46. CJINI para 5.15.

47. *In Our Care* p 20. See also recommendation 1, p 110 and recommendation 3, p 138.

48. McKeaveney Report.

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The Commission supports the YJA approach to developing its own policies and consulting on these, especially where there is consultation with children and with staff working in the youth justice system.

The Commission is concerned that the new centre, under construction, will not be able to accommodate all of those 17-year-olds receiving custodial remand or sentencing (see below). It is the Commission's view that the YJA and the NIO together should review the needs of all children in custody.

Northern Ireland Commissioner for Children and Young People

The Commission welcomed the establishment of the Northern Ireland Commissioner for Children and Young People (NICCY). Legislation establishing that office was passed in February 2003⁴⁹ and the Commissioner took up office on 1 October 2003.⁵⁰ The principal aim of NICCY is to safeguard and promote the rights and best interests of children and young people.⁵¹ Its remit includes justice and policing as recommended by *In Our Care*. NICCY has a duty to keep under review the adequacy and effectiveness of law and practice relating to the rights and welfare of children,⁵² including children detained in the JJC and of services provided by relevant authorities,⁵³ including the Youth Justice Agency. Unfortunately, there is no obligation placed on government to positively respond to the recommendations of NICCY or the other 'watchdog' bodies.

The Commission welcomed research, published by NICCY in 2004, which provided an overview of children's rights in Northern Ireland against the framework of international human rights standards. A Memorandum of Understanding is being developed between the NIHRC and NICCY to ensure co-operative working and appropriate sharing of information. Collaborative work between the 'watchdog' bodies should encourage government to adopt shared recommendations.

Criminal Justice Inspection Northern Ireland

The Criminal Justice Inspection Northern Ireland (CJINI) was established as an independent statutory inspectorate and began work in October 2004. Headed by the Chief Inspector of Criminal Justice, it is funded by, and reports to, the Secretary of State for Northern Ireland. The CJINI remit includes the YJA and it has responsibility, (previously exercised by the Social Services Inspectorate for Northern Ireland (SSI)), for inspecting the JJC.⁵⁴ In October 2004, an announced inspection of the JJC by CJINI took place, led by the SSI with a multi-disciplinary team of inspectors from CJINI, education, health estates, and a guest inspector from the NIHRC. The report on this inspection is reflected upon throughout the current report. The CJINI has jointly published, with Her Majesty's Chief Inspector of Prisons (HMCIP), inspections of Hydebank Wood Prison (for women and girls)⁵⁵ and Hydebank Wood

49. The Commissioner for Children and Young People (Northern Ireland) Order 2003 (CCYPO).

50. Sadly, Northern Ireland's first Children's Commissioner, Mr Nigel Williams, died in March 2006.

51. CCYPO Article 6(1).

52. CCYPO Article 7(2).

53. Above, Article 7(3).

54. Justice (Northern Ireland) Act 2002 section 46.

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YOC.⁵⁶ CJINI is currently carrying out a review of delay in criminal cases which is identified as a serious problem within this report (see Chapter 3).

CJINI adopts a collaborative approach to inspection aiming to 'examine the strengths and weaknesses of organisations with a view to identifying the scope for improvement'.⁵⁷

Detention of children in Hydebank Wood Prison and YOC

In Our Care was critical of the practice of detaining children in prison custody especially where girls were held in the adult prison in Maghaberry.⁵⁸ In June 2004, women and girls were moved from Maghaberry Prison to Ash House, a unit within Hydebank Wood which is both a prison for women and girls, and a Young Offenders' Centre (YOC) for young men and boys. The transfer was strongly criticised by the HMCIP/CJINI inspection report on Ash House, which found that the relocation had not tackled the issues raised by the Commission⁵⁹ and the HMCIP.⁶⁰

The inspectorates found Ash House to be 'unsuitable for children' and recommended that girls should not be held there.⁶¹ It criticised the facilities; the regime; staff support and training and inappropriate treatment of self-harming and suicidal women and girls.⁶²

The inappropriate and 'poorly implemented decision'⁶³ to move women and girls to Hydebank Wood presents serious challenges not only for women and girls but also for boys and young men and the staff responsible for their care. The Hydebank Wood inspection found that managers had needed to focus on the needs and problems associated with the arrival of female prisoners and this, together with industrial action by prison officers, had 'blocked some of the positive developments that were beginning, or had been promised, at the time of the last inspection'.⁶⁴

The inspection highlighted the problems for boys; for example, only one third of juveniles had access to education, there was too much use of special cells and strip clothing in cases of self-harm and insufficient staff training in child protection.⁶⁵

55. HM Chief Inspector of Prisons and the Chief Inspector of Criminal Justice in Northern Ireland (2005) Report on an unannounced inspection of the Imprisonment of Women in Northern Ireland Ash House Hydebank Wood Prison 28-30 November 2004 CJINI, Belfast [Hereafter Ash House Inspection 2004].

56. HM Chief Inspector of Prisons and the Chief Inspector of Criminal Justice in Northern Ireland (2005) Report on an unannounced inspection of Hydebank Wood Prison and Young Offender Centre 14-17 March 2005 CJINI, Belfast [Hereafter, Hydebank Wood Inspection 2005].

57. CJINI Inspection JJC 2004 Appendix 3.

58. *In Our Care* p 31.

59. Scraton P and Moore L (2004) Report on the Transfer of Women from the Mourne House Unit, Maghaberry Prison to Hydebank Wood Young Offenders Unit NIHRC, Belfast [Hereafter, The Hurt Inside].

60. HM Chief Inspector of Prisons (2002) Report on a Full Inspection of HM Prison Maghaberry 13-17 May 2002, London. [Hereafter, Maghaberry Inspection 2002]

61. Ash House Inspection 2004 para 3.75.

62. Above, paras 3.12-3.45.

63. Ash House Inspection 2004 p 5.

64. Hydebank Wood Inspection 2005 p 5.

65. Above.

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The CJCO provides for the detention in Prison Service custody of children as young as 15 years, who are deemed likely to injure themselves or others.⁶⁶ All decisions to send a child to Hydebank Wood under this provision are taken by the court. If the JJC management considers that a child cannot safely be detained in the JJC they can make representation to the court. The Commission was informed that since the transition to a single Centre, the courts have agreed on five occasions to move young people from the Centre to Hydebank Wood. These involved, for example, cases of severe bullying of other young people and injury caused to staff. In such cases the Centre waits until the next scheduled court hearing at which representations are made for the young person to be detained in Hydebank Wood. The Centre Director noted that JJC staff actively attempt to prevent children, especially girls, being sent to Hydebank Wood and, in interviews, JJC managers were agreed that girls should not be held in Hydebank Wood.

Little information is available in the public domain on the remand and sentencing of children to the YOC or to Hydebank Wood Women's Prison a situation which should be monitored by the NIO and YJA.

Transition to a single centre

Lisnevin JJC was closed in October 2003 and the JJC at Rathgael, approximately 10 miles from Belfast, became the single Centre for Northern Ireland. In turn, this will be replaced in 2007 by a new centre on the same site. The closure of Lisnevin and transition to the JJC involved bringing staff and children from the two centres together. The buildings and ethos in Lisnevin and Rathgael were very different and amalgamating them was, and still is, a huge challenge. The CJINI described the transition as a 'roller coaster', commending the senior management team for its handling of the process but drawing attention to a lack of preparation and speed of the move.⁶⁷

While acknowledging the difficulties associated with planning such an extensive transition, interviews for the current report revealed concerns about the process. Teaching staff had been given preparatory time at the new school in the JJC to get ready for the young people's arrival; however, some teaching staff indicated that they had felt insufficiently involved in the decision-making process. Responding to these concerns, the Commission was told that Centre management and the YJA consider that teachers were able to fully participate in the development of the new arrangements. Care staff had even less time to prepare as most staff from Lisnevin simply arrived at the JJC along with the young people in their care. These staff said it had been very difficult to move into the new situation, particularly in terms of safety, being unsure of the buildings, locks and so on. In October 2003, 'the damage, physical harm, loss of control and the pervading danger prompted the Director to impose a "lock down" of ISU [Intensive support unit] /Assessment'.⁶⁸ At least two members of staff were injured during this period. Staff members described the difficulties:

66. CJCO Article 13 and Paragraph 6 to Schedule 2.

67. CJINI Unannounced Inspection of the JJC January 2004 para 4.19.

68. CJINI Inspection JJC 2004.

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"[At the beginning] there was a lot of chaos and disarray. There was a senior management issue. Planning was not good for the transfer from Lisnevin. Things were not in place. There was a lack of direction and support from senior management. Transition takes time." (Staff)

"The day the boys came down it was meant to be one or two boys but [there were more] it was a disaster. I felt sick coming in to work. You didn't know if a boy was going to say hello or hit you." (Staff)

The transition was also difficult for boys moved from Lisnevin. They had to get used to differences between a large austere building where they could mix freely on landings and the smaller setting of house units with significantly increased staff supervision. Both staff and children interviewed for this research, who had experience of Lisnevin made comparisons between Lisnevin and the JJC. The issues raised are documented in the relevant chapters of this report. These indicate that greater consultation in advance of the transition to the JJC would have been beneficial, both in achieving a sense of ownership and learning from the experience of staff and young people.

Despite the Commission's recommendations that the Juvenile Justice Centre (NI) Rules 1999 should be revised, the JJC continued to operate under them.⁶⁹ At the time of writing this report, new Rules were being devised and the Commission appreciates the point made by a JJC manager that this is "a lengthy process"; however, it is concerned that the Rules have not been updated.

Plans for a new centre

The current research supports the continued importance of involving staff, young people and external groups in preparation for the new centre currently under construction. In interviews, most staff stated that they would welcome more involvement and information. Since the Commission fieldwork was complete, it is understood that staff involvement has intensified. Since September 2005, the Youth Justice Agency and the Centre Management have launched a 'Development Process for the new Juvenile Justice Centre'.⁷⁰ Task Force Groups have been set up involving staff and external experts (including managers of units in Scotland and England). Information events have been held and staff have visited the construction site and been asked for their views. This has led to changes to the design of certain areas. A workshop was held on the 'operational regime' in October 2005 at which a group of staff were asked to comment on the routine proposed. Production of a newsletter on the process should greatly aid the need for information. The involvement of staff is vital to ensuring a smooth transition process and the Agency and the Centre should continue to build on this commitment. It is disappointing, however, that this level of involvement has come at such a late stage in the design of the new centre. Staff can comment on, for example, the colour schemes and 'fine tuning' of the layout of the new centre, but 'plans are at a very advanced stage and construction is proceeding rapidly. It would be difficult and

69. *In Our Care* pp 29, 65 and 100.

70. YJA Staff Newsletter Building for the Future, November 2005.

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costly to introduce changes at this stage. However, we must be alert to defects that may impact on safety and security'.⁷¹

A manager from England, involved in one of the Task Force Groups, commented in the newsletter on the need to 'guide the thoughts of those involved in task groups away from what is familiar and comfortable and to consider other options which may prove more effective and beneficial'.⁷² A manager felt that the change from Lisnevin to the JJC had been very difficult for some staff, and that the prospective change to yet another new setting will prove too much and that some may leave. A small number of staff stated in discussion that they did not feel that their future lay in the forthcoming setting (see Chapter 5).

Only some of the young people interviewed said that they knew a new centre was being built and described what they had heard about the plans for it. None of them said that their views about it had been sought. More positively, a young person who served custodial sentences in Lisnevin and Rathgael has been actively involved with the JJC Project team in planning for the new centre.⁷³ The team has commended his input into the design and sought his involvement in the development of operational routines and procedures for the centre. The Commission welcomes the team's intention that the young person will play a role in involving children in the JJC in plans for the new centre. Such consultation with young people is vital.

The new centre is expected to be complete at the beginning of 2007, at a cost of 16.8 million pounds. 'Surplus land' is being sold to help finance the development.⁷⁴ The researchers were given the opportunity to see plans for the design of the new centre and, along with the Chief Commissioner, to visit the construction site. Issues relating to the plans and recommendations for the centre are raised throughout this report. The Commission was disappointed that a single centre has been adopted as the preferred model, maintaining that small, family-sized units, based in local communities and founded on therapeutic principles would be more in keeping with international human rights standards.

At the time of publishing *In Our Care* in 2002, the favoured model was that of St Mary's Kenmure, at Bishopbriggs near Glasgow⁷⁵ and this has been largely adopted as the model for the new centre. Six living units are to be built around a series of courtyard areas. Living units, recreation and administration units will all be on ground level. Only the education unit will have more than one level and there are plans to install a lift here. The use of single-storey buildings is aimed at ensuring that there is no need for dedicated 'time out' or isolation rooms, by avoiding the need to move young people up or down stairs.

Rather than relying on fences and external security, security is to be built into the fabric of the building design and a 5.2 meter-high wall installed, where necessary, around the courtyards, forming the perimeter of the centre. The six living units are based on the same

71. Above.

72. Above.

73. Vernon K (2005) 'Key Advisory Role for Young Person' *Youth Justice Connections Issue 7* June 2005 p 5.

74. YJA Staff Newsletter *Building for the Future* November 2005.

75. *In Our Care* p 23.

75. Above.

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physical design, each containing eight bedrooms with en-suite facilities, a kitchen and a visitors' room. All units will have courtyard access. The unit where girls will live will have access to a courtyard which is not overlooked by other units.

In Our Care stressed the importance of carefully planning for and sensitively addressing the needs of girls in custody.⁷⁶ However, the CJINI found problems in meeting the needs of the very small number of girls. Concerns about girls' experiences of specific aspects of the JJC raised by the current research are documented in the relevant chapters throughout this report. The Commission looks forward to the publication of the SSI/CJINI report on girls in custody, but is extremely concerned about the lack of a strategic document for dealing with the mixed gender residency of children in custody. This, and training for staff unused to working with girls was advocated by *In Our Care*.⁷⁷

Also of concern to the Commission is the indication that despite the provision of a new centre some children (especially male 17-year-olds) will continue to be held in Prison Service custody. The needs of all children remanded or sentenced to custody should be reviewed by the NIO and YJA and a strategic plan developed to address these needs.

At the time of writing, policies were being devised for the JJC and the writing of policies and procedures for the new centre had begun.⁷⁸ The Commission strongly advocates their completion in advance of the opening of the new centre.

Recommendations

3. The government should review all youth justice legislation to incorporate explicit recognition of children's rights, including the 'best interests' and 'participation' principles.
4. The government should significantly raise the age of criminal responsibility following appropriate consultation.
5. The government should withdraw its reservation to Article 37 (c) of the CRC.
6. Legislation should be revised to prohibit the detention of children in prison. In the interim, government should closely monitor the use of Prison Service custody for children, including reasons for its use and should place this information in the public domain.
7. Legislation should be enacted to extend the full protection of the Children (NI) Order 1995 to all detained children.

76. Above, p 32.

77. Above.

78. Commission correspondence from the JJC, 25 October 2005.

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8. Legislation providing for ASBOs should be repealed. In the interim, government should monitor their use and any impact on child custody levels.
9. Plans for the new JJC should be informed by appropriate consultation and research (including the current research) and the YJA should consider how best to enhance the involvement of staff and children in planning for the new centre.
10. All policies and procedures for the new centre should fully integrate the provisions and principles of the CRC and other relevant international human rights standards. They should be agreed prior to the transition to the new centre.
11. The replacement to the Juvenile Justice Centre (NI) Rules 1999 should incorporate the rights of children and should be published for consultation without delay.



The right to liberty: detention as a last resort Chapter 3

Human rights standards

Custody for children should be used only as a last resort and for the minimum period of time.⁷⁹ All efforts should be made to apply alternatives to detention before trial to ensure that it is limited to exceptional circumstances.⁸⁰

International law enshrines the right of sentenced children to be dealt with in a manner which is appropriate to their well-being and proportionate, both to their circumstances and the offence.⁸¹ The CRC requires that deprivation of liberty be avoided wherever possible and a variety of alternative disposals be provided.⁸² Custody should be limited to exceptional cases⁸³ and should only be imposed if the child is adjudicated of a serious act involving violence against another person, or of persistence in committing other serious offences and if there is no other appropriate response.⁸⁴

Legislative basis for detaining children in the JJC

The three main routes through which children can be detained in the Centre are dealt with separately below. They are:

- a) sentence to a Juvenile Justice Centre Order (JJCO) under the Criminal Justice (Children) (NI) Order 1998 (CJCO)
- b) remand under the CJCO; or
- c) remand under the Police and Criminal Evidence (NI) Order 1989 (PACE).

In Our Care raised concerns that, contrary to international standards, custodial sentences and remands were not used only as a measure of last resort and for the shortest period of time. Concern was also expressed about the cross-over between care and custody and the need for a range of specialist services to reduce custodial remands.⁸⁵ *In Our Care* was also critical of provision of indeterminate sentences for children during the Pleasure of the Secretary of State under s45 of the CJCO. This provision has been maintained despite the Commission's view that it is 'inconsistent with the international principle of using custody as a last resort and for the shortest possible duration'.⁸⁶

Juvenile Justice Centre Orders

Article 39 of the CJCO provides for the court to sentence a child to a Juvenile Justice Centre Order (JJCO) for a determinate period of detention in the JJC, followed by a period of supervision of equal length in the community. It specifies that the normal period of a JJCO shall be for six months but the court also has the power to make a JJCO for a maximum of two years. In effect, the period of detention in the JJC should be between three and twelve months.

79. CRC Article 37; UN Rules 1, 2 and 17; Beijing Rules 13.

80. Beijing Rules 13; UN Rules 17.

81. CRC Article 40; Beijing Rules 17.1(a).

82. CRC Article 40.

83. UN Rules 2.

84. Beijing Rules 17.1(c).

85. *In Our Care* p 38.

86. Above.

Chapter 3 The right to liberty: detention as a last resort

In Our Care acknowledged that, in keeping with international human rights standards, the aim of the CJCO was to reduce the numbers and the length of time in custody. It supported the aim of limiting custody to the most serious, violent or persistent offenders, but criticised the failure of the Order to require the court to consider the availability of alternative, appropriate responses.⁸⁷ Despite the introduction of new community-based orders under the Justice (NI) Act 2002 (Chapter 2), this issue has not been addressed. As such, the Commission maintains the view that the CJCO does not meet the international standard stipulated in Rule 17.1(c) of the Beijing Rules.

In Our Care drew attention to the fact that 'many young people ... experience repeated spells in custody on remand or (less often) following reconviction under the Order'.⁸⁸ Fieldwork for the current report revealed that this 'revolving door' effect remains an issue. It was illustrated in interviews with children, who had been in and out of custody up to four times and by staff descriptions of some children's experiences. Several staff gave the example of a 14-year-old boy, who had been in the Centre on 16 separate occasions.

NIO figures show that 56 JJCOs were given by the courts to 41 children in 2005.⁸⁹ These figures show an increase on 2004, when 46 JJCOs were given to 36 children. The figure for the number of children given JJCOs in 2005 (41) is a decrease of 24 per cent compared with 54 children given a JJCO in 2000.⁹⁰ However, there has only been an overall decrease of 11 per cent in the number of initial admissions of children to the JJC under sentence, remand and PACE (342 in 2000 and 303 in 2005).

In Our Care noted that the number of initial admissions had increased by 20 per cent between 1997 (285) and 2000 (342), largely due to the use of remand.⁹¹ Since its publication, admissions under sentence continue to constitute the minority of initial JJC admissions (9 per cent in 2004 and 2005). From the total number of children admitted to the JJC in 2004 and 2005 (169 in both years), less than a quarter (21 per cent and 24 per cent respectively) were detained under a JJCO.

JJCOs are imposed by the courts for a range of violent, sexual, property and motoring offences, and for breaching orders. In 2005, the majority of JJCOs were for burglary (16 per cent, compared with 4 per cent in 2004), followed by theft, criminal damage, assault and breach of a Probation Order (11 per cent each). The majority of JJCOs imposed in 2004 were for theft (31 per cent) followed by criminal damage (14 per cent).

The extent to which custody is used as a last resort was brought into question by examples of offences that may lead to children being admitted to the JJC. Children are not segregated according to their offending behaviour or admission status, and staff expressed concerns about the detention of children for relatively minor offences alongside children detained for serious offences (see also Chapter 4).

87. Above, p 39.

88. Above.

89. Even though a child may receive a number of JJCOs at one hearing, s/he can only serve one Order.

90. *In Our Care* p 40.

91. Above.

The right to liberty: detention as a last resort Chapter 3

"You could have a boy in because he's broke[n] windows and you could have a boy in because he's attempted murder, and that's a fault. ... You've also got boys in here with maybe 100 car crimes and they're mixing with the window-breaker, maybe selling drugs and that. ... I'm sure there is a contamination issue there." (Staff)

Remand under the Criminal Justice (Children) (NI) Order 1998

The Commission welcomes the forthcoming research on the use of remand and on pathways into care and custody, and the CJINI review of delays in criminal cases. This is in line with the Commission's recommendation for research on the high rates of remand.⁹²

A further development, since the publication of *In Our Care*, is the introduction of the Bail Supervision and Support (BSS) scheme, provided as part of the YJA Remand Management Strategy. Bail support is intended to reduce time spent on remand in the Centre and was described by a member of staff as "the most dramatic change" in the Centre since the publication of *In Our Care*. Within 24 hours following a custodial remand, bail support staff visit the young person at the JJC to compile a bail assessment and put together a bail support package comprising viable alternatives to custodial remand. The bail support packages include foster and residential placements.

Down Lisburn Health and Social Services Trust provides two beds for young people in the JJC for particularly long periods of time and the Inside Out project, run by Extern in partnership with the Trust, the YJA and NIO, provides five placements for children "considered very much at risk".⁹³ This goes some way to addressing the recommendations of *In Our Care*.⁹⁴ However, staff felt that seven placements, available at the time of the research, were insufficient. A staff member noted the intention to provide five additional placements.

Interviews with management indicated that they were generally satisfied with the BSS scheme and felt its success was borne out by the fact that only one young person on bail support committed a further offence and was returned to the Centre.

Managers and staff felt that the courts had responded positively to bail support, but they continued to have concerns about the inappropriate use of remand.⁹⁵ For example, "there was one boy on eight months bail fostering and then all the charges were dropped. They're remanded from care and then charges are dropped" (Staff). Staff considered that the reduction in use of custodial remand needed to be extended to all court areas outside Belfast.

92. Above, recommendation 1, p 42.

93. Commission interview with staff.

94. *In Our Care* recommendations 14 and 15, p 50.

95. *In Our Care* p 41.

Chapter 3 The right to liberty: detention as a last resort

Concerns about the high level of children placed on remand who do not go on to serve a custodial sentence led *In Our Care*,⁹⁶ and the CJINI report,⁹⁷ to question whether pre-trial detention is being limited to exceptional circumstances as required by international and domestic law. The current research found that this issue remains. In 2005, the majority of children remanded by the court were not subsequently deemed to require custody, with only 14 per cent going on to receive a JJCO. The vast majority received bail (81 per cent), while the remaining children were released by the courts (4 per cent) or had their charges dropped (1 per cent).

The unacceptably high level and inappropriate use of remand under the CJCO, identified by *In Our Care*,⁹⁸ is still evident. In 2005, the proportion of total admissions on remand under the CJCO (55 per cent) remains disproportionately large compared with admissions under a JJCO (14 per cent). In addition, the number of initial admissions under remand increased by 50 per cent on the previous year (98 in 2004 and 147 in 2005) and, when compared with 2000, there has been an overall increase of 17 per cent in initial admissions under remand. Staff highlighted the various difficulties caused for children and the work of the Centre by the high level of remand:

"If young people are in on remand it's difficult to develop relationships. Increased numbers mean eight or nine in one unit, not six or seven. It's too many. We need to work hard to get them out. It's more beneficial if there are groups of six." (Staff)

"Some of them ... just can't handle being in custody. ... This is kids on remand, where the court process takes too long or they're nervous about their case and ... the amount of custody they're going to receive. There's maybe kids that are going to go to the YOC for two to three years." (Staff)

"I've heard staff saying committed boys should be separate from remand. I suppose it would be difficult for young people seeing a committed boy ... starting to get home leave. They may then feel 'why am I not getting it'." (Staff)

Staff and children indicated that the reasons for the over-use of remand remain the same as those put forward by *In Our Care*.⁹⁹

These include insufficient specialist services and alternatives to custodial remand.

"There's a lot of good work in the community, but there's still too many coming into custody that shouldn't. It's a lot about support accommodation." (Staff)

"The judge just had me remanded because they can't get me a place." (Young person)

96. Above, p 41.

97. CJINI Inspection JJC 2004 para 1.18.

98. *In Our Care* pp 40-42.

99. *In Our Care* pp 42-50.

The right to liberty: detention as a last resort Chapter 3

"I had concerns around a vulnerable child, a care child, in the unit with [a young person] who is highly dangerous with serious psychological problems and emotional issues. ... We need more fostering placements." (Staff)

A further reason put forward by staff and children is the failure of solicitors and/or social workers to attend court hearings.

"The court was happy to grant bail, but because there was no social worker there, he was remanded." (Staff)

"In one case I was remanded because there was no-one there to represent me. ... My solicitor's useless. See the court cases I've been to, he's never there. ... The day I was put in here, he spoke to me for about five minutes and told me that whenever I went up to the court that he would see me. I went up ... and there was someone there representing me that I didn't even know." (Young Person)

The young person believed that he was not released on bail as his barrister did not convey to the court his determination to "be good".

"I know that if I step out of line I'll be back in again which is what I don't want. ... because [the barrister] didn't tell the judge that, the judge is probably thinking 'right if I send him back to [the children's home] and he's still pissing about he's going to go back to the Juvenile Justice Centre, in and out and in and out until he goes to Hydebank'." (Young person)

Staff, management and young people expressed exasperation about delays in the judicial process. A manager attributed these to time taken by police and solicitors to prepare files:

"Why does it take the police 50-odd days to prepare a file? ... Why can't the solicitor prepare a file there and then? ... Why do they need time to decide if a child broke a window in the children's home? ... A diversionary process should be in place. ... For serious offences, for example sex offences ... forensics appear to go into the ether. ... In England, it is not unheard of to be charged and tried and sentenced the next day. ... There's no catch-up game where they wait for other cases to bring other offences together. ... Here it appears to go on forever." (Manager)

This manager advocated monitoring the use of the Centre's video link system with the court, as it may make it "easy" for the court to continue to remand a child.

Chapter 3 The right to liberty: detention as a last resort

Remand under the Police and Criminal Evidence (NI) Order 1989 (PACE)

In line with the Commission's recommendation that a strategy should be developed for reducing the levels of admission under PACE,¹⁰⁰ criteria for such admissions has been produced by the Centre with NIO assistance.¹⁰¹ These criteria include the requirement that the PSNI produce the correct PACE Order. The Centre refuses to admit a child if a correct Order is not provided; if there are "very high numbers"; and "if the child is vulnerable and the offence isn't serious" (Staff). A staff member gave the example of a refusal to admit a "young girl, a shoplifter" and indicated that the use of the criteria had helped to address the inappropriate admission of children from Looked After Care: "It was not uncommon for them to turn up with a Lakewood kid, for example, for throwing juice over staff".

The CJINI commended the Centre for refusing to admit children under PACE Orders which were considered 'inappropriate' and the Commission supports this approach.¹⁰² The introduction of PACE criteria is positive and there was a marked reduction of 28 per cent in the number of PACE admissions between 2004 and 2005 (181 and 130 respectively). In addition, compared with the figure of 189 reported in *In Our Care* for 2000,¹⁰³ there has been an overall decrease of 31 per cent in the use of PACE. However, notwithstanding JJC efforts, the use of the Centre to hold children under PACE remains unacceptably high and continues to demonstrate the 'lack of commitment to international standards' documented in *In Our Care*.¹⁰⁴

Concerns that children are detained under PACE, essentially for holding purposes, remain an issue as indicated by the proportion of PACE children released to the police or bailed within days. In 2005, 40 per cent of the admissions under PACE in the JJC were discharged, while the remainder were returned on remand from court. In 2004, about half of PACE admissions were discharged (49 per cent).

Detention of Looked After Care Children in the JJC

The over-representation of children from care in custody, highlighted by *In Our Care*, continued to be of great concern to staff. The CJINI report noted that the 'drip feed' of children from care into justice was 'particularly worrying', but the problem was being addressed.¹⁰⁵

Managerial staff confirmed that steps had been taken to address the high level of children from care remanded in custody. They welcomed the study on pathways into care and custody and discussions between JJC managers and the police about this issue, had resulted in the Trusts and PSNI devising a strategy to help reduce "unnecessary custody remands because children were in care" (Manager). However, managers and staff felt that the overuse of remand continued due to inadequate care provision in the community,

100. *In Our Care* recommendation 7, p 44.
 101. Commission interview with staff.
 102. CJINI Inspection JJC 2004 para 1.19.
 103. *In Our Care* p 43.
 104. Above.
 105. CJINI Inspection JJC 2004 para 1.19.

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including "a lack of choice, insufficient resources and insufficient staffing" (Staff). For example, one staff member concluded that "children's homes are unable to cope". Another commented:

"Kids in care would say they would rather be here ... there's far more activities, the school's more interactive and it's more visual and more audio. ... Maybe in care the boundaries aren't as clear for them. I'm not criticising care people, they try their best, but just, they haven't got the same authority."

A staff member called for further steps to be taken to prevent children from care being detained in the JJC: "They should take restorative justice conferencing into care homes. The aim is to keep children out of custody". He was concerned that when children are bailed from custody "some of the conditions are so stringent you know they're going to fail" and, he explained, "PACE children come from children's homes. If they breach bail because they're not back at 9pm, they call the police".

Further examples provided by staff of the inappropriate use of the JJC for children with care backgrounds highlighted the continued concerns:

"He was in and out of the [children's home] consistently. ... He's in for nuisance offences. ... He has serious learning difficulties and there's a concern that this may lead to serious harm." (Staff)

"We have had a few shocking cases ... We had a boy who'd been in over 210 homes in 10 years ... That was horrendous ... and then you wonder why he offends. ... When they go back out they want to come back in. That was true of this boy. ... This is the longest period of time of stability he's had in his life." (Staff)

"I think the number of young people getting in from the care side is frightening. Some are disturbed; some are clearly suffering from mental illnesses, psychological problems. ... You could be in a house where you're taken out of it for your own safety and put in a children's home and the first thing you know, you're locked up here." (Staff)

Centre management have made positive efforts to reduce the cross-over between care and custody. It is disappointing, therefore, that the proportion of children in custody from looked after care appears to be rising apparently for the reasons put forward by *In Our Care*, namely lack of appropriate, specialist care accommodation, with adequately trained staff. This is supported by research indicating that the need for further resources to prevent children being admitted to custody has not been sufficiently addressed.¹⁰⁶

106. Quinn K and Jackson J (2003) *The Detention and Questioning of Young Persons by the Police in Northern Ireland* Research and Statistical Report No. 9 NIO, Belfast; NICCY 2004; and McKeaveney Report.

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In 2004, 56 children were admitted to the Centre from children's homes.¹⁰⁷ Some were admitted on more than one occasion and in total there were 107 admissions from children's homes. Figures for the first six months of 2005 show a similar trend with 33 children from children's homes admitted a total of 56 times¹⁰⁸

Over both periods of time the majority of admissions were from Glenmona Children's Home and the Lakewood Centre. The Commission welcomes the provision of a new building, to be completed in 2006 at Lakewood to improve the provision of secure and non-secure specialist childcare services for children.

A Centre manager noted that of 145 children placed on remand between April and December 2004, 45 per cent were "care children", who he describes as children from children's homes as well as those with social work involvement in their home. He also pointed out that over half of the children detained in the Centre at the time of the interview (52 per cent) were "care cases".

The Commission welcomes the YJA review of 10 to 13-year-olds entering custody and the insights this provides into the cross-over between care and custody and the recommendations made to address this phenomenon.¹⁰⁹ The review findings confirm concerns raised by *In Our Care* and by staff in the current research about the over-representation of care children in the JJC. They confirm concerns that custody is not always used as a last resort due to a lack of appropriate secure care accommodation and its use as respite care for parents or staff in children's homes. The Commission hopes that the government will implement the review recommendations.

Recommendations

12. The NIO and YJA should ensure the provision of regular, published statistics on children in custody including details of admissions, length of stay, reason for admission and subsequent outcome. This should enable analysis of the operation of the CJCO, the use of remand under PACE and the cross-over between care and custody, and should include relevant Section 75 details.
13. The government should consult widely on how best to take forward the recommendations from McKeaveney and other forthcoming studies, including those on the use of remand, pathways into care and custody, and the CJINI review of delay in criminal justice cases.
14. The courts' handling of youth cases should be a recognised area of expertise with significant investment made in training magistrates, lay panel members and children's legal representatives.

107. Figures from the Youth Justice Agency.

108. Above.

109. McKeaveney Report.

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15. The YJA should monitor court decisions during hearings through the JJC video link.
16. The government should provide the necessary funding for the continued development of bail support and specialist placements and residential services for children to minimise the use of custody.
17. The Centre management should continue its policy of refusing to admit inappropriate PACE referrals.
18. Children's rights-compliant policy and procedural documents on the approach to be adopted by police when called to children's homes should be developed in consultation with young people.

Chapter 4 Children's reception and induction into the Juvenile Justice Centre

Human rights standards

The Prisons Inspectorate requires that children 'travel in safe, decent conditions to and from court' and that during movement 'the individual needs of young people are recognised and given proper attention'.¹¹⁰ The Inspectorate requires that children and young people:

'... feel safe on their reception into the establishment and for the first few days. Their individual needs, both during and after custody, are identified and plans developed to provide help. During induction into the establishment young people are made aware of establishment routines, how to access available services and given help to cope with being in custody.'¹¹¹

International human rights standards require that individuals should only be received into custody if there is a valid commitment order.¹¹² Reception arrangements should assist people in resolving their urgent personal problems. A complete record shall be kept of each young person and the reason for their admission.¹¹³

UN Rules stipulate that, on entering a place of detention, children must be given a copy of the rules in a language they understand and must be given help to understand the procedures, aims and ways of working of the centre.¹¹⁴ Article 12 CRC - rights to information and participation, and Article 19 CRC - right to safety, must be observed in the reception and induction process.

As soon as possible after reception, 'full reports and relevant information on the personal situation and circumstances of each juvenile should be drawn up ...'.¹¹⁵ Each young person shall be interviewed and a 'psychological and social report identifying any factors relevant to the specific type and level of care and programme required' prepared. A report should also be prepared by a medical officer. This information should be used by the centre to determine the most appropriate placement for the young person within the facility and the type of care and programme needed. The principal criterion for separating different categories of children in custody should be the provision of care best suited to their individual needs.¹¹⁶

Previous research

A key concern expressed in *In Our Care* was that children were being inappropriately admitted to custody under PACE.¹¹⁷ *In Our Care* documented inconsistent reception and induction support for young people and recommended a comprehensive review of the induction material available to children and production of child-friendly material including a video. *In Our Care* noted that the Juvenile Justice Centre Rules were not available in a form

110. *Juvenile Expectations* p 7.

111. Above, p 12.

112. European Prison Rules 7.1.

113. UN Rules 21.

114. Above, 24 and 25.

115. Above, 23.

116. Above, 28.

117. *In Our Care* chapter 2.

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that was accessible for young people. Written guidance for staff on induction procedures and responsibilities was also recommended. The report found that initial assessment was not consistent between the centres and that insufficient evidence was gathered from external agencies to provide a comprehensive assessment. It also found that not all young people received a psychological assessment on being admitted to custody.¹¹⁸

The CJINI inspection recommended that the planned brochure of information for young people and their parents be finalised and made available as soon as possible.¹¹⁹

Current research

Standards and policies

The publication of YJA standards and JJC policy on induction and assessment are a positive development since *In Our Care* reported on the lack of policies and inconsistency in relation to assessment.¹²⁰ The YJA standards have as a performance measure that, 'children are assessed and treated as individuals and that each child and his/her family/carer is fully and actively involved throughout his/her induction/admission to the Centre and during assessment, planning and review processes'.¹²¹ The Commission was not provided with a policy on reception procedures. The policy on induction and assessment focuses on the assessment process with insufficient information about first night procedure and the induction process.

Travel to and from the Centre

Children are brought to the JJC either by the police under PACE (usually late in the evening) or directly from the courts. The role of escorting young people to court has been contracted out to a commercial security firm and Centre staff do not routinely accompany young people. This alleviates the problem of children arriving late for court appearances and is less demanding of staff resources, but means that vulnerable young people are in the care of security staff without training in mental health or adolescent behaviour.

The JJC Director confirmed that there have been no complaints from young people about escort arrangements and that management hold regular meetings with the service to discuss arrangements. Young people interviewed for the research held differing opinions of travel arrangements. Some had no complaints, but others made negative comments about the escort officers. Several boys commented that they were mostly retired police officers; one said, "They all come off with these big massive words that do my head in". One boy complained that the escort staff were smoking in front of him and laughing because he wasn't allowed to smoke.

Three boys commented on the use of handcuffs during escort; one describing how, "they put the cuffs on before you get into the van and take them off before you are put in the court

118. *In Our Care* pp 54-57.

119. CJINI Inspection JJC 2004 recommendation 35.

120. Juvenile Justice Centre for Northern Ireland, Policy and Procedures JJC 2, Induction and Assessment.

121. Performance Measure 1.5.

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cell". One boy showed the researchers red marks on his wrists which he alleged were from being handcuffed that day while being escorted. When staff were alerted to this by the researchers they said that the boy had not previously made any complaint to them. Two boys, brought by police to the Centre had not been handcuffed. Another boy who travelled to Derry/Londonderry by bus for court appearances said that although he did not like the journey, the escort staff were "sweet" [alright].

The JJC encourages use of video link facilities unless a child expresses a preference to go to court. Most young people interviewed preferred using video link. Young people complained about conditions in court cells where they had to wait for long periods (one boy waited for seven hours) before brief court appearances. One commented, "it does your head in sitting on the hard bench ... Just sitting there on your own". The Northern Ireland Court Service recently consulted on Draft Guidelines for the Youth Court.¹²² The advocacy of a child-friendly process did not equate to the descriptions of bare, lonely holding cells given by young people in this research.

Reception and induction

On admission young people are given a 'pat down' body search. A metal detector may also be used. Searching can be stressful, especially for children and young people with histories of abuse. One boy commented:

"I hate other men touching my body. I hate people touching my body. I hate anyone touching my body. I don't like people touching my body at all. Some of the times they use that there [machine] and then they search you after. What's the point in that? The only reason why they search you is just in case you have knives and stuff on you and they touch you there [points to top of legs], ... search you and you feel like hitting them." (Young person)

It is important that staff training includes awareness of the potential impact of physical contact on children who have histories of abuse.

At the time of fieldwork, the admission process was that young people were taken on arrival either to the Assessment Unit/Intensive Support Unit (ISU) (which functioned as a single unit) or to an 'ordinary house unit' (if they were already known to the Centre and there were no safety concerns). From November 2005, following concerns expressed by the CJINI, the roles of assessment and intensive support were separated with assessment conducted peripatetically in house units and the ISU used only for young people in need of intensive support.

When young people arrive in the house unit they take a shower while staff members search their clothes. In interviews for *In Our Care* young people complained about the compulsory

122. Northern Ireland Court Service, Draft 2005, *The Youth Court in Northern Ireland: Guidelines for Operation and Layout*. NIHRC response November 2005 [Online] Available: <http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/65/168.doc> [18 August 2006].

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shower, but in the current research young people did not express anxiety about this. The boy who had described his distress at being searched stated: "I don't mind having a shower [on reception]; staff don't watch you, you have your own privacy".

The child is assigned a member of staff who fills out the initial assessment form and gives verbal information about the Centre. They will spend at least two hours with this staff member. The child is offered a change of clothes and can telephone home. Staff will speak to their parent/guardian and answer any queries. Where possible, information about family circumstances, educational status and medical situation is collected from the child and placed on their admission form. The staff member talks the young person through the complaints procedure, Centre rules, the progressive regime and what is considered acceptable and unacceptable behaviour. The young person is shown fire exits and the building layout. Staff described how they try to settle young people on their first night:

"Our induction programme here will mean that they're going to spend the first maybe two to three hours with one person. So hopefully that will straightaway settle them. I think I've a bit of craic about me anyway, so I try to have fun and show them round the place and by the time I sit down with them and do all the paper work and that, I would like to think I've got a bit of a rapport already with them. By the time I'm bringing them in and introducing them to all the boys, hopefully I've got them with a bit of a smile on their face. ... normally they come in, that first couple of hours; show them round, they do start feeling at ease. See the place isn't a prison." (Staff)

Entering the JJC can be an anxious time for a young person, particularly if it is their first time in custody:

"If it's the first time they would be apprehensive. If it's a repeat offender, they come in and they know the score already." (Staff)

"All kids are scared. There's a kid here I know from [children's home]. When I went to meet him I saw the relief when he saw someone he knew. They all need reassurance, they're still kids." (Staff)

"When I came in here, first three days I was sort of quiet. You know, I didn't talk to nobody, didn't say nothing, did nothing, just sat there. And it started getting better. You know, young people started talking to me and started trying to get on with me and it helped a wee bit... because this was my first time ever being in juvenile justice... I was told the rules. The second day, I was a wee bit used to the place ... so I sort of asked before I would play the Play Station or stuff. Before I would play it, I says to the staff, 'am I allowed to play this?' I didn't do anything without asking because I didn't know. But it's alright now." (Young person)

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"My mates told me, whenever you're inside it'll be easy. One of my mates told me all, but I just stayed in my cell and other young people were running around slabbering about what to do." (Young person)

Young people confirmed that staff had been friendly and helpful on arrival and that the Centre routine and rules had been explained:

"They [staff] were all very nice to me, so they were. ... You had to go to your room first and then you were brought down and then you went to school." (Young person)

The welcoming attitude of staff, the small scale of the house units and the relatively non-prison like environment helped allay children's fears about custody, but some young people said that after being locked alone in their bedrooms they found it difficult to sleep:

"I don't think I had one [a radio] on my first night. It was the second night I was in I got a radio. ... It was a bit scary because all I done was sat and stared at the ceiling until about two or three in the morning. Then I fell asleep and I had to get up at half-eight." (Young person)

"... thinking about things when you've no TV or anything. I think everyone should have a TV. ... 'Cos when you're in your bedroom, in your room, you can think about things. You can think about strange things so you can. ...like hanging yourself or something. Thought about it a few times." (Young person)

This boy had discussed these thoughts with staff and the psychologist at the time and confirmed that he was no longer feeling like this.

If children are new to the Centre they cannot mix with the group of young people in their unit until a risk assessment has been carried out. One interviewee thought that it might help children to be less afraid if they could talk to other young people on their first night:

"Whenever [girl's name] came in the first night, I was going to ask if I could talk to her because she was crying and all and, then whenever she came back from court the next day, she still didn't meet the young people. If they were allowed to go and meet the young people straight away it would be good because then they would know who they'll be living with." (Girl)

A staff member confirmed:

"If there are issues or concerns, young people must be risk-assessed before they can be put in their room. Young people with anxiety have been put in their room due to staff inexperience and lack of knowledge. It was brought up last week and a memo came round." (Staff)

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The Director explained that if the young person was not known to the Centre a risk assessment must be carried out before they could safely mix with others.

At the time of the fieldwork, there was still no written, audio or visual material for young people. By the time of writing, a young people's booklet had been published. Young people were consulted about its content and it is bright and accessible, answering typical questions children may have about life in the Centre on issues such as daily routine, progressive regime, facilities, services, visits, use of restraint and how to make complaints. A forthcoming introductory video will be a useful addition to this information pack. As young people do not have a television set in their room when first admitted, different formats – such as tape or CD – and the equipment to play them should be available on their first day/night in custody.

Staff found that young people usually find it difficult to take in information on their first night, so the induction process follows over the next few days with staff going over the rules and policies with the young person and helping them to settle. In the first 24 hours of their stay the child will meet their 'lead worker' and the Unit Manager.

Initial assessment

The YJA has now adopted the ASSET package, used by the Youth Justice Board in England and considered a more holistic model of assessment than previous models, with greater emphasis on the young person's perspective.

Teachers visit the young person in their unit to carry out an educational assessment and begin teaching. During the first three days, teaching and care staff liaise with professionals and agencies with whom the child has contact, to gather information and to invite them to the first planning meeting. Care staff and the 'family link worker' are also involved in the child's assessment, and have the role of liaising with professionals and agencies with whom the child has contact. Information is collected on the child's personal and family situation, educational status and medical history. Staff confirmed that liaison with external agencies is better now, perhaps due to a combination of increased staff resources and the improved image of the JJC.

The child's assessment by the Centre psychologist takes between one and two weeks to complete. This means that it is usually not possible to provide staff with a full picture of a young person's mental health state when they are first living in a house unit. A concern from care staff about the initial assessment process is its heavy emphasis on educational assessment rather than providing a holistic assessment of the child's situation and needs.

From the range of information gathered during initial assessment a care plan is developed.¹²³ After four weeks there is a review of the young person's situation and an action plan

123. The Commission is pleased to learn that 'training plans' are no longer used.

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produced including both community and custody options: 'the former to assist a court re-considering a bail application; the latter for those children who remain in custody beyond 28 days.'¹²³ The care plan is reviewed formally every four weeks and updated. The JJC policy also stresses the importance of developing exit plans early in the process but this is made difficult because of uncertainty about children's length of stay.

JJC policy on induction and assessment notes that the plan will only be effective if the young person participates. The young people's booklet explains that unit staff will:

'... meet with you and draw up a care plan – to decide what we can do to help you e.g. work on offending, education, medical needs. Tell you about meetings e.g. initial planning, reviews etc. which you will be able to attend and have your say.'

Interviews with staff confirmed that they saw young people's involvement as critical to the success of plans.

One of the most significant issues remains the difficulty in carrying out assessments of children who are only in custody for brief periods. The complex mix of children can also create difficulties. Sentenced and remanded young people are held together in units in the JJC. This is contrary to international human rights standards, although neither staff nor management considered it to create difficulties. Some staff expressed concern, however, about mixing those who had committed minor offences with other more serious offenders or alleged offenders:

"There are kids in the system for minor offences: petty, persistent offenders and young, vulnerable kids with a host of other problems who come in through the care system. [They] are in with someone in for serious offences like murder, attempted murder and rape." (Staff)

"It's just a big mix of boys and it's difficult for the assessment to look at all the aspects. I think they try to look at boys and staff - personalities. They'll send me a boy that I'll get on with rather than look at the mix of boys. They'll look at a boy and say 'yeah, he'll do well in house [number]. We'd a boy like that before and he settled really well'. So they are looking at the boy, but from a different angle. Whether or not it's an appropriate angle ... having said that we haven't had a boy that's come in a window breaker and gone back and become a murderer." (Staff)

It was suggested by several staff that when the Centre is close to capacity, young people may be sent where there is bed-space rather than where their needs will best be met. A young person confirmed that on arrival, although considered suitable for an ordinary unit, he was housed in Assessment/ISU as there were no other beds available.

124. JJC Policy 2 3.6.

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The effectiveness of the peripatetic assessment in house units should be evaluated, incorporating staff, other professionals' and young people's views. The Commission understands that there will not be a dedicated assessment unit in the new centre and initial assessment will be carried out in house units. Review of current practice should, therefore, assist in preparation for the new regime.

Recommendations

19. There should be a book available for children's comments on travel to court. The findings should be discussed in regular meetings with the private security company.
20. Centre policy should be developed on the use of handcuffs, which should restrict their use to exceptional circumstances and if possible eliminating their use.
21. Young people should be examined by a medical practitioner after every use of handcuffs. Records of handcuff use should be kept including children's comments and this made available for inspection.
22. Health care staff or care staff with mental health or social work training should accompany particularly vulnerable, distressed or mentally ill young people to and from court.
23. A policy should be developed on Reception and First Night support, incorporating the good practice demonstrated by staff.
24. Night staff should be encouraged to care proactively for young people especially during their first period in custody and during periods of stress (for example, prior to court appearance).
25. All young people should have televisions in their room from the first night onwards, unless a risk assessment indicates that this would be a risk to the young person's safety.
26. The YJA and Centre management should consider involving young people in the induction process, perhaps as peer mentors.
27. Production of an introductory video should be prioritised. In the interim, audio tape or CD guides should be provided.
28. The effectiveness of peripatetic assessment in house units should be kept under review, including obtaining views of staff and young people.
29. Independent research should be commissioned by the YJA on children's experiences of the court process.

Chapter 5 Daily life for children in the Centre

Human rights standards

International human rights standards state that young people placed in institutions must be provided with care and protection.¹²⁵ Efforts shall be made to provide 'semi-institutional' arrangements such as 'half-way houses' or day training centres.¹²⁶ Differences between life inside and outside of the detention facility should be minimised as far as possible.¹²⁷

The design of detention facilities for young people and the physical environment should be in keeping with the aim of rehabilitation 'with due regard to the need for the young person for privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise and leisure-time activities.'¹²⁸ Every child has the right to daily free exercise, in the open air, weather permitting, and there should be adequate space, installations and equipment provided for physical activities. Programmes of physical education should be provided including for children with physical disabilities.¹²⁹

The Prisons Inspectorate requires that children and young people: 'have access to, and are encouraged to participate in, an appropriate range of physical activities that responds in a balanced way to their need for recreational exercise, physical development and skills training and this is available to young people as part of identified training planning.'¹³⁰

Children's right to privacy is acknowledged as important to their psychological well-being. Young people should be allowed to have personal effects and adequate storage facilities for them. Young people should have suitable sleeping accommodation and there should be regular, unobtrusive supervision during sleeping hours.¹³¹ They have the right to time for daily free exercise, in the open air when weather permits, and daily leisure activities.¹³² Young people have the right to express their views and have these taken into consideration in decisions affecting them.¹³³

The Prisons Inspectorate in *Juvenile Expectations* requires that children and young people 'live in a safe, clean, decent and stimulating environment within which they are encouraged to take personal responsibility for themselves and their possessions.'¹³⁴ Staff shall be respectful to children and young people and should listen and be genuine in their approach.

'Healthy establishments should demonstrate a well-ordered environment in which the requirements of caring for children in a secure, controlled environment in which requirements of security, control and welfare are balanced and in which all children and young people are treated fairly and kept safe from harm.'¹³⁵

125. Beijing Rules 26.

126. Above, 29.1.

127. UN Rules 87.

128. Above, 32.

129. Above, 47.

130. *Juvenile Expectations* p 102.

131. UN Rules 33.

132. Above, 47.

133. CRC Article 12.

134. *Juvenile Expectations* p 25.

135. Above, p 31.

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Previous research

In Our Care was critical of the regime at Lisnevin for its emphasis on control over care.¹³⁶ The Lisnevin building was prison-like, helping to reinforce a punitive environment. However, young people had regular access to the extensive grounds and took part in activities such as horticulture, golf and a ropes course. Young people in Rathgael also had access to the extensive grounds. Selected, sentenced, young people from both Lisnevin and Rathgael were taken on outings and trips by staff, including swimming, bowling, cinema, church and outdoor pursuits. Some young people absconded from these trips and from hospital visits. Discipline in Lisnevin took the form of a complicated points system which young people felt was unfairly operated. Sanctions, such as 'early bedtimes', were used inappropriately including for children who were feeling suicidal.¹³⁷

In Our Care recommended the commissioning of an independent evaluation of best practice in promoting positive behaviour with young people in care and custody, and that changes be made to the disciplinary regime in accordance with the findings and recommendations of such a study.¹³⁸ It also recommended the introduction of an independent complaints system. In response to concerns about the safety of teachers, the report recommended that consideration be given to care staff assisting teachers on a partnership basis.¹³⁹

CJINI found an 'increased culture of listening to the young people' in the JJC and staff proactively encouraging children 'to achieve educational and practical rewards as the means to prevent offending'.¹⁴⁰ The Inspectorate considered that the house units provide a group living situation where 'a sense of belonging and investment in good relationships is more assured since the amalgamation.' Inspectors found that young people felt 'secure within clear structures and boundaries'.¹⁴¹ The inspection, however, also found a 'preoccupation with security and considerable caution when young people are traversing the grounds between buildings, or indeed using the outdoor space for recreation'. The Inspectorate recommended 'a more graduated response' to freedom of movement within the Centre, 'whereby young people not thought to be as much at risk of absconding or self-harm or harm to others could get more access to the outdoors and trust in general'.¹⁴²

The CJINI also commented that children's access to outdoor activities should not be based on their behaviour and recommended that the children's level on the progressive regime should not determine their access to 'the health and emotional gains of physical activity and fresh air'.¹⁴³ While the football pitch, games hall, swimming pool, fitness suite and Youth Club were described as 'tremendous amenities' by the CJINI, it acknowledged that children's access to them and opportunities to spend time in the open air was limited.¹⁴⁴ The latter was

136. *In Our Care* chapter 6.

137. Above, p 104.

138. Above, p 106.

139. Above, p 102.

140. CJINI Inspection JJC 2004 p 1.

141. Above, p 68.

142. Above, p 72, recommendation 30.

143. Above, para 5.30.

144. Above, para 5.28.

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related to the emphasis on security, and the report noted disappointment about 'the restrictions on movement for young people and the under use of the outdoor spaces'.¹⁴⁵ Cramped conditions at the back of the house units were commented on and investment was advocated to provide more dedicated play areas and the option of an official horticulture allotment. CJINI recommended children be risk-assessed to enhance their movement in the Centre, and the reintroduction of outings and outward bound schemes including for young people on remand.¹⁴⁶

Current research

Physical environment

The JJC is in a quiet residential area outside Bangor town. It comprises a series of two-storey house units set in an area surrounded by trees. Despite the house-like style of the units, the wire fence and level of security at the entrance indicate that this is a secure Centre. In the gate house 'operations staff' are located behind a glass counter and can view movement about the site on Closed Circuit Television (CCTV). The gatehouse also has visitors' lockers, offices and toilets. The researchers were given full access to the Centre and keys to enter units. On some days they were issued with personal alarms.

House units are set around a small, central, grass-covered area. The Centre can accommodate up to 40 children with each unit holding up to eight. House 5 accommodates boys and girls; Houses 6 and 8 boys only. At the time of fieldwork, the Assessment/ISU block had a capacity of five on each side. House 7 was not in use during fieldwork but has since been opened for boys only. House 4 is an administrative area, but contains two cell-like rooms which have occasionally been used. Each house unit has a small enclosed area at the back for recreation. The Assessment/ISU building has a larger tarmac area at the front enclosed by a wire fence. There is also a school called Rowan College and separate sports facilities including a swimming pool, sports hall and gym.

The CJINI described the interior of the units as 'domestic and homely'¹⁴⁷ and, while the former may be accurate, the latter is over-stated. The ground floor of each unit comprises offices, living room with television, and a recreation room with Play Stations and other equipment. Upstairs are bedrooms and bath/shower rooms (bedrooms are not en-suite). Children are allowed their own ornaments and pictures in bedrooms (subject to risk assessment), but only get a choice of bed linen and plants once they have reached Gold or Platinum status on the progressive regime. Provision of electrical equipment in bedrooms also depends on the level on the regime, although all young people can have radios. Toiletries are only allowed for a few risk-assessed young people on Platinum. Young people cannot lock their doors from the inside but staff members are expected to knock before entering. Young people cannot keep clothes in their bedroom and must collect them from

145. Above, para 5.28.

146. Above, para 5.30.

147. Above, p 68.

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central storage in the unit. This was a source of complaint from young people and staff, who felt that children should have privacy to keep clothes in their rooms. In the new Centre there will be individual wardrobes outside the rooms.

Despite the house style of the units, all internal doors within the units are kept locked and children can only move about – inside or out – when accompanied by staff. The CJINI described a 'prevalence of locked doors requiring multiple sets of keys'.¹⁴⁸

On the ground floor of each house unit are 'common rooms' with comfortable chairs and settees, staff offices and a kitchen/dining area where staff and young people dine together. The Inspectorate described how common rooms can be 'intense and claustrophobic' when a unit reaches its capacity of eight.¹⁴⁹ This is particularly acute when there are young people who do not mix well, or where there is bullying.

Conditions in the ISU building are more physically austere. Dining tables are bolted to the floor and there is a bare cell used as a 'time out' room. Beds are bolted to the floor, and water and power can be switched on or off by staff outside the young person's room:

"The bedrooms are like cells so they are. The bedrooms are like police cells."
(Young person)

"The rooms were like proper police cells." (Young person)

The ISU building is not suitable for children to live in and certainly should not be used for any prolonged period, from an emotional perspective.

147. Above, p 68.

148. Above, p 16.

149. Above, para 5.1.

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Daily life

The JJC has a 'daily living skills training' policy for young people, which underscores the importance of activities outside formal education.¹⁵⁰ The policy states that children will be introduced to new activities, have opportunities for positive mental and physical occupation, and be encouraged to read books for pleasure. Children take turns in rotas for domestic tasks. The daily routine is outlined in the introductory booklet and reproduced below:

MONDAY – FRIDAY

7.30	Wake up – shower – tidy bedroom – Breakfast
9.15	School
10.35	Break
10.55	School
12.15	Lunch – unit activities
2.00	School
3.20	Return to unit – Individual unit activities
4.30	Tea

UNIT ACTIVITIES - programmes, recreation, living skills etc ... Bed times depend on the progressive regime.

WEEKENDS & HOLIDAYS

10.30	Have started daily routine
UNIT ACTIVITIES	
12.30	Lunch
UNIT ACTIVITIES	
4.30	Tea
UNIT ACTIVITIES	

Bed times depend on the progressive regime.

Observation and interviews with staff and young people found that the regime ran according to schedule. During the week, young people had busy, productive days with a combination of education, programmes, recreation and relaxation. After breakfast and the morning meeting with staff, young people go out to school returning to the units at breaks and lunchtime. Lunches are prepared by catering staff in a separate building and are brought to the units on trolleys. Young people and staff dine together in the kitchen and in all units, except ISU, young people are involved in serving food and clearing away dishes. Programme activities may take place during the lunch break. In the evenings, young people may take part in a range of recreational activities or the youth club, depending on their status on the progressive regime. Young people and staff complained that activities were sometimes cancelled due to staff shortages.

150. JJC Policy and Procedures JJC 1.



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At weekends, activities are provided including access to outdoor exercise. Young people enjoyed the activities, but while some liked to play computer games in their spare time, others were bored and felt claustrophobic in units at weekends. Young people said they liked to be busy as it helped them avoid dwelling on problems. For unit staff, the level of activity and close supervision posed challenges, especially in finding time to maintain files and liaise with external agencies.

When young people request to go to their bedroom perhaps to listen to music or get some privacy, they are facilitated in this, depending on staffing levels. They are monitored as long as they stay in their room, with written observations at five to 15 minute intervals, depending on the mood of the young person and the reason for the request.

The night-time routine was also observed. Normal bedtime is at 9.30pm, but is dependent on a child's level on the progressive regime. Children are given supper bags to take to their rooms, although staff said they will make supper in the kitchen if requested and if resources permit. Day staff brief night staff on issues which have come up during the day for individual young people. Before locking children in for the night, night staff offer them juice. Young people can watch TV or play music depending on their level on the regime. Power can be switched off centrally, but if a child does not like the dark this can be written into their risk assessment and the light left on. Rooms are not en-suite, so young people must buzz to access the toilet. Night staff make regular checks using a key fob light which enables observation without waking the child.

Relationships within the units

Relationships between young people and staff were reported by both to be mainly positive:

"They're [staff] all dead on [great]. You just take them as you get them. If they're cheeky to you, you're cheeky back to them. ... The night staff are dead on too." (Young person)

"They're [staff] alright." (Young person)

"[They're] dead on." (Young person)

"Staff [in this house] are friendly. This here's one of the best houses [explains that staff brought in food for a barbecue]. They took it all out of their own money and bought us the barbecue stuff. All the other houses were complaining and all. Staff just care, that's all it is." (Young person)

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Some young people differentiated between groups of staff who they liked or disliked:

"They're a better laugh [than staff in another house]. In here ... they shout at you ... Any time you stand up, they tell you to sit down again." (Young person)

"Some staff listen to you now. You say, 'don't be getting on, I don't like it', and then they stop doing it. But some staff keep going on and on and on and don't listen to you. ... I don't like House [x]; I like all the staff in here, in this unit, because I know them all for about a year or two; you get used to them." (Young person)

"A few night staff are alright, but there's a few that I don't like. ... some of the ones from Lisnevin; they would come in and say, 'you alright?'" (Young person)

One young person said of night staff: "I've seen them, but I don't really talk to them; I only talk to the staff during the day... Only contact I'd have is asking them to turn the light off." He found the noise of the buzzers annoying at night:

"You have to ring the buzzer (to go to the toilet). It's annoying sometimes if you're in our room and you're trying to sleep and then someone rings the buzzer, and you hear the buzzer and then you can't sleep with that buzzer, and then you go back to sleep, and then someone rings it again. It takes ages to go to sleep again. They should have something without noise, that vibrates or something ... it does your head in, that noise." (Young person)

The Commission understands that the bedrooms in the new centre will be en-suite, which will be a positive development, but care will need to be taken that personal communication between night staff and children is not further diminished as a result.

Staff and young people stated that relationships between young people were mostly fine, but sometimes could be strained, especially when houses were full to capacity. Younger boys tended to be more lively and volatile, sometimes annoying older boys who wanted a more settled time in custody:

"We usually find the older the boys are the more settled, they are. So if you've an 11 or 12 year old who's a bit of a tear-away, obviously it's going to affect ... the whole group. I would love to see a unit for younger children, say, 12 to 14 year olds. And the next unit, from 14, and so on, but I don't see it ever happening." (Staff)

"[I] get annoyed sometimes; other young people get on my nerves – just standing there and slobbering." (Young person)

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"... young people, like, start arguments and staff say, 'ignore him', but how can you ignore him when you live with him 24/7 a day. ...I don't like living with kids; kids shouldn't be in here. See if you're twelve, you shouldn't be allowed to be in a juvenile justice centre; there should be a younger place for kids that age, because they get in with older groups like my age (14) and start arguments and then they get hit." (Young person)

"I'm stuck here with those kids and they're all sitting yapping my ear off sometimes and I have to go to my room, because they're doing my head in." (Young person)

"I get on all right with them [other young people], but I wouldn't call them my mates." (Young person)

It was notable from analysis of house records (including morning meeting notes) and interviews with staff and young people that the atmosphere becomes more difficult when house units are at, or near to, capacity. Efforts should be made in the new centre to limit numbers of children in house units (preferably no more than six young people should be in a unit at any time).

Children's participation

A key criticism of *In Our Care* was that children and young people were rarely given the opportunity to participate in decision making or have their views heard. The exception to this was the Independent Representation (IR) Scheme run by the non-governmental organisation (NGO), NIACRO. NIACRO now has 12 IR volunteers, who do a rota of twice weekly visits. The volunteers talk to young people and, if appropriate, raise their concerns with management. Records are kept of IR visits. Analysis of these shows that, as was previously the case, young people tend to raise issues about the smoking ban, computer games, conditions in the house unit, and bullying between young people. The records note what action has been taken. The record is more useful in relation to issues such as computer games, where it is usually noted whether or not the game has been purchased, than on issues like bullying, where it is sometimes not apparent what action has been taken other than that the issue is being monitored.

Each house unit has morning meetings at which plans for the day are discussed and young people may raise issues with staff. Feedback is given to young people on the behaviour of the group; for example, staff may congratulate them on a good atmosphere in the unit the previous evening. Records show that young people most often raise issues about computer games, tuck and food, and physical conditions (for example, if water in the shower is too hot or too cold). The records also show whether action has been taken. Young people said they feel able to raise issues at these meetings, but are not always convinced that this will result in change. Records of meetings varied from house to house. Some merely bullet pointed issues, while others provided a fuller account of young people's comments and mood.

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There is greater involvement of young people in consultation on Centre policies and practice than before. For example, young people were consulted about the induction booklet and have been involved in production of an induction video. A young person is involved in the team planning for the design of the new Centre. A youth organisation (Young Voices, run by Include Youth) was contracted by the CJINI to consult with young people in the Centre about the inspection findings.

The progressive regime

Discipline is imposed through a 'progressive regime', comprising a series of levels through which young people can move up and down, with greater rewards at each stage. When children enter the Centre they begin on Silver, then, through, 'acceptable' or 'unacceptable' behaviour, they can either move down to Bronze or up to Gold and then Platinum. Moving up a level can mean more pocket money, greater access to leisure activities such as the youth club, later bedtime, extra telephone calls, and provision of electrical equipment in bedrooms (CD player on Silver, television on Gold, and TV/Video combination and Play Station on Platinum). Only children on Platinum have an 'ordinary' mattress in their bedroom; the others having plastic 'anti-suicide' mattresses. The CJINI recommended that the use of 'anti-suicide' mattresses should not be dependent on the progressive regime, but that all young people have an ordinary mattress unless this is assessed as an individual risk factor.

Bronze level is 'for those children who through their behaviour and attitude demonstrate refusal to comply with Centre rules and co-operation with staff'. Platinum is reserved for those whose behaviour 'is of a very high standard, who are fully co-operating with staff and who have worked to their Training Plan and achieved change'.¹⁵¹ The time-scale for moving between levels is from Bronze to Silver in two weeks (of consecutive weekly recommendations), Silver to Gold in three weeks, and Gold to Platinum in four weeks (sometimes these periods can be shorter at the discretion of the unit manager). To be demoted, a child must receive between two and four 'adverse reports' in one week, depending on level, or may be instantly demoted for committing a serious offence. Children can appeal decisions and the Appeals will be heard by a representative of senior management or an independent Unit Manager. Appeals are heard within 24 hours, or on the Monday following a weekend incident. Access to telephones is also dependent on level on the progressive regime. Parents can phone young people every day if they wish, or are able to, but young people's access to make outgoing calls depends on their level on the regime from three outgoing calls per week on Bronze to two per day on Platinum.

The progressive regime is reviewed by management on a monthly basis. If children cannot grasp the concept of the regime, an individual programme can be worked out:

"... we break it down a bit into wee, baby steps; on one occasion we had a wee star chart for a boy. We broke it down into time-scales. If he was good for three

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hours, he got a star. He was allowed to have one 'blow up' during the day."
(Staff)

"Occasionally we take young people off the progressive regime. ... Flexibility is there but it's difficult for the kids and the rest of the group [if a young person is exempt]." (Manager)

"We can go outside the progressive regime if the young person is upset and, for example, wants to make a phone call. A lot of staff use their initiative." (Staff)

Not all staff thought this individualised approach occurred enough in practice and some found the system too inflexible especially for children with severe learning disabilities. With these reservations, staff felt the progressive system works well and helps young people understand acceptable and unacceptable behaviour:

"It's a good system when used well. If there is an adverse report, it's discussed."
(Staff)

"It is very effective because a lot of these young people, remember outside – their home life, or whatever they don't have ... here, they have a television set, they have a CD player, Play Station, DVD player ... It definitely works." (Staff)

"The progressive regime is great. ... If boys are out of line, they get a negative and if they're good, they get a positive. It makes it very clear to boys and staff."
(Staff)

On the whole, young people also felt that the system was operated fairly and was relatively easy to understand. There was considerably less discontent about the 'progressive regime' than was recorded about the points system in Lisnevin during interviews for *In Our Care*. Young people's complaints centred on the length of time it takes to move up the regime; absence of incentives once Platinum is reached; apparent lack of trust even when they had proved themselves by staying on Platinum. Most staff and all the young people interviewed were in favour of the idea of further incentives, perhaps through 'Platinum plus'. The Commission understands that this is being considered by the Task Group that is preparing policies and procedures for the new centre:

"There should be more levels above so people can earn more money." (Young person)

"It takes ages to get up through on to Platinum.... If you get on to Platinum plus, they should leave all the doors of the building open so you can move about and do anything you want because you were excellent." (Young person)

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"It's fair though it is. ... 'cause you have to be excellent to get on to Platinum. ... When I came in staff says I used to be lippy. But now I just listen to them and I've stopped talking back. I just don't talk back now because I know if I talk back it's a problem, I'll get an adverse report ... Gold should be 10 or half-ten [bedtime]; it's far too early for adults." (Young person)

"A problem with the progressive regime [is] where a boy is here for a long period of time and he gets to Platinum within five weeks, and in 10 weeks he's still sitting on Platinum. On one occasion we seen a boy's behaviour start to dip, not because it was in him really, more because he was a bit peeved off." (Staff)

"There are only so many extras you can give. Originally on Platinum you could go out the door and walk around, but it didn't happen as three absconded. You really do need to know where they are." (Staff)

Balancing control and care

There was a clear recognition among staff and management that young people under 18 years are children, and that the role of the Centre is to meet their needs as well as tackling their offending behaviour.

"We need to address offending behaviour, but we need to look at the bigger picture – at the welfare of children, their right to be safe and cared for." (Staff)

"To me this is more children's home oriented – and rightly so – than it is a young offenders' centre. 'cause at the end of the day they are children ... we all need a break somewhere along the line." (Staff)

"The main ethos is that the kids are number one and they're well looked after – sometimes to the detriment of the staff... I'm not saying that as a complaint, it's just the way it is. The kids come first." (Staff)

The Centre Director stated: "We operate as if the child is in a home", and confirmed that the principles of the Children Order (1995) apply. The Director considered the overall aim is to improve young people's life chances, education, social skills and health, but he recognised that "incarcerating children always has a negative element."

The shift towards a more child-centred approach is evident in terms of physical conditions, policy developments, attitude of management and staff, emphasis on staff training, reduction in the use of physical restraint and 'time out' and emphasis on respectful relationships between young people and staff. However, a security-oriented ethos remains. Young people are not permitted to walk about the campus without supervision and. Care staff, planning to take groups of young people from one area to another, must first alert operations staff who

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will monitor the movement. Communication between operations staff takes place through radio transmitters and international police phonetic language (Alpha, Bravo, etc.) adding to the feeling of a security-oriented regime. Aspects of the security ethos include the role of operations staff, the locked doors through out house units, the exterior fence and the high degree of supervision of all young people.

"... they treat them like 'category A' prisoners. You have to have a member of ops to escort you wherever you go and I think that's shocking. What is point of ops escorting? Unit staff supervise in units, so why can they not supervise outside?" (Staff)

Issues raised by staff included a ban on plastic bottles (even where staff are prepared to assume responsibility for their safe disposal); the removal of 'free weights' from the gym without adequate explanation (although some young people said they believed someone had previously been hurt using these); the ban on local newspapers, although young people can watch the news; and a ban on young people wearing watches. Management gave reasons for all of these restrictions – the ban on bottles was to prevent drug use; the weights had been removed because of a safety incident; local newspapers were not allowed in case young people learned of each other's alleged offences through these; and watches could be used for self-harm. It is important that rules brought in for the safety of young people are regularly reviewed to assess whether a restriction is still necessary.

Like the Inspectorate, this research found the regime to be overly security-oriented. The Director and senior management consider that this level of supervision and security is necessary to prevent absconding and protect young people from harm:

"Unfortunately they can get over the fence in less than five minutes. We can't let free movement around the Centre. We have built play areas out the back of the units to increase outdoors." (Manager)

The Director observed that he is charged under warrant to keep young remandees in custody, but he was positive that the situation will be less restrictive once the new-build centre is available. Then, children will be risk assessed and may be able to move about by themselves with use of security cameras facilitating "this safety of movement". Young people's interviews demonstrate the tension between the child-centred approach and the high level of control. Young people expressed relief that the environment was not as 'prison like' as they had anticipated:

"They give you everything you want. It's like a holiday camp. It's the best place to be if you want to do your time." (Young person)

"I thought it was going to be something where you were locked in a cell and you weren't out of it. ... You come in here [and] you're out; you're doing football,

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you're swimming, you've TVs and Play Stations – I didn't think it would be like that." (Young person)

"I've been in loads of times. ... I wouldn't call it a justice centre ... [call it] a children's home. Like there's only children here." (Young person)

"Expected it to be harder ... better than I thought." (Young person)

However, three boys interviewed, who had experienced both the current JJC and Lisnevin, stated a preference for Lisnevin:

"Lisnevin, to be honest, was a wild lot better. Far better." (Young person)

"Lisnevin was better ... there was more things to do. You always sit in the kitchen here all the time doing nothing. [In Lisnevin] you got to go out, not staying in all day. From when you got up in the morning [in Lisnevin], staff come to your rooms, give you a list of things to do all day. ... Tonight, I only have swimming and football and that's all I have for the rest of the day ... You can't sit and play with the Play Station all day, every day. I'd rather do something like football and stuff." (Young person)

"[I prefer Lisnevin because] you're stuck inside everywhere here, in the common room. In Lisnevin you could go out and play golf and everything and the staff respected you more, you didn't have to go and listen to operations complaining. The staff made up their own idea and phoned up the manager or something." (Young person)

Some of the preference for Lisnevin among boys may arise from a reluctance to participate in programme work and a desire to smoke; however, some clearly found the close supervision, lack of privacy and sometimes claustrophobic atmosphere in House Units difficult to deal with:

"We should be allowed to mix; we should be allowed to walk in and out of other units and all." (Young person)

"I wanted outside and staff have to watch you no matter where you turn; you can't open doors and you can't do anything, so you can't. Now I'm used to it anyway. ... [at the start] it was stressing, stressing so it was." (Young person)

"They should let us go out and do stuff with the staff. You're just stuck in here all the time; you have no energy, don't do nothing." (Young person).



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The latter young person conceded, however, that "if there was no fence I wouldn't be sitting here. I'd be out and away."

For some young people the close supervision and relative confinement for much of the day created a sense of frustration. For others these factors provided a sense of safety. Stating that they preferred the JJC to a children's home they used to live in, a young person said, "This is more secure so it is. ... There's more security and more safety and all". Another child, with experience of a children's home, stated that "the only difference is you have the big fence in here, and that's it probably, and more staff and stricter people, though they're not that strict." Some staff also felt that some young people welcomed the control and structured approach:

"... a lot of the young people welcome that [controlled environment]. They don't have boundaries in their lives outside. This is giving them a structure. A lot of them don't eat at proper times or don't have proper medical [attention]. Well, here, everything is taken care for them. They have a proper diet; they have all the proper facilities." (Staff)

"Some people prefer the boundaries here [than in a children's home] and, for staff in children's homes, they don't have boundaries." (Staff)

The CJINI recommended that trusted/risk-assessed young people on Platinum be able to go to their own room and move to and from the youth club without having to have an escort. It also said:

'They [young people] should also qualify for mobility, not just for home leave near the end of their sentence but to re-introduce outings which were provided in the past, such as visits to the cinema, outward bound schemes, church and circus skills training.'¹⁵²

Most staff agreed that as long as risk-assessment was carried out, trusted young people should be given more freedom:

"They were outside more at Lisnevin. They had pitch and putt. They should be allowed out if they're on Platinum and if there's a staff member. It has been better when we got the greenhouse, so there's more freedom and they can go out to cut grass." (Staff)

"It's down to trust. You build up trust with a young person and they build up trust with you. There's about five or six young people in here at the moment that you could take anywhere with you. They wouldn't even think about [absconding]; it's just a chance to get out of the system for a while." (Staff)

152. CJINI Inspection JJC 2004 p 46.

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"If you assess the young person as able to go for a walk round, what's the problem, but you need consistency. There's a dilemma ... the value base versus security. In an ideal world, young people should have more access outside."
(Staff)

In Lisnevin and Rathgael, previously, young people were taken out on trips although there were high levels of absconding attached to these. External trips are no longer permitted except for medical appointments or court appearances. A majority of staff interviewed believed that as long as effective risk-assessment was carried out, trips for 'trusted' young people would be positive.

All young people said that they would like outside trips, but while some were confident that they could be trusted, a couple were worried about possible absconding:

"[would like to go to] the cinema and ice-skating. I love bowling; I'm no good at it like, but I love it." (Young person)

"I reckon if we got out, loads of people would do a bunk and that's the truth." (Young person)

"If I did that [absconded], I'd give it two weeks and then I'd be back in." (Young person)

Several staff interviewed felt that there remained a 'hangover' of a 'Lisnevin' ethos and some tension between the majority of staff, who are enthusiastic about the change, and a small minority, who feel that the move to a single Centre was a mistake:

"We need a balance between care and control, to get away from a prison ethos. I think for some people, there is still an element of struggle. For some people from Lisnevin, the ethos is still lingering on." (Staff)

The progress taken so far towards a more child-centred ethos is clear from interviews and observations. The Director took on a difficult task of creating a united team from two centres which had very different ethos, structures and staffing. Together with managers and staff, he has largely succeeded in achieving this and the benefits for children are clear.

A small number of staff, however, commented that the changes that had already taken place were enough and that they did not see their future in the new Centre. A manager agreed that "people may leave in the next 18 months where they find it difficult to cope with progress and change and have difficulty with openness and flexibility and more work, for example, in groups". Other staff commented on what they saw as a 'hangover' of the ethos and practices from Lisnevin. Exit interviews with staff should be used to ascertain reasons

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for leaving, especially to ensure that enthusiastic staff are not leaving because of any remnants of the former ethos.

It is important that in doing everything possible to keep young people safe, the Centre does not become totally risk-averse and that young people are allowed to enjoy their rights to privacy, leisure, self-expression and association. Organisational change is never easy and Centre staff have taken up difficult challenges with a high personal cost attached. Those staff, who are committed to the change, will need continued support and reinforcement from management and the YJA. Those, who are finding the change less easy but who decide not to leave, also need continued support and retraining. Ultimately staff resistant to change must not be allowed to block progress or to threaten the new ethos of the Centre.

Recommendations

30. Centre management should consider what additional incentives can be included in the progressive regime once young people have reached Platinum.
31. Daily outgoing telephone calls and a comfortable mattress should not be included in the progressive regime but should be available for all, except where there are safety concerns.
32. Trusted and risk-assessed young people should be able to move about the campus more freely.
33. The YJA and Centre management should review the balance between care and control, with a view to reducing levels of control to that which is strictly necessary. This review should include the views of staff and young people.
34. The YJA and Centre management should re-introduce activities outside the Centre for risk-assessed young people.
35. The YJA and Centre management should review the decision not to allow local newspapers, considering young people's right to be aware of events in the context of their right to be kept safe and maintain their privacy.
36. Consideration should be given to measures that can be taken to ensure that scheduled activities are not cancelled due to staff shortages.
37. Every child should have maximum access to all facilities in the Centre which promote their health and fitness as part of their identified care plan.

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38. Children's participation in all activities should be planned for in consultation with them, and their involvement in activities in and outside the units should be well planned and ensure equality of opportunity.
39. In the new Centre a limit should be placed on the number of children in each unit with preferably no more than six children in a house unit at any time.



Equality and diversity Chapter 6

Human rights standards

Children are entitled to their rights without discrimination.¹⁵³ Girls and young women shall receive 'special attention as to their personal needs and problems' and shall be treated fairly.¹⁵⁴

Staff in the youth justice system and custodial institutions shall 'reflect the diversity of juveniles who come into contact with the juvenile justice system. Efforts shall be made to ensure the fair representation of women and minorities in juvenile justice agencies.'¹⁵⁵

The Prisons Inspectorate requires that:

'all children and young people experience equality of opportunity during every aspect of their time in custody, are treated equally and are safe. Diversity is embraced, valued, promoted and respected. The idea that different people have different backgrounds and values is introduced to young people as an integral part of communal living.'¹⁵⁶

Previous research

When *In Our Care* was published in 2002, girls and a small number of 'vulnerable' boys were accommodated in Rathgael. Lack of secure provision for girls at Rathgael, however, had 'undermined its ability to cope with those who are at risk to themselves, to other young people or to staff'.¹⁵⁷ Girls at risk of harming themselves or others were imprisoned in the adult women's prison at Maghaberry. The Commission was concerned that while the mixed gender units were suitable for some girls, female-only accommodation would have been more appropriate for others. It concluded that the development of a new centre on a single site, and interim plans to move all young people to Rathgael, raised potential problems and the future of custody for girls 'must be carefully planned and sensitively addressed'.¹⁵⁸

In Our Care raised concerns about the lack of monitoring of the extent to which children with disabilities, including learning disabilities, were entering custody. It found that young people with learning disabilities and emotional disturbances suffered from the lack of resources and support within the centres.¹⁵⁹

In Our Care noted an over-representation of Catholic boys in custody and an over-representation of boys from west and north Belfast, and recommended monitoring of the background and locality of young people, including details of any paramilitary threat or punishment.

153. CRC Article 2, ECHR Article 14.

154. Beijing Rules 26.4.

155. Above, 22.2.

156. *Juvenile Expectations* p 58.

157. *In Our Care* p 31.

158. Above, p 32.

159. Above, p 33.

Chapter 6 Equality and diversity

In view of the changing nature of Northern Ireland society, CJINI recommended that plans for the future should address all communities.¹⁶⁰ CJINI also recommended management canvas children's views on whether religious services should be reintroduced. It found that the Centre has been very successful in 'keeping sectarianism out of the equation both for young people and staff'.

The CJINI noted that offending by girls is mostly 'due to reacting to past trauma, perceived arbitrary limits or of an acquisitive nature.' Inspectors found a 'predominantly male presence in the JJC and the pattern of activities reflects this' and that, while a majority of boys and girls were content to live in a mixed gender house, for a small number this was 'thoroughly uncomfortable'. The SSI inspector is currently completing a thematic report on girls in custody.¹⁶¹

The CJINI recommended monitoring numbers of young people from the Traveller community as the ratio could be disproportionately high. The report congratulated staff and management on the 'sharp learning curve' undertaken in caring for a girl from eastern Europe and noted that links were being forged with the Traveller movement and Multi-Cultural Resource Centre.¹⁶²

Staff interviewed by CJINI reported a high level of homophobia among young people, and the inspectorate recommended that management gain advice from a range of support groups in tackling this.

Current research

Gender

There is no Youth Justice Agency strategy for girls in custody and Juvenile Justice Centre policies do not specifically address gender needs. The YJA has not made public, or consulted on, any equality impact assessment of proposals for the new Centre.

Girls are always a tiny minority in the Centre. All girls are accommodated in House 5, which has a higher ratio than other houses of female staff, although girls can be accommodated in the ISU if they need close supervision. At the time of fieldwork there was a female unit manager for House 5. House records show that the use of sexualised language by young people was raised as an issue by staff in autumn 2004.

At the time of the research there were two girls in the Centre. One was interviewed, but the other was considered by staff to be too distressed. Staff were aware of girls' particular vulnerability:

160. Above, p 34.

161. CJINI Inspection JJC 2004 p 18.

162. Above, p 19.

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"It's difficult, stressful for girls. ... girls need special programme time. Some young girls have very special needs." (Manager)

"... for example, a very vulnerable young girl, mother deceased, father in prison, history of self-harm and her first time in custody. There were three social workers when the girl came in. She was very frightened about being in custody ..." (Staff)

The complex mix of young people can raise issues relating to gender. For example, the researchers were shown the file of a boy who was assessed as a serious danger to females. A staff member felt that risk assessment is particularly important in relation to House 5:

"House 5, with girls, needs more [risk assessment]. When young people are sent down there may be concerns. If, for example, they're unsettled, there's a serious assault, aggression aimed at females." (Staff)

Another staff member commented that it was difficult on the occasions when girls were accommodated in the ISU. It was hard there to "manage the gender mix" of young people, ensure an appropriate gender mix of staff and uphold the dignity of the girl. However, most staff felt that girls' needs were well catered for in the Centre.

Two boys in House 5 stated that they found it difficult to get on with girls who were upset:

"... some of the wee girls do your head in. ... some girls might be crying a lot. All the wee girls in here cry ... they just cry; everything they do. One of the wee girls [is] doing my head in for nothing, just sitting and watching TV and won't stop crying." (Young person)

"... I don't talk to her; she'll not even talk to no-one." (Young person)

Boys held mixed views on whether they preferred boys-only units:

"It would be sweet if there was a few wee girls about." (Young person)

Others found staff stricter when girls are present, which they disliked.

The one girl, who was interviewed, had been given a 'crying baby' – a doll programmed to cry and to need 'fed' and 'comforted' like a baby. This was part of an educational programme designed to prevent teenage pregnancies and staff looked after the 'baby' while the girl was at school. The girl said that she was enjoying looking after the doll despite having had to get up very early to feed, change and play with it. Notwithstanding the educational purpose of the doll, it reinforced the gender division between her and the boys in the unit.

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The girl "didn't mind" that at one stage she had been the only girl in the Centre as she could go to her own room for privacy. She raised a lack of privacy in the girls changing rooms, where "there's no curtains or nothing in the showers". She had discussed this with the unit leader and believed it was being dealt with. Although coping well with the situation, it was better fun when there were other girls in the unit as they could go together to activities. She found being in a mixed gender group for classes "ok", but would prefer an all girls' unit: "because you're in girls' company. Because, if you're fighting with a girl, you're not fighting with a boy; because I hate proving boys wrong". Despite this, she felt secure and well looked after.

The situation facing the other young girl demonstrates the particular vulnerability of some girls entering custody. Coming directly from a children's home, she was reported by staff to have been crying and distressed since her arrival. Research shows that many boys and girls in custody will have had histories of abuse, including sexual abuse.¹⁶³ This may create particular problems for a girl entering an institution which accommodates mostly boys, especially if she has suffered male violence prior to being detained.

The CJINI inspection noted the remand to the Centre in 2004 of a pregnant 16-year-old girl from eastern Europe, who spoke little English. The Inspectorate noted staff's concerted efforts to ensure that she was getting appropriate care, including arranging for an interpreter to visit and finding out about the culture and cuisine of her country from external groups. The girl was reportedly uncomfortable sharing accommodation with boys and spent much of her time alone with female staff. The case demonstrates the difficulty for the Centre of accommodating girls who are uncomfortable mixing with the boys. To supervise one girl by herself, is not only resource intensive, but may also be an isolating experience for the girl although, as the inspectorate makes clear, the 'option of single gender accommodation must be available to be provided when required'. The CJINI noted that had this girl stayed any longer in the Centre, it would have had difficulty meeting her needs in later pregnancy. The CJINI (with SSI) is currently completing thematic research into custody for girls.

The Centre has a policy on 'relationships between children', acknowledging 'the inevitable development of relationships between children', and the need to 'manage and monitor these in an appropriate manner so as to ensure the safety and welfare of all the children in the Centre'.¹⁶⁴ According to the policy, children who develop 'close friendships' will be counselled on the implications and advised as to ground rules. The policy is not gender specific. Staff said that they were aware of attraction between young people in the Centre, but there did not appear to have been any relationships developed to date, and the policy remains untested.

163. Goldson B (2002) *Vulnerable Inside: Children in secure and penal settings* The Children's Society, London.

164. JJC for Northern Ireland, Policy and Procedures JJC 11, *Relationships between children*.

Diversity

Each child participates in modules, as part of their care plan, that 'specifically explore oppressive behaviour and discrimination', including discussion.¹⁶⁵ Separate courses are run for girls and boys.

The Inspectorate found that the high level of homophobia among young people could create problems. During fieldwork for the current report, there were several incidences where young people made anti-gay remarks in the presence of staff. Staff either ignored these, or lightly challenged the young people; for example, by referring to their own friendships with gay people. It is important that young gay people feel confident that they will be safe from homophobia in the Centre. Training for staff in relation to sexual orientation would reinforce the work already being done in tackling homophobia among young people. As the CJINI noted, there are specialist groups in Northern Ireland that could provide training and advice for the YJA.

The NIO no longer publishes regular statistics on the religious breakdown or locality of young people admitted to the JJC. Neither does the JJC monitor patterns within the regime (for example, use of physical restraint or the progressive regime) by religion or other factor. The CJINI found that a majority of children in the Centre are from Catholic backgrounds.¹⁶⁶ Staff and young people confirmed the view of the inspectorate, that religious/political differences were rarely an issue between boys from different communities:

"... maybe once or twice in three years, somebody's called somebody an 'f' ['Fenian'] or an Orangeman, but that's very rare. That's honest to God now!" (Staff)

"Young people understand that each other have come from similar backgrounds and have a shared history. At the end of the day, young people themselves have chosen not to annoy each other with sectarian callings." (Staff)

The CJINI noted the positive work in ensuring that sectarianism did not become a problem in the Centre.¹⁶⁷ A 'neutral environment' is operated and, therefore, no football/rugby tops, flags or emblems can be worn. The latter is an appropriate restriction in the interest of young people's safety, and is in line with practice in schools and workplaces throughout Northern Ireland.

Although the young people can usually watch the television news, local newspapers are not available in case young people are able to identify others in the coverage of cases. National papers are allowed. The aim is to avoid bullying and "avoid hatred coming in" (Manager). Some staff felt that this was unnecessarily restrictive.

165. JJC for Northern Ireland Policy and Procedures JJC 6 Training Programmes: *Crime Avoidance*.

166. CJINI Inspection JJC 2004 p 25.

167. Above, p 21.

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There are no formal religious services held (with the exception of the Christmas Carol Service). The Director commented that formal separate services would be “the best way to introduce sectarianism”. Religious leaders and chaplains from different denominations and faiths visit, and if a family or child makes a request of a religious nature, the Centre will try to accommodate their needs. Neither children, nor their families, have complained to management about the absence of religious services. A small number of staff stated that they would like to see services re-introduced (although more were opposed to the idea). It may be possible to consider alternative ways of meeting children’s right to freedom of thought and conscience and to observing their religion.

As Northern Ireland’s society becomes more diverse, with growing numbers of migrant workers and their families, as well as a more diverse indigenous population, it is likely that the JJC will need to accommodate children from different ethnic and religious backgrounds and should be prepared for this. A staff member commented that relationships between Traveller boys and other boys in the Centre could be problematic. Boys from the Traveller community in Belfast, she said, keep themselves to themselves: “they don’t like the hoods, glue-sniffers, drug dealers”. The other boys see them as “tinkers”, but in the common room, they “give each other space”. The work done by staff, in trying to understand the needs of the eastern European girl, discussed above, can be built on in relation to other cultures.

Diversity in staffing

The CJINI noted that, in the past, there have been concerns about the imbalance of the workforce and the location of the Centre in a predominantly Protestant area. From 2003-2004, four staff from Protestant backgrounds, 10 staff from Catholic backgrounds, and one of non-specified origins were recruited. Five male and 10 female staff were recruited. The Inspectorate described this as a positive outcome in terms of increasing representation. It recommended a staff questionnaire to gauge job satisfaction and ‘compatibility with Section 75’ and a breakdown of staff statistics by Directorate.¹⁶⁸

Recommendations

40. The CJINI and the YJA should conduct consultation with all relevant bodies on the future of custody for girls, leading to development of a strategy.
41. JJC policies should specifically address gender issues including development of a policy for dealing with vulnerable girls.
42. NIO and/or YJA should publish regular statistics on young people admitted to the Centre. This information should include break down by Section 75 categories.

168. CJINI Inspection JJC 2004 p 25.

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43. The CJINI recommendation to monitor the number of young people from the Traveller community admitted to custody should be followed up by the YJA.
44. The Centre should monitor aspects of the regime by age, gender and religious background, including the progressive regime and use of restraint and separation.
45. The YJA should commission independent research on the extent of disability, including learning disabilities of children admitted to custody.
46. The YJA should address the issue of pregnancy and girls with babies, and every effort should be made by all relevant agencies to ensure that pregnant girls and girls with babies do not receive custodial remands or sentences, for their own and their child's best interests.
47. The YJA should prepare for the accommodation of children from different ethnic and religious backgrounds by a variety of means, including liaison with representative groups, staff training and development of specific policies recognising the needs of children from diverse cultures.

Chapter 7 Family and friends

Human rights standards

The right to family and private life is protected by Article 8 of the European Convention on Human Rights (ECHR) and the Human Rights Act (1998). Young people in custody have the right to receive regular and frequent visits in circumstances which respect the need for privacy, contact and unrestricted communication with their family or legal representative.¹⁶⁹ Families have the right to be kept informed about any important changes in the health of the young people. UN Rules emphasise the importance of contact between young people and the outside world:

'Every means should be provided to ensure that juveniles have adequate communication with the outside world ... Juveniles should be allowed to communicate with their families, friends and other persons or representatives of reputable outside organisations, to leave detention facilities for a visit to their home and family and to receive special permission to leave the detention facility for educational, vocational or other important reasons.'¹⁷⁰

Young people have the right to communicate in writing or by telephone, at least twice a week, with a person of his or her choice (unless there are legal restrictions on contact with this person). Young people should be able to receive correspondence.¹⁷¹ Young people should have the opportunity to keep themselves informed about current events by reading newspapers, magazines and other publications and have access to television and radio.

Previous research

In Our Care (2002) found a commitment among staff to encouraging positive contact between young people and their families, but that there were difficulties in achieving this. Problems were caused by the location of the JJsCs, under-staffing, and the policy and practice of individual centres. The report noted that 'the fewer centres exist, the less accessible they are likely to be to the broader population', and concluded that the planned location of a single Centre at Rathgael in Bangor would not resolve this problem.¹⁷² *In Our Care* further found that inadequate staffing levels and lack of appropriate visiting areas made it difficult to facilitate regular visits and telephone calls for all young people.¹⁷³ There was insufficient parental involvement at reviews or support for parents in coping with the child's return to the family.¹⁷⁴ Policy and practice relating to communications were over-restrictive in Lisnevin, inhibiting the child's right to privacy and to contact with family and friends.¹⁷⁵

The Commission recommended reconsideration of the decision to locate a single Centre at Rathgael; development of comprehensive visiting arrangements, including funding for transport for families and provision of family rooms, where families could stay overnight; and increased involvement of families in rehabilitation of young people.¹⁷⁶ It recommended

169. UN Rules 60.

170. Above, 59.

171. Above, 61.

172. *In Our Care* pp 123-124.

173. Above, p 125.

174. Above, p 127.

175. Above, p 131.

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that CCTV was preferable to having staff physically present in visits (unless the child wished them to be there).¹⁷⁷ Coherent policies compliant with human rights standards were required in relation to communications, visits and telephone use.¹⁷⁸

The CJINI found that the Centre is making efforts to be more family oriented and that young people are facilitated in keeping in contact with family and friends by letter, telephone and visits. It recommended more flexibility regarding the location of visits within the Centre, according to the needs of young people and their families. 'Distance, telephone and travel cost were found to be an issue for most young people and their families'.¹⁷⁹

Current research

Standards and policies

Youth Justice Agency standards recognise the importance of parental involvement and commit the Centre to encouraging parental participation at all stages of the process. The description of the relationship between parents and the Centre as a 'customer interface' is unfortunate. Performance measures include provision of arrangements designed to make visiting easy and welcoming; visits by Centre staff to parents within 48 hours of the child's admission; appropriate work undertaken to re-integrate the child with the family; and service level agreements with other agencies to facilitate easy exchange of information.¹⁸⁰

JJC policy on visits confirms that arrangements will be such 'as to encourage parents and professional workers to maintain contact with the child, to participate in the assessment, planning, review of the child's training and development in the Centre.' Visits are permitted from parents, relatives and friends 'subject to the approval of the relevant agencies and the constraints of child protection'. Visits are not permitted by 'persons identified as likely to assist the child in offending or re-offending'.¹⁸¹ The policy allows for arrangements to differ between house units, but visiting cannot generally take place during school hours. Security and supervision of visits 'will be such as to prevent escape or trafficking'.

Young people's contact with family and friends

Visitors are searched by metal detector at the gatehouse and are accompanied by operations staff to their child's house unit. Visits can normally be booked for weekdays, in the late afternoon, and on Saturday and Sunday afternoons. NIACRO runs a bus from Belfast to the Centre on Sundays. Young people confirmed that there was no limit on frequency of visiting. Visits last between 30 and 60 minutes, but can be extended if the family has travelled far. Several young people commented that they found visits upsetting:

176. Above, pp 124 and 127.

177. Above, p 124.

178. Above, pp 130-131.

179. CJINI Inspection JJC 2004 pp 64-65.

180. YJA Standards section 9.

181. JJC Policy 15.

Chapter 7 Family and friends

"... look out the window and see them leaving. It annoys you." (Young person)

"I don't really like visits. Just do without them. Seen my ma and dad once, but they leave and you don't. I don't like when you're sitting here and they go. You'd like to be going back out." (Young person)

This young person said that he also did not like to receive telephone calls as it upset him too much. For some young people, the visiting time was just right, but others would have preferred longer visits:

"... 45 minutes. It could be longer because I haven't seen them in a long time." (Young person)

"With my family I would like longer. ... It's an hour, two hours from where I live to here and then half-an-hour's drive here. ... And then back; it's four-and-a-half-hours [return trip]." (Young person)

Visits take place in the house dining area, with no more than two visits taking place simultaneously and a maximum of three visitors at each visit. Visits are supervised, and staff considered that their presence was important for young people's safety and that it did not breach children's privacy to any great extent. They tried to make themselves as unobtrusive as possible, but found that children and parents often invited them to sit and chat, helping them to get to know parents:

"It makes them [parents] see we treat the young person right in here; we give them everything; we do everything we can for these kids." (Staff)

"If a young person and his mother's at one table, I would be sitting in the corner, say, or another member of staff making cups of tea and ... you know we're there to support them as well; any questions that parents have, hopefully we'll get the answers ... Half the times, they'll [the young person] turn round and say, 'come and sit beside us.'" (Staff)

Young people had mixed views on the issue of privacy during visits. One said that he preferred visiting arrangements in Lisnevin, because "you were in with everybody else". Others would prefer more privacy:

"It doesn't really bother me [staff being present], depending who I'm speaking to. If I'm speaking to my mum or my wee brother, I would like a bit of privacy. But that is the rules and regulations ..." (Young person).

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"It's just that there's other people having visits too and you don't have proper privacy like. ... Some staff come over and sit right beside you. ... I feel like telling them to go away. If I done that, I'd get an adverse report." (Young person)

A staff member noted that young people prefer not to share visiting areas with other young people because, "if they want to say anything private, obviously they don't want other young people over-hearing". Care should be taken to ensure that young people have as much privacy as possible during visits. It is intended that in the new centre there will be visits in house units and purpose-built visiting areas. There will be CCTV cameras in the room, with sight, but no sound to ensure privacy. Visits will be conducted on an individual basis.

Two young people mentioned that their siblings got bored during visits, and they would have welcomed a more activity-based visit so that brothers and sisters were not bored:

"You should be allowed to go up to the youth club and play pool. [It] would make it easier if you were doing things other than just having to sit and talk. My wee sister gets bored very easily." (Young person)

It is important that visits are enjoyable for younger siblings and consideration should be given, in the existing Centre and in the new design, to providing activities for young people to share with siblings. The new centre will have over-night accommodation for families. To date, the Director noted, there has not been a demand identified for overnight stays, but these could be accommodated.

Friends can visit as long as they are over 18 years and do not have a criminal record. If under the age of 18, they have to be accompanied by an adult related to the young person. Young people raised the issue, most seeming unsure about the rules and several suggesting that all visits and telephone calls by friends were banned. Some were unhappy with the policy:

"It's mad, isn't it?" (Young person)

"You're not allowed to phone people that used to be in here and that's not fair because half my mates used to be in here. Some of my family has been in here too, so I'm not allowed to phone my family and I'm not allowed to phone my mates. ... That's just stupid." (Young person)

Staff felt that many of the young people's friends would not be appropriate visitors:

"A lot of the young people in here – their friends are under the age of 18, and they're expecting 15 and 16-year-olds who's constantly in trouble with the authorities to be allowed in..." (Staff)

Chapter 7 Family and friends

A staff member confirmed that, if a young person requests a visit or to make a phone call to a friend, staff will pass details to social services for a check to be carried out first.

The information booklet for young people informs them that family and carers can visit, but no mention is made of friends. Information should be provided in an accessible form, explaining rules regarding visits from friends. Where appropriate, visiting by friends should be encouraged in respect of the young person's rights, but also, because following release, young people will be back with their peers and, therefore, any potential for positive contact during detention should be facilitated and supported by staff.

Young people are searched after visits, which one boy mentioned that he found offensive:

"Every time I come out of a meeting with my mum or social workers or whatever, I have to be searched. ... You should be allowed a bit of trust to see your own mum without being searched." (Young person)

Some children have no contact with their families and may, therefore, get no visits. The mentoring scheme run by NIACRO has led to some children who did not have any visitors, at least having someone coming to see them regularly on a voluntary basis.

Young people can telephone their family every day and families can also ring into the Centre. Staff dial the number for young people to prevent unauthorised calls. Staff supervision of calls means that there are resourcing issues attached and calls are generally restricted to 10 minutes to ensure equal access:

"Ten minutes, that's not long enough. You're only on the phone, you're only getting into the conversation by ten minutes and then they come in, and you're half-way through the conversation and then they come in, and they tell you to turn it off, put the phone down." (Young person)

Young people can ask staff for a longer phone call, but the boy quoted above said that he had requested this on several occasions but was only given two minutes extra. Mobile phones are not permitted. Young people can write letters out and letters arriving in are checked for forbidden items.

Involvement of families

Staff and management acknowledged the importance of involving families and the Centre has a part-time family link worker. The Director stated that, although he and his management have parental responsibility for young people within the JJC rules, "that doesn't take away family parental responsibility". Staff said that families are encouraged to, and most do, attend review meetings:

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"It's important for parents to meet staff. For each case review, I check if the date suits. They're usually very good in attending." (Staff)

"I've done quite a few reconciliations where the family has maybe washed their hands of the 16-year-old – they've maybe got another wee son or daughter that they're bringing up and the boy's just bringing nothing but trouble. Just to bring him back into the home is an achievement itself." (Staff)

Young people can get 'special leave' towards the end of their sentence to spend time with their family at home.

Case review meetings, contact through young people's visits and telephone calls from lead workers to parents, seemed to be the main routes for staff contact with parents. Contact during young people's visits is positive, but does not amount to a structured process of ensuring parental involvement. Families are often not invited to key events in young people's lives, such as the Christmas carol service or sports days. There are no facilities other than toilets in the gatehouse for families and, at the time of fieldwork, there was no printed information available for them. There is evidence of good practice; for example, on occasion, families from further away have been allowed to stay for lunch with their child and this should be developed into structured policies of involvement. It is important that the Centre advertises to families any visiting services that exist. NIACRO has been working with the Centre on family-centred visits, a development which should be further explored. NIACRO is also collaborating with the Centre on a parents' and carers' leaflet and on establishing a parent support group. The role of non-governmental organisations (NGOs) will be vital in building links with parents.

Human rights standards emphasise the importance of maintaining contact between the young person and the outside world. There can be benefits to providing a therapeutic space in which young people can tackle their problems and build their confidence. However, one of the Commission's concerns about the siting of the JJC at Rathgael was that it would be difficult to facilitate a healthy level of contact between the Centre and the community. The physical isolation of the Centre, coupled with the emphasis on security and ban on external activities, has compounded this situation. The responsible agencies must focus on how best links can be built and maintained with the communities that young people come from and, to which, most must return.

Chapter 7 Family and friends

Recommendations

48. Family contact is extremely important and optimum contact should be provided for, including longer telephone calls and longer visits if requested. The YJA should meet additional resources required to support this.
49. The YJA and the Centre management should consider ways of facilitating more creative visiting arrangements. For example, supervised visits in which young people can do activities with siblings, family days, extended visits and overnight stays. Young people, their families and NGOs should be consulted about what form these visits should take.
50. Family and friends should be invited to events such as the carol service and shows put on by the young people.
51. Toilet facilities should be available at all times during visits.
52. A visitors' centre should be included in plans for the new Centre.
53. Toys, games and access to videos/DVDs should be available for siblings during visits.
54. The YJA should consult families about whether a crèche for siblings would be desirable and, if so, should discuss the feasibility of this with NGO service providers.
55. The Centre should encourage more involvement of family in young people's care and in rehabilitative work. The YJA should consult with young people, their families and statutory and NGO agencies about ways of achieving this.
56. YJA and Centre management should consult on how best to ensure that young people are facilitated in positive engagement with friends from outside.
57. YJA and Centre management should explore ways of involving young people in local communities and local communities in the Centre. This should focus on the communities the young people will be returning to, and include consultation with youth and community organisations based in these areas, about what services they can provide.

Protection from harm Chapter 8

Human rights standards

Children have the right to protection from all forms of physical or mental violence, injury or abuse and neglect.¹⁸² The European Convention (ECHR) protects the right to life and protects against torture, inhuman or degrading treatment.¹⁸³ Bodies responsible for the care of children must meet standards established by competent authorities, particularly in the areas of safety, health, and staffing.¹⁸⁴

There must be effective systems for preventing, identifying, reporting, referring, investigating and treating instances of child ill-treatment.¹⁸⁵

Staff have the right to a safe working environment including appropriate training.¹⁸⁶ The regime must strike a balance between respecting young people's individual rights and protecting staff, other young people and the young person himself or herself from harm.

Young people must be able to make requests or complaints to the Director of the facility. An independent office (ombudsman) should be established to independently investigate complaints.¹⁸⁷

The Prisons Inspectorate expects the safety of children to be a paramount consideration in the development of all policies and procedures. There must be a 'clear safeguarding strategy drawing together key policies designed to keep children and young people safe'.¹⁸⁸ It expects 'active and fair systems to prevent and respond to bullying behaviour'.¹⁸⁹ There must be a comprehensive child protection policy and an openness to external agencies and independent scrutiny.¹⁹⁰

Previous research

In Our Care documented a history of inadequate child protection measures for children in custody.¹⁹¹ The research confirmed that managers in Lisnevin and Rathgael were appropriately referring allegations to police and social services; however, the Commission was unhappy that allegations were investigated by local uniformed police, rather than by PSNI CARE officers in partnership with social services.¹⁹² The research also found that child protection procedures were outdated and few staff had been trained in child protection.¹⁹³ The report recommended that child protection procedures be urgently updated and staff trained. It also recommended clearer guidance for staff and young people on dealing with bullying.

182. CRC Article 19.

183. ECHR Articles 2 and 3.

184. CRC Article 3.

185. Above, Article 19.

186. Their right to life is protected by ECHR Article 2. Employers have a statutory duty to protect employees' health under the Health and Safety at Work Order (NI) (1978).

187. UN Rules 70 and 76.

189. *Juvenile Expectations* p 41.

190. Above, p 43.

191. Above, p 54

192. *In Our Care* p 78.

193. Above, pp 87-89.

Chapter 8 Protection from harm

The CJINI recommended more staff training in child protection and stated that this was scheduled to begin when the revised procedures were introduced.¹⁹⁴

Current research

Child protection

In October 2004, the Youth Justice Agency consulted on its draft Child Protection Policy for the JJC and YJA projects.¹⁹⁵ The draft notes the particular vulnerability of children in custody:

'Children who come into conflict with the law and particularly those placed in the youth justice settings can be especially vulnerable. For those children who find themselves in custodial placements the shock of losing their liberty can increase vulnerability'.¹⁹⁶

It takes an appropriately broad view of what constitutes child abuse:

'...while many of the [high profile cases] have focused on the sexual abuse of children there is also vulnerability to physical abuse, emotional abuse, peer abuse, bullying, deprivation of rights and privileges and inhuman treatment'.¹⁹⁷

The policy recognises the vulnerability of staff to un-justified allegations and that while every allegation must be investigated staff have a right to be treated fairly.¹⁹⁸ The importance is noted of staff training, respect for children, and a culture of openness which includes external monitoring and contact with families and community.¹⁹⁹ Other safeguards include awareness-raising among children, access to trusted independent adults, clear effective complaints procedures, effective recruitment and vetting procedures, support for staff raising concerns, and designated child protection officers.²⁰⁰

When abuse is suspected, staff must bring this to the attention of their line manager and/or the Designated Officer who in turn will immediately refer the matter to the Health and Social Services Trust and the police, in accordance with the 'Joint Protocol'.²⁰¹ The child's parents will normally be informed, their file withdrawn and a temporary file opened containing essential data and care plan.²⁰² If the alleged or suspected perpetrator is a member of staff, the Director must ensure they do not work with the child making the allegation or have unsupervised access to other children. As a precaution, they can be 'stood down from duty' until the investigation is complete. If the police decide to undertake a criminal investigation,

194. CJINI Inspection JJC 2004 para 3.8.

195. Youth Justice Agency (October 2004) Child Protection Policy and Procedures for the Juvenile Justice Centre Community Services and the Youth Conferencing Service, p 2.

196. YJA 2004 p 2.

197. YJA 2004 p 8.

198. Above, p 29.

199. Above, p 3.

200. Above, pp 4-5.

201. Protocol for the Joint Investigation, by Social Workers and Police Officers, of Alleged and Suspected Child Abuse.

202. JA 2004 p 24.

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the staff member will be suspended without prejudice as a precaution.²⁰³ The internal inquiry must await the conclusion of the Joint Protocol inquiries.²⁰⁴

A strategy discussion should be held between police and social services to decide how the allegation will be investigated and, where appropriate, which agency will take the lead:

'The police are primarily concerned with the investigation of alleged offences while the focus of social services work is on the welfare of the child and family. Nevertheless, these functions are complementary and joint investigations and interviewing arrangements are imperative'.²⁰⁵

Given their specialist expertise, PSNI CARE unit staff 'should investigate the criminal aspects of *all* child abuse allegations' [emphasis in original];²⁰⁶ however, CARE Units have a specific remit and are unlikely to take on 'minor assaults between children'.²⁰⁷

Where a child refuses to lodge a complaint to the police, the manager of the centre 'is still obliged to pursue an internal investigation. Withdrawal of a complaint by a child 'should not be interpreted as an indication that the alleged abuse did not take place'. Even if the criminal dimension is dropped, an internal investigation should take place based on the 'balance of probabilities'. When a complaint is withdrawn, or at the conclusion of an investigation, the child will be asked, in the presence of a representative adult, to sign that he/she is satisfied with the process and accepts the outcome, and a representative of the local Child Protection Panel should be involved in verifying that the process has been open and fair.²⁰⁸

The YJA commits itself to reporting annually to the Area Child Protection Committee of the Eastern Health and Social Services Board, and to ensuring that a senior manager of the YJA participates in the Area Child Protection Committees.²⁰⁹

From May 2005, the JJC has been following the new YJA child protection policy pending its formal adoption. At the time of fieldwork, staff had not been trained in the new procedures; however, by the time of writing, the Commission was assured that all staff had been trained. A summary version of the procedures for day-to-day use and leaflets for children and parents are still to be provided.

From May 2005, all allegations of a child protection nature have been referred to the Health and Social Services Trust and to the PSNI CARE unit at Willowfield station. However, despite the statement in the draft policy that the CARE unit should investigate the criminal aspect of all referrals (with the possible exception of minor incidents between young people), the CARE unit still only carries out an initial paper investigation before transferring cases to the police station at Bangor. CARE officers will only investigate where there is a sexual element to the complaint, or it relates to a care home.

203. Above, p 30.

204. Above, p 25.

205. Above, p 3.

206. Above, p 2.

207. Above, p 34.

208. Above, p 21.

209. Above, p 9.

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Records of all child protection complaints are kept centrally by the Operations Manager whose remit includes child protection. He confirmed that 90 per cent of recorded incidents relate to assaults by young people on other young people. Allegations arising from use of restraint have decreased following staff training in Therapeutic Crisis Intervention (TCI). In 2004, there were seven recorded complaints. One of those related to an incident in a care home, prior to the young person entering the centre. One related to an alleged assault by one young person on another (the perpetrator received two months detention at Hydebank Wood YOC for the attack). The other complaints centred on alleged verbal and physical assaults during 'removal' or physical restraint. In one case, a staff member made a counter claim against a young person who was subsequently found guilty of assault.

In 2005, there were four complaints up to 21 June. One related to an alleged assault of a young person by another young person. Two related to alleged incidents, prior to young people entering the Centre.

There was one allegation of assault by staff on a young person. At the time of fieldwork, this was being dealt with through the new child protection process, led by the Trust. During fieldwork, a child made an allegation related to this complaint. The researchers informed the Centre Management and the Commission provided confirmation in writing. By the time of writing, the PSNI had confirmed that, following investigation, no further action would be taken. A representative was brought in from the Youth Justice Agency to lead the internal disciplinary inquiry, thus giving more independence to the process which, at the time of writing, was not complete.

In Our Care raised serious concerns about the role of the Independent Representation (IR) scheme in the child protection process. Review of IR and child protection records suggests that child protection complaints are now less likely to come through the IR route, although there have been complaints of bullying between young people raised with IR volunteers. At the time of fieldwork the issue of advocacy for children making complaints had not been addressed. However, the Commission is aware that the Centre is now considering developing an independent advocacy service using an independent NGO provider.

Bullying

The JJC has a policy committing the Centre to prevent bullying, monitor levels and effects of bullying, and deal with the bully and the victim.²¹⁰ The policy requires that children be made aware that bullying will not be tolerated and provides for staff training. All incidents of bullying must be investigated, and action taken. Parents and carers should be kept informed and the victim provided with support from his or her lead worker. To change the 'bully's' behaviour, assistance may be required rather than punishment and restorative justice principles may be used, but the bully may also be demoted under the progressive regime.

210. JJC for Northern Ireland, Policy and Procedures JJC 14, *Prevention of Bullying*.

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The policy states that, following an incident, the Operations Manager will conduct a review of procedures and make recommendations. The new child protection policy identifies chronic bullying as a child protection issue.

Only one boy described bullying in interviews:

"I talked to [staff] last week because someone was bullying someone, so he was, and I didn't like it – he was bullying the younger ones, so he was. I didn't like it, so I didn't." (Young person)

Examination of unit records, however, showed that it was not uncommon for bullying to be raised by either staff or young people as an issue, at morning meetings. Staff acknowledged that bullying occurs between young people in the Centre, but most considered that the small scale of the units and high level of supervision meant that it could be dealt with effectively:

"If there are any signs of bullying, we have a meeting with young people to hit it on the nail. There's a bullying policy. Young people are given a leaflet on it." (Staff)

"Something we feel very strongly about is bullying. If we were to spot anything, even if it wasn't bullying, it would be nipped in the bud straightaway." (Staff)

"Bullying's always going to be an ongoing theme in here. You do see it, not all the time, but you see it – you get new boys all the time and they're trying to make their place in the pecking order. But, as staff, we're very aware of bullying issues and we're there to stamp it out. That's why the supervision always has to be high ... In the induction the boys are made aware of what bullying is and what forms of bullying there are ..." (Staff)

Bullying is discussed with children at reception and induction. House records provided examples of staff raising the issue with young people. There is reference to anti-bullying workshops for young people, and some staff confirmed that they had received training on bullying.

Bullying incidents do not generally go through the child protection process unless the young person is injured or lodges a complaint. The few incidents recorded in the child protection records relate to alleged serious assaults. The Commission has previously raised the issue of the need to consider bullying in the context of child protection.²¹¹ The Prisons Inspectorate expects that allegations by children of bullying, assaults and abuse by their peers should be 'routinely considered for child protection implications'²¹² and patterns of bullying monitored and assessed. The JJC policy requires that bullying be monitored, but there was no evidence of any process for conducting such reviews.

211. *In Our Care* p 93.

212. *Juvenile Expectations* p 56.

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There should also be consideration of whether children being bullied can receive sufficient support from their lead worker, or whether greater access to therapeutic or advocacy services should be provided.

Complaints

A further concern raised by *In Our Care* was the lack of independence in the complaints process. In 2005, the YJA consulted on a draft 'complaints charter' for the Agency to include the JJC. Central to this, is the introduction of an Independent Advisor with a role in investigating complaints. The Commission's main concern was that the draft policy allowed the YJA Chief Executive to overrule the advice of the Independent Advisor. At the time of writing, it was not determined how the Independent Advisor would be selected. Young people may find it difficult to make complaints to an external body, and it is vital that the Independent Advisor is proactive through frequent visits to the JJC and, perhaps, a regular surgery.

The introduction of an independent complaints mechanism meets the recommendations of *In Our Care* and this would be reinforced by development of an independent advocacy service for children.

Central to effective child protection and complaints procedures, is a robust whistle-blowing policy to enable staff to report issues of concern. The researchers were told that the YJA has a whistle-blowing policy, but this was not available for examination at the Centre during fieldwork. The Centre should develop clear procedures on whistle-blowing, consistent with the YJA policy. It should be made clear to staff that they have a duty to whistle-blow where they have concerns about practices in the Centre.

Recommendations

58. The YJA draft complaints policy should be amended to ensure that while allowing the Chief Executive of the Agency and Director of the Centre to question the advice of the Independent Advisor, they should not be able to overrule that advice.
59. The Independent Advisor should consult with children, staff and interested bodies on how best children can access the complaints process, perhaps through regular visits or a 'surgery'.
60. The YJA and the Centre should provide Independent Advocacy Services based on consultation with young people and relevant bodies.

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61. The PSNI CARE team should be responsible for investigating all allegations of abuse or assault in partnership with social services.
62. Incidents of bullying should be recorded centrally and reviewed by management to assess whether patterns are occurring.
63. Restorative ways of dealing with bullying should be pursued in accordance with the JJC policy.
64. A Centre policy on whistle-blowing should be produced; information prominently displayed and staff training carried out on this policy. Centre management should ensure the provision of adequate support for all staff involved in the process.

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Human rights standards

Disciplinary measures in the institution should:

'maintain the interest of safety and an ordered community life and should be consistent with the upholding of the inherent dignity of the juvenile and the fundamental objective of institutional care, namely, instilling a sense of justice, self-respect and respect for the basic rights of every person.'²¹³

Disciplinary measures constituting cruel, inhuman or degrading treatment are strictly prohibited,²¹⁴ including 'corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned.'²¹⁵ Collective sanctions are prohibited.²¹⁶

Use of force or instruments of restraint can only be used in exceptional cases 'where all other control methods have been exhausted and failed'. Physical restraint and the use of force should not cause humiliation or degradation, and should only be used for the shortest period of time.²¹⁷

The Prisons Inspectorate requires that use of force and separation be minimised through 'preventative strategies and alternative approaches' and should be part of an overall behaviour management strategy. Children and young people should be physically restrained only as a last resort and when no alternative is available 'to prevent risk of harm to the young person or others'. Force should not be used to ensure compliance with staff instructions. Separation should be for the shortest time possible.²¹⁸

Previous research

The Commission was concerned about the regular use of physical restraint; inadequate staff training in de-escalation techniques; and the prolonged separation of children in the Scrabo (punishment) block.²¹⁹ *In Our Care* (2002) recommended that physical restraint be used only as a last resort; recommended training for all staff on de-escalation; and recommended monitoring the use of restraint and the inclusion of young people's comments in records.²²⁰

The CJINI found that JJC staff were now receiving regular training in child management techniques using both de-escalation and physical restraint.²²¹ Use of physical restraint had significantly reduced.²²² The Inspectorate recommended that the Centre continue to rely on the current combination of child management techniques – Therapeutic Crisis Intervention

213. UN Rules 66.

214. ECHR Article 3.

215. UN Rules 67.

216. UN Rules 66.

217. UN Rules 64.

218. *Juvenile Expectations* pp 117-119.

219. *In Our Care* p 98.

220. Above, p 102.

221. CJINI Inspection JJC 2004 p 1.

222. Above, p 3.

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(TCI), which is a process of de-escalation and a form of restraint called PCC (Physical Control in Care) – until research demonstrates that alternative methods are preferable. It recommended an analysis of incident reports and staff and young people's experience.²²³ The Inspectorate also recommended that 'time out' in the ISU should be in the young person's room in the first instance, rather than the 'time out' room.

The Howard League commissioned Lord Carlisle to conduct a year-long inquiry (with a team comprising 13 experts) into the use of physical restraints, strip searching and the segregation of children in penal custody.²²⁴ The report's recommendations included that, handcuffs should never be used; the use of physical interventions should be severely restricted; physical force should never be used to secure compliance or as a punishment; and prison segregation units should not be used for children.²²⁵ The inquiry found great variation, both in the forms of restraint used in different institutions and in the practice of separating children. The latter ranged from 'holding children for weeks in a bare stone cell to telling them to go to their room for a few minutes'.²²⁶ The inquiry found that 'time out' could be a 'useful technique for diffusing tension' and recommended that it should be for no more than a few minutes and should be consistently applied and monitored.²²⁷

Current research

Vulnerable young people and the ISU

At the time of fieldwork young people who are especially vulnerable were being accommodated in the ISU/Assessment unit which, JJC Policy states:

'will provide a safe secure environment for those children who by their behaviour have demonstrated a risk of serious self-harm, violence to staff and/or other children or whose offences are such that their escape would place the public or the police at risk.'²²⁸

The unit had a greater staff/child ratio than other units, more robust structure and furnishings, and closer supervision. Young people could be moved there if his/her behaviour was deemed to be a risk to him/herself or those around them – a decision which must be taken by senior management. Staff and young people agreed the ISU was viewed by young people as punishment for bad behaviour, although some staff drew attention to the perceived positive impact:

"Young people's attitude is they see us as a punishment block." (Staff)

"If it's an intensive support unit, then call it what it is. It's seen by the kids as punishment. There's no assessment done there. It doesn't assess anything ..."
(Staff)

223. Above, recommendation 28.

224. Howard League for Penal Reform (2006) *The Carlisle Inquiry* Howard League, London.

225. Howard League for Penal Reform Press Release 17 February 2006 'Howard League for Penal Reform announces Lord Carlisle as its new President' [Online] Available: www.howardleague.org/index.php?id=. [23 April 2006].

226. Above.

227. Above.

228. JJC for Northern Ireland Policy and Procedures Intensive Support Unit JJC 16.

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"I don't think assessment should be with ISU. I think ISU should be on its own, a specific unit, with specific staff for specific problems." (Staff)

"They do one brilliant job up there [ISU] because a lot of the young people they've got in ... I wouldn't say they were wild, but they're not used to having their freedom taken away and they don't like it. They're different kids when they come out of there." (Staff)

The ISU was felt by some children to be difficult to deal with because of the more cramped conditions and closer staff supervision:

"Staff follow you everywhere and you can do nothing. If you walk round the room, you get an adverse and that's you dropped. ... I just kept my head down, then I got moved here." (Young person)

"The ISU is smaller and the staff up there's stricter." (Young person)

"Staff in here slobber. They have bad moods and give you adverse reports. ... Up here, it's too hard to get Gold or Platinum." (Young person)

Some staff felt a need for a more specialised unit with specially trained staff, a specific purpose and a therapeutic environment. The CJINI recommended a review of the purpose and criteria for admission to the ISU.²²⁹

The Commission intervened in a judicial review, in which a boy who had recently left the Centre, challenged his stay of almost five months in the Assessment/ISU. The judgment (September 2005) found that the boy's placement in the ISU was legitimate, given the risks he was assessed as posing to staff. However, Justice Weatherup declared himself 'not satisfied that had a balancing exercise been carried out it would inevitably have resulted in continuing enhanced supervision'. He found that the boy and his father had not been provided with adequate information on the complaints system and that there had been insufficient consideration of the child's Article 8 [ECHR] rights when reviewing his continued placement in the ISU. The judgment concluded that the actions of the Centre 'were not demonstrated to be such as to render the continued detention of the applicant in the Intensive Support Unit a proportionate response for the purposes of the applicant's right to respect for private life under Article 8 of the European Convention on Human Rights'.²³⁰ In commenting to the Commission on the court ruling, the Centre Director said that "the decision [to keep the boy in the ISU] was kept under constant review because of continued threats to staff".

229. CJINI Inspection JJC 2004 p 71.

230. Re an Application for Judicial Review by TP a Minor by his Father and Next Friend, [2005] NIQB 64.

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Physical restraint

The Centre policy on restraint and single separations is currently being revised in conjunction with the review of the JJC rules. Under the leadership of the Director, the use of physical restraint and separation has significantly reduced, and staff training and recording of incidents have improved. Management and staff are rightly proud of these developments. All staff have been trained in Therapeutic Crisis Intervention (TCI) and Physical Control in Care (PCC) and are given a manual for guidance on use of TCI. PCC is a method of restraint which involves staff 'holding' the young person, but not bringing them to the ground. Officially it is not a 'pain compliance technique,' although young people confirmed that it could cause pain.

The Director wrote that 'the figures have reduced significantly from the Lisnevin day when staff reported that numerous restraints were a daily occurrence'.²³¹ In the period from February to December 2004, the highest number of physical restraints recorded in a one-month period in the Centre, was 30, in June 2004. From January to September 2005, the highest number was 14, in September 2005; and the lowest number was four, in January 2005. Use of restraint and 'time out' in single separation has been highest in the ISU.²³²

The decrease in restraints goes against the trend in secure training centres in England, where the issue has been the subject of recent media coverage.²³³ Concern has also been expressed about the use of PCC, particularly following the death of 15-year-old Gareth Myatt, who died while being restrained by three staff in Rainsbrook Secure Training Centre (Warwickshire) in April 2004.²³⁴ The Commission has been assured by the Youth Justice Agency that the 'double seated embrace,' which was being used when Gareth died, is not used in the Centre.

The Commission for Social Care Inspection (England and Wales) (CSCI) recently published a study of the views of children on restraint. The report found that children:

'... mostly accept that if they become dangerous, staff may have to stop them harming someone or doing really serious damage. But they are as worried as staff and policy deciders should be that restraint can make things worse, can itself hurt or injure, and can leave people resentful and even wanting to get back at people.'

Many of the concerns of the young people in the CSCI report have already been addressed by the Youth Justice Agency and JJC in Northern Ireland. The CSCI report recommends that

231. Correspondence from Director, 25 October 2005.

232. Youth Justice Agency (2005) *Juvenile Justice Centre for Northern Ireland: Statistics showing Single Separations and Physical Restraints covering the periods February 2004-December 2004 and January 2005 – September 2005*, Bangor.

233. The Howard League states that children were physically restrained 11,500 times in the three secure training centres in England and Wales in five years although STCs hold on average only around 190 children at one time. The League is setting up an independent inquiry into the use of physical restraint on children in custody under the chairmanship of Lord Carlile. [Online] Available: <http://www.howardleague.org/donate/carlikeappeal.htm> [6 December 2005].

234. Goldson B and Coles D (2005) *In the Care of the State? Child Deaths in Penal Custody in England and Wales* Inquest, London.

235. Morgan R (2004) *Children's Views on Restraint: the views of children and young people in residential homes and residential special schools* Commission for Social Care Inspection, Newcastle.

236. Above, Introduction.

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'each person's placement plan could tell staff the best way to deal with that person if they lose control'. The report noted that, since young people react differently to being restrained, especially since restraint would remind some of them of bad past experiences, young people could be asked to 'fill in a form on their preferred way of calming down' and this information considered when drawing up the placement plan.²³⁷ The Commission was told by the Centre Management that this process is followed when drawing up children's initial care plans; and that the TCI process involves identifying key issues, such as when a child wants to be left alone in their room, or whether he/she prefers staff not to talk to, or to touch him/her when he/she is angry.

The current research asked staff and young people about their experiences of physical restraint and use of separation. When staff are about to restrain a young person, they press their personal alarms to alert operations staff. A senior manager explained that the use of physical restraint is monitored closely:

"We're more aware of triggers and risks. Records are kept in individual's files, in house units and centrally. If there's an increase in restraint in 24 hours, we'll know about it and ask questions." (Manager)

A staff member explained:

"PCC is used as a last resort. Most will listen to TCI and we talk them down without PCC. Refresher courses are important. It's important for them to calm down. We can use any room and can diffuse most issues. It's only if things get out of control that we use PCC With the technique, you can bring a big fella down. We have very good team leaders and when ops come, they let staff settle and calm down as you need time to relax after a move ... The first person I put my hands on was very apologetic when he came down." (Staff)

Staff generally consider that PCC is better than previous methods used, because it does not centre on pain compliance and does not force the young person to the ground:

"It's better because it doesn't put any pressure on any growing joints. With the old system ... you'd the child's arm up his back. It's not nice for you and it's not nice for the kid, putting pressure on all his joints. The new system doesn't do that." (Staff)

The most common concern expressed by staff was that PCC was unsuitable for restraining larger boys, and they considered it potentially unsafe for boys and themselves in these circumstances. It was clear from unit records that restraint could be difficult and stressful for young people and staff:

237. Above, Chapter 5.

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'difficult restraint. X struggling, dropped to knees. PCC eventually successful'.
(Unit record)

'young person did not comply. Very difficult removal using PCC'. (Unit record)

When restraint is used, staff will attempt to move other young people away from the incident. Seeing other young people being restrained can be upsetting for some young people. All of the young people interviewed had either seen someone being restrained or been restrained themselves:

"[boy's name] was restrained last night and, before that happened, we were told to go into the living room, and then all you could hear was him shouting 'get your hands off me you effing whatever'. And, I was just sitting there, thinking he needs to calm down a bit." (Young person)

"It's not fair ... shouldn't take six people to hold a wee boy down. They got a shield and made his nose bleed. Bent his fingers back. It's supposed to calm you down, but it makes you more angry." (Young person)

"They're only doing their job. Some operations [staff] push you too far like ... but there's a few of them would just walk in and have a wee chat and then walk with you. See when I get out of hand like, it's their job to control me. ... I've seen about 10 [staff] on a kid about that size [indicates small child]. It hurts them. ... See if they hurt them ... it makes them more mad. It really makes them out of control. See [names a staff member and a nurse], they just come in and have a wee chat with you and walk you up. Them two just come in and talk away to you and says, 'it's alright'." (Young person)

"They're not allowed to put handcuffs on for a fact; they put handcuffs on me [in the ISU] and then started, every time I moved, they went like that there [lifted hands up] with the handcuffs and nearly broke my wrists. It used to happen with ops as well. ... They nearly broke my wrists; I had cuts and everything right there, they were pulling that hard ... When I first saw someone else getting restrained, I felt like helping the other wee lad instead of helping staff. This wee lad, a wee small thing, not even five foot and these men about six foot, and he was just getting jumped over ... it looked like they nearly killed him; he couldn't breathe or nothing; he's going 'I can't breathe, I can't breathe', and staff didn't listen to him. ... I don't think it's fair, the way they restrain you in here. ... you see it ..., not every day, twice or three times a week. They're too rough in here, that's what I says to some of them." (Young person)

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"They needed it." (Young person on seeing another young person being restrained)

Following use of restraint or 'time out', a 'life space interview' is conducted with the young person, the aim of which is to help them reflect on the incident and how it could have been avoided. A boy described how, after being restrained, "staff just comes up and has a wee word with you and says 'are you alright'", following which the young person may be required to stay in their room for up to half-an-hour to calm down.

During the fieldwork, the researchers were present at an incident involving the deployment of operations staff. A boy had been allowed to stay up to take part in an interview for the research. Following the interview, staff told him it was time to go to his room but he wanted a drink of juice and refused to go. Staff physically isolated the boy from other young people and called operations staff. Once they arrived, the boy agreed to go to bed. It is important that staff are fully aware that force must not be threatened or used to ensure compliance with instructions. Analysis of the restraint records in house units found several references to non-compliance as a reason for use of restraint; for example, 'X refused to go to bed at 9.45pm. Pinpoint activated' (unit records); 'refused to go to room, verbally abusive' (unit records). Staff expertise and knowledge of an individual young person may alert them that the child is in danger of getting out of control and harming themselves or others. Harm to self or others should be the only reasons for use of restraint.

It is important to document the level of threat and abuse which can be directed at staff by young people, as is clear from interviews and from the records:

'[young person threatened] to slice [staff members'] throats, spitting and kicking.' (Unit records)

'young person threatened to "break staff's fucking jaw" (records note that a member of staff was kneed in the face in this incident).

'tried to head butt staff member.' (Unit records)

'threatening to stab staff.' (Unit records)

TCl is often used, even when there is a threat to staff safety: 'young person lunged towards staff to strike, verbally aggressive but de-escalated very quickly using TCl technique.' (Unit records).

The reduction in the use of restraint is a positive development. Interviews with staff and children and observation of the regime, however, indicate some continued concerns. The

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CJINI reported an incident where it took eight staff to hold a boy²³⁸ and several children interviewed for this research spoke of large numbers of staff being involved in restraint. This is undoubtedly distressing for all those involved. Staff concerns about the safety of PCC, for both themselves and young people, are also an issue. It is important that staff and management work to reduce the level of restraint still further. The Youth Justice Agency should keep abreast of research on the PCC method and on any alternative approaches being developed.

Handcuffs are occasionally used in moving young people from one part of the centre to another (most usually to the ISU). The Director confirmed that this is done on the basis of risk assessment indicating possible or actual violence and disruptive behaviour. The researchers were informed by some members of staff that 'riot gear' had recently been purchased and one record in a house unit refers to a shield being used during restraint. As discussed in chapter 4 of this research, the use of handcuffs or any other instruments of restraint should be carefully monitored and controlled.

Single separation

'Time out' in bedrooms, is used when young people are disruptive or need to 'chill out'. There are two time out rooms in the school, which are occasionally used. A young person described how another young person would be placed in his room for disruptive behaviour:

"Well [boy's name] can be a little bit of a show off; down there he acts the big man to the staff, slags the staff and staff slag him. He starts and slags the staff, right, and see whenever the staff say something back, he shuts up. He can't take it and he goes off in a big huff. And then he ends up trapping staff; he ends up getting sent to his room and then he spends about another two hours kicking and banging the doors, shouting at everything. ... He was put in his room for an hour ... He was banging away. And there was another wee lad put in the exact same time as him, and wee [name] banged for maybe five minutes, then stopped. The staff said 'right he gets out of that room'. You know if he didn't bang at all, he'd get out of the room, but if you keep banging and banging and banging, you'll be there all day." (Young person)

Use of single separation has declined, both in terms of the number of incidents and the length of time young people spend in 'time out'. One of the two 'time out' rooms in the school has been put out of service as restraint is so rarely used in school. When young people have been restrained, or if staff feel they need to calm down, they are asked to go, or are taken, for 'time out' normally in their bedrooms or in the ISU building in the 'time out' room. One boy described being in the 'time out' room as "crap". Records of 'single separations' are kept in each house unit. These include, both incidents when young people

238. CJINI Inspection JJC 2004 p 44.

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request to go to their room for privacy, and when they are compelled to go for 'time out'. While the young person is on 'time out' he/she will be monitored every five minutes and a record will be kept. 'Time out' normally lasts only between 15 minutes and half-an-hour.

When young people have behaved in a particularly disruptive fashion, they may be put on 'behaviour management programmes' which involve them being kept apart from other young people. There were conflicting reports about the length of time a child may be confined to their room while undergoing a 'programme'. The Behaviour Management Programme form indicates that programmes can range from half-a-day to three days or more. Senior management stated that the programme involves restricted periods of time when children are isolated from the group and this does involve extended periods of single separation. However, they stated that the young people are always brought out of their rooms during the day, providing they are not deemed to be a threat to staff or others. Some staff and young people believed that programmes routinely lasted for three days of confinement.

"Programmes can happen not necessarily after restraint but if they drop from Gold to Bronze; the programme is to help them understand why they're being dropped down. It's not a punitive programme; it's for their own good." (Staff)

The researchers were told that, during the three days, young people will eat their meals and get an 'education pack' in their room:

"For three days I was on that. That's what happened to me after I got restrained. ... They give you plastic forks and knives. ... You just sit there all day and do nothing. You're not allowed a pen, you're not allowed nothing. ... and they wonder why kids go nuts all the time." (Young person)

There is insufficient written information on the use of Behaviour Management Programmes within the Centre. This should be developed and made available, and separate records should be kept of any prolonged period of separation under such programmes. The Commission would be worried should children be confined to their rooms for lengthy periods.

The Commission understands that in the new Centre there will be no 'time out' rooms, and bedrooms will be used for separating a young person from the others. The Commission welcomes the commitment to end the use of 'time out' rooms. Interviews with staff suggest that some may need reassurance on the safety of this approach.

Crisis intervention and use of force Chapter 9

Use of House 4

House 4 is used mainly as office space; however, there are two cells in the unit which have occasionally been used to accommodate young people on PACE when house units are full, and on at least two occasions, as separation rooms for particularly disruptive young people. The cells were used for two boys from 21 to 26 April 2005 and again, in June 2005. The researchers viewed the cells in House 4 and found them to be unacceptable. There are cartoon pictures of animals on the outside of doors but cells have no furniture other than a raised plinth for a bed. Researchers were informed that when children were held in House 4, they ate in the cells, were not offered exercise and did not have radio, television or reading material, and were supervised mainly by operations staff. The Director confirmed the occasional use of House 4, but said that through this, Centre staff had prevented young people going to Hydebank Wood YOC. He later confirmed that, since House 7 is operational, 'it is highly unlikely we will have need to use House 4 again'.²³⁹

Recording of incidents

The JJC Incident Reporting Procedure requires that each unit maintains a permanent/dedicated bound book for incidents of single separation and for physical restraint.²⁴⁰

Recording of incidents involving restraint or 'time out' has improved significantly since *In Our Care* was published. Each use of restraint or 'time out' is recorded on a form which is forwarded to management for monitoring. Record books are also kept in each house unit.

Records of separation included times when children requested to go to their room. It is important that a separate record is held of 'time out' incidents. It is planned that this will happen once records are computerised and centralised.

Records of physical restraint were confused in terms of length of time of restraint. Some units and individuals recorded the length of time of the whole incident, while others recorded the length of time that physical restraint was used. The latter is a more appropriate record although the whole incident should also be documented.

239. Correspondence 25 October 2005.

240. JJC Incident Reporting Procedure No 1.

Chapter 9 Crisis intervention and use of force

Recommendations

65. The Commission supports the CJINI recommendation, that a review be carried out of incidents of restraint, taking into account staff and young people's views.
66. The YJA should look for the safest alternative to PCC given concerns about safety of staff and children and possible emotional distress caused by large numbers of adults restraining a young person.
67. Records of 'time out' should be kept separately from those where young people simply wish to have privacy in their rooms.
68. A written policy should be developed on the use of 'behaviour management programmes' and this should be compliant with human rights standards.
69. Records of restraint should note the length of time that restraint was used in addition to the length of the incident.
70. The child's parent or guardian outside of the Centre should be informed of any incidents involving restraints.
71. There should be a review of how best intensive support can be offered to vulnerable young people, and consideration given to the provision of a 'therapeutic regime' with specially trained staff.

Rehabilitation and reintegration Chapter 10

Human rights standards

The desirability of 'promoting the child's reintegration and the child's assuming a constructive role in society' is recognised by the UN Convention on the Rights of the Child (CRC).²⁴¹ Preventative and rehabilitative work should include community and education based services and provision for young people who are homeless.²⁴² The objective of 'treatment' and 'training' of young people in custody is 'to provide care, protection, education and vocational skills, with a view to assisting them to assume socially constructive and productive roles in society'.²⁴³ Young people demonstrating satisfactory progress towards rehabilitation should be offered conditional release.²⁴⁴

Services should be available to ensure that on release the child has somewhere suitable to live, employment, clothing, and adequate maintenance. The representatives of agencies providing services should have access to children in custody, with a view to assisting them in their return to the community.²⁴⁵ There is a need for a 'diverse range of facilities and services designed to meet the needs of young offenders re-entering the community and to provide guidance and structural support ...'.²⁴⁶

The above standards are reflected in the requirement by the Prisons Inspectorate, that 'resettlement underpins the work of the whole establishment'.²⁴⁷ It requires that the resettlement strategy is 'informed by assessment of the needs of children', and supported by strategic partnerships in the community.²⁴⁸ Policy development should be informed by analysis of trends, problems and causes of offending by children.²⁴⁹ Regular evaluation of work carried out with young people is important to assess its effectiveness.²⁵⁰ Children's views should be included in this research.²⁵¹

Staff working with children in custody should be qualified and include appropriate access to specialists such as 'educators, vocational instructors, counsellors, social workers, psychiatrists and psychologists'.²⁵² Staff should be carefully selected and have the qualities of 'integrity, humanity, ability and professional capacity'.²⁵³ Remuneration should be sufficient to attract and retain suitable people.²⁵⁴ Effective staff training is required.²⁵⁵

241. CRC Article 40.

242. Riyadh Guidelines Principles 5 and 6.

243. Beijing Rules 26.1.

244. Beijing Rules Commentary Rule 28.

245. UN Rules 80.

246. Beijing Rules Commentary Rule 29.

247. *Juvenile Expectations* p 139.

248. Above, p 139.

249. Beijing Rules 30.1 and 30.2.

250. Beijing Rules 30.2 and Riyadh Guidelines Principle 48.

251. Beijing Rules Commentary Rule 30.

252. UN Rules 81.

253. Above, 82.

254. Above, 83.

255. Above, 85.

Chapter 10 Rehabilitation and reintegration

Previous research

In Our Care (2002) found that there was insufficient information to assess the effectiveness of JJC work on children's offending behaviour.²⁵⁶ There had been some improvement in the range of programmes, but little evaluation was taking place.²⁵⁷ Staffing levels in Lisnevin made consistent work with young people difficult. The problem of providing services to young people on remand was noted, especially with a high throughput of young people. The report recommended the provision of more information for young people on programmes; involvement of young people in programme development; production of regular statistical evidence on recidivism; greater consistency in evaluating programmes; and more focus on multi-agency work.²⁵⁸ *In Our Care* found inadequate follow up and support for children leaving custody and recommended that mechanisms be put in place to monitor the welfare of young people released from custody.²⁵⁹

The CJINI found that after a 'settling in period', rehabilitative programmes in the Centre have been promoted consistently.²⁶⁰ The inspection found a 'firm commitment to integrate programmes as routine'.²⁶¹ It recommended the Centre stay abreast of debates about 'what works'; that programmes be presented for accreditation and that independent review and recidivism rates be monitored.²⁶²

Standards and policies

YJA standards stipulate that each young person should have 'an individual offending behaviour programme which is consistent with his/her assessment and other elements of the action plan'. There should be mechanisms in place to 'promote, develop, monitor and evaluate' the effectiveness of programmes. Emphasis is placed on promoting victim awareness and adoption of restorative principles.²⁶³ The JJC policy on crime avoidance states that programmes will be monitored by the YJA. This policy requires an action plan to tackle each child's risk to crime and offending behaviour which will be incorporated into their care plan. The child must spend an hour a day following the programme and their participation must be monitored and evaluated by staff.²⁶⁴ Children meet their lead worker once a week for individual counselling sessions on crime avoidance, social analysis and self-esteem. Unless specialism is required, residential unit workers will run programmes. The policy does not address the requirements for a multi-disciplinary and inter-agency approach, nor does it address involvement of families in rehabilitative work.

At the time of writing a resettlement policy had not yet been written. Such a policy should be a priority, to be developed in consultation with other service providers including the Probation Board for Northern Ireland (PBNI), NGOs and community organisations.

256. *In Our Care* p 65.

257. Above, p 70.

258. Above, pp 65-66.

259. Above, p 76.

260. CJINI Inspection JJC 2004 para 7.2.

261. CJINI Inspection JJC 2004 para 7.4.

262. Above, para 7.6.

263. YJA Standard 6.

264. Juvenile Justice Centre for Northern Ireland Policy and Procedures JJC 6, Training Programmes: *Crime Avoidance*

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The CJINI recommended development of a policy on sexually harmful behaviour, but this was not available by the time of writing.²⁶⁵

Rehabilitative work in the centre

A high proportion of children in the JJC are on remand and sentenced children may be mostly 'time served' by the time of sentencing. Assessment, planning and work can be difficult when remanded children may only be in the Centre for a matter of days. Work directly related to alleged offending behaviour cannot be carried out for fear of interfering with the right to a fair trial, and presumption of innocence (principles supported by human rights standards). An unannounced inspection, noted:

'... the psychologist and staff have found that often a young person on admission is ready and willing to discuss their offence and the impact it has had on the victim, but by the time the case comes to Court this has often changed to resistance and denial.'²⁶⁶

CJINI found that although staff cannot focus on un-adjudicated charges, it had been possible to work on generic issues such as anti-bullying, drugs awareness and the effects of car crime,²⁶⁷ and this was confirmed by staff interviewed for the current research.

Crime reduction and training programmes

Work on children's offending behaviour can only be carried out in the context of meeting their needs holistically. Many staff considered that the high level of care young people received in the Centre (including education and healthcare) contributed to addressing their offending behaviour just as much as crime reduction programmes:

"The Agency wants to address youth offending. We need to address offending behaviour, but we need to look at the bigger picture at the welfare of children, their right to be safe and cared for." (Staff)

"In here, you're expected obviously to go through some sort of programme but if we try to address all the issues, these kids go through drugs, go through car crime; there's only so much we can do. But, if these kids need help, we're the first ones here to put our hand out and say 'we'll do it'." (Staff)

A young interviewee gave an insight into his life which demonstrated the complexity of problems facing children in custody. The boy described his grief and anger following his father's death, which he felt was at the root of his problems:

265. CJINI Inspection JJC 2004 p 56.

266. SSI Unannounced inspection of the JJC August 2005.

267. CJINI Inspection JJC 2004 p 32.

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custody. The boy described his grief and anger following his father's death, which he felt was at the root of his problems:

"Fell out with most of my family. They didn't talk to me for a while. I felt like nobody wanted me. None of my friends would hardly talk to me because I was in the children's home. ... I've just been like that from my dad died. My dad died when I was 11. ... I just get this big thing of anger inside me and it's coming out bit by bit. A wee bit's coming out at a time, but if I get that worked up it's all going to come out at once.

"... She [the psychologist] asked me about my whole life and I don't really like talking about it because there's that much things has happened in my life, between watching my friends die. You know I've actually seen two of my friends die. And then watching one when he was getting knee-capped, getting shot, punishment beat and whatever. I don't like talking about it because I go nuts. But I've seen myself in anger [on video tape]. I ran round my room, I lifted my wardrobe and I clean threw it at the walls, smashed it, head-butted my walls ... By the time I finished, my room was a bomb site." (Young person)

It is clear that problems of this depth cannot be resolved solely by offending behaviour programmes. As recorded by the CJINI, there was some conjecture about the effectiveness of the programmes. The majority of staff interviewed viewed the more generic programmes, such as drug and alcohol awareness, positively and felt these were more likely to have an impact than programmes specifically addressed at crime reduction:

"In my opinion they [programmes] haven't been very effective, but we're hoping to improve. ... There probably wasn't enough programmes for a long while because we were trying to get on our feet and get running. ... you take the drug and alcohol awareness one, I think that would definitely have an effect on harm reduction. But there's another car crime one that doesn't seem to be effective. The boys are coming back. They're only out a week or a fortnight and they're back, having stolen another car. So how do you judge?" (Staff)

"Kids are coming in off the street, smacked off their heads; they really are and there's nothing for them drug-wise in here. There's the drug awareness programme and that's it and when you think of the amount of money they spend on them [the programmes] that's absolutely shocking." (Staff)

"The programme ['Offending is not the only Choice'] itself is brilliant, but at the end of the day, these young people have a low concentration span and no interest in what you're trying to put across to them. But the legislation says we have to do programmes with the young people; we have to do something to try to turn them around." (Staff)

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Staff were pessimistic overall about young people's chances of not re-offending, not because the Centre had failed to make an impact, but because the pressures on young people were too great when they return to the community.

"... we're putting a lot of work into programmes like 'IMPACT' now - the drugs and alcohol awareness - but we're not sending them back to a nice loving family; we're sending them back to 10 mates who all steal cars every night and take drugs every night. That peer pressure is massive. He's 10 mates telling him to smoke a joint and steal a car. It's hard for them." (Staff)

When an individual young person's life was turned around for the better it made the job worthwhile:

"Some of them – you are [hopeful about rehabilitation] and some of them, you're thinking to yourself, 'I'll give it two weeks, he's bound to do something'. But then the pleasant surprise is that they don't come back. They're doing well for themselves." (Staff)

Several staff said that they did not think the Centre was adequately informing young people about life in prison, either as a deterrent or, in the worst case scenario, to prepare them for prison life. The programme, 'Prison Me - No Way' was cited as a useful source of information for young people, and the Commission understands that this has been run in the Centre since completion of the fieldwork for the current research.

Young people's views about participating in the programmes varied. One young person said that he was doing anger management, drug and alcohol awareness "to try to help myself a bit"; however, when he leaves, he will "just go back to the same old ways." Another, who was doing group work on "everything like road rage, committing an offence, thieving", felt that the programmes would be good if people could pay attention but that some young people were disruptive. Another child said, "it helps you so it does", learning about "right and wrong ... and how to do your time". Others thought it would not make a difference. Several young people commented that they only attend programmes for fear of being dropped on the progressive regime:

"We know it already [drug awareness] ... It's a waste of time, like, and if you don't do that then you get an adverse." (Young person)

"Programmes come first, so you miss activities." (Young person)

"... it's like blackmail." (Young person)

"... you get blackmailed ... if you don't do it, you get punished. That's not fair." (Young person)

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"... they're there because they're told 'be there'. I don't know any other way we could get them involved in it because most of our children would think there's nothing wrong with their life. You could have a chronic glue sniffer who goes out and steals cars and thinks that's dead on. How do you encourage him to come onto a programme about glue sniffing when he thinks there's nothing wrong with it?" (Staff)

Such comments support the Commission's contention, that children should be actively involved in the development of programmes.²⁶⁸ Greater use of specialists in delivery of programmes was also advocated by staff.

In Our Care recommended that all programmes should be 'independently monitored, evaluated and subsequent amendments made'.²⁶⁹ CJINI reported that only an early evaluation of 'Cognitive Behaviour' had been completed and this had 'showed little difference between re-offending rates of those who participated and a control group'.²⁷⁰ *In Our Care* also noted the lack of available NIO figures for recidivism.²⁷¹ Since then, juvenile reconviction figures have been published, the most recent figures being for 2001. These show a one-year reconviction rate of 36 per cent for those discharged from youth justice custody into the community. The two-year reconviction rate was more than double (75 per cent). Three and six months following release, the reconviction rates were 7 per cent and 21 per cent respectively.²⁷² Reconviction rates for those who received a non-custodial disposal were considerably lower (22 per cent within one year; 51 per cent within 2 years; and 2 per cent and 6 per cent within three and six months, respectively). This further supports the assertion in *In Our Care*, that *community based* interventions enjoy higher success rates.²⁷³

Integration into the community?

The problems in achieving the effective integration of children into communities were widely recognised by staff. Many young people are returning to uncertain, fragile situations.

"Its very, very difficult sending them back into some of these areas. ... We're sending them back into the world, to the big wild west and that's a fact of life, that's just the way it is." (Staff)

Effective involvement of probation officers and other agencies during the custodial period was seen by Centre staff to be vital so that a relationship could be well established prior to release. The Probation Board has developed a protocol with the Centre. Unlike in prison settings, the Probation Board does not have a dedicated office on site. Some staff felt that this would be beneficial. Probation officers visit individual young people assigned to their caseload and most of the young people in the Centre will already be known to them. Officers from Belfast will, on average, visit each young person on their caseload once a

268. *In Our Care* p 72.

269. Above, recommendation 7, p 72.

270. CJINI Inspection JJC 2004 para 5.33.

271. *In Our Care* p 65.

272. Decodts M (2005) Juvenile Reconviction in Northern Ireland 2001 Research and Statistical Bulletin 6/2005 NIO, Belfast.

273. *In Our Care* p 75.

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fortnight. Officers from areas further outside of Belfast will be able to visit less frequently. The out-working of the Protocol should be reviewed in the near future, taking into account the views of Centre staff, probation officers and young people regarding its effectiveness.

There is some involvement of outside agencies, in working with young people in the Centre, including NIACRO and Include Youth. From January 2006, NIACRO has been running a mentoring service in the Centre, including having a staff member on site three days a week. Young people on the programme are put in touch with their mentor before leaving custody, so that a relationship can be established prior to them returning to their community. The CJINI report noted that specialist workers from teams, who work with sexually abusive young people, have maintained contact with individual young people when admitted, and it recommended exploring further partnership work.²⁷⁴

Staff reflected on their own lack of involvement with children when they returned to the community, some recommending that continued contact would be beneficial:

“When they go out the door, that’s the last we see of them.” (Staff)

“We’re not allowed to contact them when they get out.” (Staff)

“I’ve always talked about an ‘after house’. I think, especially with the relationships they have with care staff here, they shouldn’t just leave them. ... Sometimes, when you’re with the young person so long and then you’re basically told by legislation that the contact is nil, so that relationship stops. ... I don’t know what kind of message that’s sending them. To me, I’d be thinking, ‘fuck me, I’m left on my own here’ ... most of them with the level of care they receive here they just crack when they leave.” (Staff)

“We spend a lot of time, three, six months sometimes, building up a good relationship with a boy. He starts to look up to you and then we just go ‘cheerio’. Maybe something to look at in the future would be some sort of mentoring with the relationship ... even if its only ... [to] meet up once a week.” (Staff)

Staff acknowledged that the liaison teacher and placement officer had helped address difficulties about children’s return to school and securing training and work placements (although the post of liaison teacher had been vacant for several months at the time of fieldwork). However, they recognised that further support from a range of agencies was needed to ensure that children are not put at risk by returning to an unsafe family environment, homelessness or exposure to paramilitary threat. The lack of appropriate accommodation for children caused particular concerns:

“There is a problem with through-care and relocation. ... It’s hard to get placements for the likes of [child’s name]. ... problem is, when he gets out, it will

274. CJINI Inspection JJC 2004 para 7.6.

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be like the last time, he'll be smacked off his tits and ... there's very little in the way of secure care provision in Northern Ireland." (Staff)

The risks of homelessness for children leaving custody and poor accommodation capacity within Trusts are well documented.²⁷⁵ Additional appropriate accommodation and services, including fostering and support for families are needed. The CJINI recommended consideration of a 'Step Down' unit with more open conditions, established outside the Centre.²⁷⁶ The Commission urges the provision of supported accommodation for young people, staffed 24 hours a day, whether in a 'Step Down' unit, half-way house or other arrangement.

Reviews and planning

In Our Care reported problems in involving other agencies in assessment and case reviews. The Inspectorate found that this was still an issue, although the situation had improved.²⁷⁷ Staff, in the current research, reported significant improvement, confirming that external agencies are more prepared to assist with provision of information and more likely to attend case reviews. The emphasis on multi-agency involvement is important and (as recommended by the CJINI) the involvement of external agencies should be centrally monitored and shared with Children's Services.²⁷⁸

Staff all confirmed that parents and young people are encouraged to attend case reviews. They found that parents usually attend:

"Nine times out of ten [they come], but sometimes the young people don't want their parents there. Maybe they're embarrassed or whatever." (Staff)

"It's important for parents to meet staff. For each case review, I check if the date suits. They're usually very good in attending." (Staff)

Staff acknowledged the importance of maintaining or restoring young people's relationships with their family to facilitate reintegration:

"I've done quite a few reconciliations where the family has maybe washed their hands of the 16-year-old ... Just to bring him back into the home is an achievement itself. ... hopefully, you've given him some of the tools with the IMPACT and the morality group and the drug and alcohol awareness, but you're sending them back out to their parents with all good intentions, but as soon as that young person gets a phone call they're away until 12 o'clock to start again." (Staff)

275. See for example: Seymour M and Costello L (2005) *A Study of the Number, Profile and Progression Routes of Homeless Persons before the Court and in Custody and the McKeaveney report*.

276. CJINI Inspection JJC 2004 recommendation 33.

277. Above, p 30.

278. Above, recommendation 25.

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There appeared to be little formal involvement of families in work on rehabilitation, other than through visits and case reviews. YJA standards recognise the importance of parental involvement and commit the Centre to actively encouraging this (see Chapter 7),²⁷⁹ but there appears to be a lack of clarity among staff about what parental participation should entail. Development of appropriate policies and training would help clarify how parents can best be involved.

The extent to which young people were attending reviews was unclear, with some staff saying that young people did attend and others contradicting this:

"Young people are invited, but some don't like to come in at the start. It's important for young people as it's about them, so they're encouraged to attend and the majority will go. If they don't want to go, they're usually from care. Only once in two years a child did not want to attend." (Staff)

"We don't really prepare them [young people]. You talk to them – 'this is your review, this is what we're going to discuss', they get an invitation the same as anyone else would. ... You get the odd one that goes, believe it or not. Most don't. They think it's boring. You try to explain 'it's your future we're talking about. It's important you attend'. We try to encourage it as much as possible, but you can't make them go at the end of the day." (Staff)

"They start with enthusiasm (at the beginning of a review session), but as it goes on, the boredom sets in." (Staff)

Some young people saw it as important to have a say at case reviews, but not all found them useful:

"I go to all of them [case reviews]; I want to know what they're saying about me. ... If they say something I don't agree with, I say 'that's wrong'." (Young Person)

"They're just saying the same thing all the time. ... I don't talk, I just sit there and listen. I don't need to talk. [Does the case review help you?] It doesn't." (Young person)

Consideration should be given to how best young people's effective involvement in reviews can be achieved.

279. YJA Standard 9.

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Staffing and staff training

Care staff expressed the difficulties of carrying out effective assessments given the high demands of the job and the large amount of time spent directly involved with young people. Many considered that there was insufficient time to liaise with other agencies and to complete forms and records. The Inspectorate also noted frustration among staff about not having enough capacity to 'assess and plan consistently and promptly'.²⁸⁰

"We do reports, we do file work and we're actually supposed to do it while we're on shift. Nine times out of ten you can't, you're that busy. But then, the management want to know why isn't this done and why isn't that done. They'll root through the file and ... 'this is missing in the file, that isn't completed. Why?' It's because we don't have the time." (Staff)

"In the morning when they are at school, one staff member goes to education, one does room searches, one does the laundry and another, casework. You're back on the floor in one and a half hours. It's not a lot of time for making phone calls, for example, for case reviews. You only have one hour here and one hour there. It would be really good to have four hours once a week to do paperwork." (Staff)

"You're flat out. ... You need more staff to do meaningful work, to get time to see how the young people are getting on informally." (Staff)

Human rights standards require that staff are appropriately trained. In Lisnevin, only social work staff carried out assessment and key work, but in the present Centre, all care staff are involved in assessment and lead working. All House Unit managers are social work qualified, but the majority of team leaders are not. The greater involvement of care staff in assessment and lead working has been achieved through an increased emphasis on staff training, with the aim of ensuring that all staff are trained to NVQ level 3; and management is exploring the possibility of developing NVQ level 4 in Youth Justice. Care staff felt strongly, on both sides of the debate, about whether social work qualifications are necessary to carry out the role:

"The role of care workers changed here. There is a lot more responsibility on each care worker's shoulders ... I like the change. You get to know the young people better. It makes you want to do more for the young people." (Staff)

"In Lisnevin, staff were disempowered because it was felt that they needed qualifications to work with young people." (Manager)

280. CJINI Inspection JJC 2004 p 31.

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"... a key thing was, and still is, the lack of qualified social work staff and qualified managers. Care workers can achieve skills, but they need care guidance and people to give that [guidance]. For example, ... a young person had a learning disability, diagnosed by the psychologist ... less qualified staff were not able to understand why the young person could not operate and function in that he can't sit still, etc., and, therefore, there was constant punishment." (Staff)

The CJINI wondered whether the debate should be reopened, but cautioned against undermining the 'effort and struggle to extend and reinforce the skills and confidence of the care workers', and concluded that 'the needs of young people are better met by the general workforce being skilled to deliver a range of assessment, planning, family work and programmes'.²⁸⁰ Whether or not social work is the appropriate qualification, there was a consensus that greater training is necessary for dealing with distressed and disturbed young people, especially those with mental health problems. The YJA has a responsibility to ensure that staff carrying out assessments are appropriately qualified and that there are appropriate levels of qualified specialist staff especially in leadership positions. It is recommended that the YJA commissions an independent review from experts in this area, to assess the extent to which there is a suitable ratio of social work qualified staff to non-social work qualified staff in the Centre. The difficulties in attracting social work staff to this difficult work is recognised and incentives may be required to ensure that appropriately qualified people are recruited.

File recording

Poor and inconsistent record-keeping was a criticism made by *In Our Care*. The CJINI found a much improved situation, noting that courses were planned to assist staff with this.²⁸² The current research also found significant improvement in young people's files. This is an achievement, particularly, as many staff had little experience of record keeping on this level:

"At first I thought, 'how am I going to cope with it' [key worker role]. But, in the past year I have learned a lot. Training helped with how to fill in files, how to keep them in order." (Staff)

"People are learning how we have to record things. Some people didn't know what a contact sheet was." (Staff)

A review of a sample of young people's files in house units showed that there was a broad range of information including: admission details; induction/assessment checklist; internal transfer sheet; admission assessment; admission client information sheet; basic information sheet; risk assessment (and monthly review of this); individual crisis management plan;

281. Above, p 31.

282. Above, para 4.23.

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assessment package; daily record; monthly summary; report card on progressive regime; record of visits; property record; legal documentation; record of telephone calls; session record; training plan; meeting records; case review agendas and minutes; court reports; placement reports from care home; probation reports; awards from education; education report; statement of special needs (where appropriate); medication record; psychology department session feedback; physical restraint and single separation record; administration of remand placements; and search reports.

The files reviewed revealed that record keeping was not always consistent. For example, one file examined did not contain a care plan; in another, the assessment/induction checklist was started but not completed. Overall, however, it appears from the Inspector's report and confirmed by this research, that a culture of regular record-keeping is being developed and there have been significant improvements in this practice since *In Our Care* was published. Some staff were finding the amount of paper work and recording difficult to cope with. It is recommended that managers continue to monitor record-keeping within individual units and that effective record-keeping is encouraged and facilitated through staff training.

Recommendations

72. A Centre policy on working with children, who sexually harm, should be devised and a designated staff member employed to link with other agencies in the care of children, who sexually harm.
73. The YJA should commission an independent review of the delivery of programmes and ensure that, where appropriate, external trainers are used in their delivery. The effectiveness of all programmes should be independently evaluated.
74. A multi-disciplinary and inter-agency approach to programme provision should be adopted.
75. Children should be consulted about the formulation, development and implementation of programmes.
76. The YJA should consult on how best to involve families and guardians in young people's rehabilitation.
77. The out-working of the protocol between the JJC and PBNI should be reviewed in the near future, taking into account the views of Centre staff, probation officers and young people. The review should consider the possibility of providing a PBNI presence on site in the Centre.



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78. Centre management should ensure that there is greater emphasis placed on remand planning.
79. The Centre should develop a resettlement strategy.
80. Relevant government departments should provide increased resourcing of children's services and better inter-agency working, to ensure access on release from the JJC to suitable accommodation, education, training or employment and support services to address identified needs.
81. Young people's placements in employment and training should be monitored to inform future work.
82. Statistical evidence on recidivism rates should be collected and published regularly.
83. There should be more flexible release procedures, such as early release, and the YJA and NIO should consult on what form such procedures should take.
84. The YJA should resource supported accommodation, staffed by specialists, outside of the Centre to which young people could be referred by Centre staff.

Chapter 11 Health and health care

International standards

The CRC guarantees children the right to the highest attainable standards of health and health care.²⁸³ Children in custody shall receive psychological, medical and physical care that they may require in view of their 'age, sex and personality'.²⁸⁴ Children's medical care should include dental, ophthalmological and mental health care, as well as pharmaceutical products and special diets recommended by medical staff.²⁸⁵ On admission, details of known physical and mental health problems, including drug and alcohol abuse, must be recorded.²⁸⁶ Children should have a medical examination immediately on admission.²⁸⁷ Food should be healthy and, as far as possible, meet religious and cultural requirements.²⁸⁸ Ill children should be examined promptly by a medical officer.²⁸⁹ Drugs should only be administered by qualified medical staff.²⁹⁰

Medical and psychological assistance are required for drug addicts, violent and mentally ill young people.²⁹¹ Young people suffering from mental illness should be treated in specialised institutions, under independent medical management and care should continue after release.²⁹¹ Institutions should access medical services in the community to avoid stigmatising young people and promote reintegration.²⁹²

The Prisons Inspectorate requires that the standard of health care in custody is equivalent to that which children could expect in the community.²⁹⁴ The Inspectorate expects that children and young people at risk of self-harm or suicide be identified at an early stage and a support plan drawn up, implemented and monitored. Children identified as vulnerable should participate in appropriate purposeful activity and all staff should be appropriately trained and have access to proper equipment and support.²⁹⁵

Previous research

In Our Care found a lack of clear standards and policies regarding children's right to health care and the right to an individualised health care plan.²⁹⁶ The report recommended that responsibility for children's health care in custody be transferred from the NIO to the DHSSPS.²⁹⁷

283. CRC Article 27.

284. Beijing Rules 13.5.

285. UN Rules 49.

286. Above, 21(e).

287. Above, 50.

288. Above, 37.

289. Above, 51.

290. Above, 55.

291. Beijing Rules Commentary Rule 26.

292. UN Rules 53.

293. Above, 49.

294. *Juvenile Expectations* p 81.

295. Above, p 48.

296. *In Our Care* p 109.

297. Above, p 110.

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Also recommended, was an increase in the level of qualified health care staff.²⁹⁸ *In Our Care* raised serious concerns about provision of mental health services, both in custody and in the community.²⁹⁹ It recommended that the possibility be explored of Child and Adolescent Mental Health Services (CAMHS) having a role in following a child into and out of custody. Other recommendations were for more regular provision of first aid training for staff;³⁰⁰ development of a health strategy and health education policy, including a dedicated drugs programme; and improved links between community groups working on drug misuse issues and JJsCs.³⁰¹

The CJINI found that many young people coming into custody had not had sufficient access to health care in the community and that remedial work is important along with health promotion.³⁰² The inspection found that young people 'receive good attention from the nursing, dental, medical and psychology practitioners within the Centre' and that 'some reinforcement, particularly with mental health skills, would be helpful'.³⁰³ An increase in the provision of dental services was recommended, as well as an increase in nursing staff available for therapeutic work.³⁰⁴

The inspection recommended the need for the JJC to set up and audit a process for contacting the young person's GP when he/she is released.³⁰⁵ It also recommended that self-harm and risk of suicide should be the subject of specific reporting to the Management Board and featured in the Annual Report; and that help with smoking cessation be continually made available to young people and staff.³⁰⁶

Current research

Standards and policies

Youth Justice Agency standards state that 'all young people will be provided with health care to National Health Service Standards, and with health education', and commit the agency to working with other agencies 'to ensure that its health, education and care service is seamless'.³⁰⁷ YJA standards require that each child is given a medical examination within 24 hours of admission and within the 24 hours preceding their release. International human rights standards require that children receive a medical examination immediately on admission.³⁰⁸ In practice, the Commission understands that if a nurse is not on duty at the time of admission, a child may not be examined until the next day.

298. Above, p 114.

299. Above, p 117.

300. Above, p 114.

301. Above, p 119.

302. CJINI Inspection JJC 2004 para 8.1.

303. Above, p 4.

304. Above, para 8.3.

305. Above, para 8.5.

306. UN Rules 50.

307. JJC Policy 21 (draft).

308. JJC Policy 25.

Chapter 11 Health and health care

The Commission was provided with JJC policies on the safe administration of medicines,³⁰⁹ health and safety risk assessment³¹⁰ and physical recreation.³¹¹ However, the Commission was not provided with a broader policy on health care services and children's right to health. Policies on self-harm and suicide were not available, but a policy on self-harm was being developed at the time of the current research.

Health care for children in the JJC remains the responsibility of the NIO and YJA, rather than the DHSSPS. Plans are being developed for the transfer of health care within prisons in Northern Ireland to the DHSSPS, by April 2007. This is, therefore, an optimum time for discussion, with the Department, regarding transfer of health services in the JJC from the NIO.

Health care in the Centre

Children are assessed by the nurse and care staff contact their GP for information, as part of the initial assessment process. Young people are provided with information about health care services in the young people's guide which guarantees that 'you are entitled to healthcare facilities as you would be if you were at home'.³¹²

Nursing staff are available in the units on a 12-hour daytime rota³¹³. A female doctor visits once a week for girls and a male doctor visits once a week for boys. The GP surgery is available for advice on weekdays and children can be taken to the surgery in Ards Health Centre in emergencies. Out-of-hours cover is also available through the local Out of Hours Centre. The JJC has a full time psychologist, from Monday to Friday, and a psychiatrist visits once a week. A further psychology post was under recruitment at the time of writing.

The CJINI recommended that additional nurses be employed to carry out therapeutic work. The SSI inspector noted, in August 2005, that nursing capacity was stretched, pending three recently recruited nurses taking up their positions (all three have experience in mental health nursing). At the time of writing, the Commission did not have information on how they would be deployed, although the inspector noted that their skills will be 'particularly useful' in the ISU.³¹⁴

If young people need to access health care at the local hospital out-patients or A&E, a risk assessment first takes place to decide what escort arrangements are appropriate. The CJINI reported on good links between the Centre and the local hospital.

The Commission welcomes the increase in dental cover from one session each fortnight to two sessions per week, and understands there are plans for further expansion. At present, the dentist is released from her duties at the Trust, but the position of dentist for the Centre is to be advertised. Many of the young people admitted to the Centre have not been

309. JJC Policy 7.

310. JJC Policy 25.

311. JJC Policy 7.

312. YJA *Your Guide to the Juvenile Justice Centre* p 8.

313.. SSI Unannounced inspection of the JJC August 2005.

314. Above.

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receiving routine dental services. The dentist described how a “reflection of neglect” can be seen in young people’s mouths. Because they may not be used to attending the dentist, young people are often afraid and a session can take a full hour. At Lisnevin, the dentist was able to mix with the boys on the landings. In the JJC, most of her time is spent in the health Care Centre with less opportunity to mix with children in house units. This lack of personal contact may be one reason why more young people refuse dental services, than before (the dentist stated that, in Lisnevin, no boys refused treatment). Committed boys are provided with a full dental service; however, given the short nature of many remands, some children will go through the Centre without accessing dental services. The time spent in custody may be the only opportunity to repair the damage to young people’s teeth and provide education on dental care, so it is especially important that the service is well resourced. The needs analysis recommended by the CJINI would be useful in determining the level of resources required.

A complementary therapist visits the Centre twice weekly to provide aromatherapy and other complementary therapies. Young people said that they enjoyed this (although one noted that the relaxing effect of the massage wore off quickly, once locked up for the night without a cigarette). The Inspectorate recognised the benefits of these therapies, commenting that it may help to explain a reduction in reliance on medication.³¹⁵

Health awareness and education programmes for young people include drug awareness, sexual health and first aid. It is important that health care staff are integrally involved in the delivery of health education. The Centre has adopted a total no-smoking policy for staff and young people (staff can manage a quick smoke outside the Centre perimeter during their 15-minute break periods). Along with choice of food, the most common issue raised by young people with the researchers was that of smoking. Many asked whether they had a ‘human right to smoke’. International human rights standards protect young people’s right to health. There is no corresponding right to smoke, although the right to private life may be engaged. It is clear, from interviews with young people, that the sudden withdrawal from cigarettes is difficult to tolerate, especially when already trying to cope with the stressful and, for some frightening, experience of entering custody:

“You would wake up angry some mornings. Angry at yourself for being here. A cigarette would calm you down.” (Young person)

“Every day you’re here, it just gets worse because every time you watch TV or anything, you see somebody sitting with a cigarette and it just makes me think, and then I just get worse and worse. I’ve went from I came in here now with no cigarettes. ... It’s getting worse, so it is.” (Young person)

The latter young person was having sleep problems because he was used to smoking at bedtime:

315. CJINI Inspection JJC 2004 p 60.

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"Before I went to bed I'd always have a cigarette. No matter where I was, I always had a cigarette before I went to bed and that helped me sleep because I did have a craving for nicotine. I won't sleep without it." (Young person)

A staff member described how one boy had wanted to kill himself because he couldn't get a cigarette: "It's the end of the world for them". An added frustration for young people was seeing other young people smoking in the adjacent Lakewood Centre.

More positively, the girl interviewed said she would not go back to smoking after release. All the other young people interviewed said that they would take up smoking on release. Some even aspired to going to Hydebank Wood YOC where they would be able to smoke.

Young people noticed that not being able to smoke could also make staff bad tempered. Several staff also raised the issue, confirming that they found it difficult doing stressful work without being able to smoke.

"We don't actually get tea breaks. If you smoke, it drives you bananas. I did a shift last week ... I got a twenty minute break in 15 and a half hours ... It's tough." (Staff)

Young people did not feel that they got enough help at the centre with withdrawal from cigarettes:

"I've asked for – there's things called nicotine lozenges; they're like sweets, they take the craving away. I've asked for them loads of times and I just can't get in touch with the medical to get me them. ... I just have to smoke." (Young person)

CJINI recommended that help with smoking cessation be made continually available to young people and staff but this appears to still be a problem.³¹⁶

Food was another issue raised by almost all of the young people interviewed. They felt they should be given a choice of food, and some felt that too much food was processed and that not enough healthy options were available. Young people, who did not like the meal provided, usually made themselves snacks such as 'Pot Noodles'. The Food Committee, on which young people from each unit are represented, puts forward young people's likes and dislikes. By the time of writing, a menu offering at least two choices for each meal had been introduced. The catering manager noted that children's likes and dislikes can change rapidly; for example, one house had been keen on salads and healthy eating, but a changeover of young people meant requests for more sausages, fish-fingers and burgers. Some young people were on special healthy eating programmes and some have had very

316. CJINI Inspection JJC 2004 recommendation 53.

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limited diets in the community, as described by staff: "One fella asked 'what's fish?' They don't know what roast beef is". A young person commented that they had not been eating at all prior to going into the Centre as they were "on the run", but they were now involved in a healthy eating programme.

In the evening, young people are given supper bags unless enough care staff are on duty to make supper. House unit notes contained complaints about this. The supper bags included crisps and drink cartons containing additives, which one boy said he was allergic to.

Mental health services

The extent of the crisis in mental health services for children and adolescents in Northern Ireland is evidenced by recent research and is being addressed by the government Review of Mental Health and Learning Disability (Northern Ireland).³¹⁷ The review recently published a consultation document outlining its vision of a comprehensive child adolescent mental health service. If adopted, its recommendations would transform adolescent mental health services in Northern Ireland. Yet, despite the broad range of its reach, the consultation document does not address the issue of mental health services for children in the JJC or in prison custody; although it does recommend that specialist CAMH services should develop close working relationships and pathways with the youth justice teams.³¹⁸

Many of the young people coming into the Centre have had troubled lives and are living with mental health issues and trauma:

"... young people are coming in now with more mental health issues. Psychologists [outside] won't touch them with a barge pole." (Staff)

The Centre has a full-time psychologist, whose role includes assessment, individual case-work, policy development and training. Previously, the psychologist worked part-time and was shared between the centres. Although provision has improved, additional resources were found to be necessary during the research. However, since fieldwork, three mental health nurses have been recruited and the YJA has advertised for an additional psychologist.

The extent to which the psychologist can do individual case work is limited because of the high level of remand and rapid turnover of young people. It can take some time for clients to build up a trusting relationship with their therapist and individual case work may not be appropriate for young people who are in for a short time, or whose time in the Centre is uncertain. The situation had improved, however, from that in Lisnevin, where young people said that they had been requesting access to counselling for some time and had not received any. In the current fieldwork, young people said that the psychology service was there when they needed access to it.

317. See NICCY 2004; and Review of Mental Health and Learning Disability (NI) *Vision of a Comprehensive Child and Adolescent Mental Health Service Consultation document November 2005*.

318. Review of Mental Health and Learning Disability November 2005 recommendation 44

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Staff interviewed, especially in the ISU felt that it would be useful to have more staff with specific skills and experience in coping with mental health problems, especially in dealing with trauma and grief, and staff with experience of counselling:

"Arguably we have more experience and resources [in ISU], but we're not the specialised unit I would like it to be. I would plea for more training and more specialised staff." (Staff)

"We can't deal with young people with particular mental health issues – we don't have enough supervised staff." (Staff)

"A boy here was on the borderline of psychosis. Everyone else here thought he was just a bad git ... mental illness in young people presents differently. You wouldn't know unless you know the signs to look for." (Staff)

"I think staff should have more training re. dealing with young people with mental health problems: basic counselling course, body language, how to listen." (Staff)

At the time of the fieldwork, staff were being trained in bereavement issues by a non-governmental organisation (NGO). Staff welcomed this, and its relevance was confirmed by a member of staff, who spoke of a boy who had recently lost his father during his time in the Centre.

The policy on self-harm and suicide was being drafted but was not available during the research. It was planned that the psychologist would train staff on the policy once it was completed. The CJINI found that 'current procedures and the use of a "Self-Injury" Form and "Risk Assessment" Form would appear to be quite comprehensive.'³¹⁹ There is close observation of young people assessed as being at risk, sometimes at a level of five minute observations. In extreme cases, staff have taken chairs and sat outside bedrooms to observe the child, with the door open or closed, as requested.

In all but one of the units, staff were able to show the researchers their record of self-harm incidents. There was no record of monitoring of patterns the self-harm available for the research.

The researchers were told of an incident in which a young person had been found by staff with a ligature around his neck. Staff were said to be looking for ligature cutters but did not know how to use them. Following this incident, a staff member provided training for other staff on the use of ligature cutters. It is important that all staff receive training and regular update training in dealing with ligatures and on first aid.

319. CJINI Inspection JJC 2004 p 61.

Recommendations

85. Responsibility for health care for children in custody should be transferred from the NIO to the DHSSPS.
86. YJA standards should be amended to require that all children be given a medical examination immediately on admission.
87. Dental services should be provided for at least four sessions each week. The needs assessment recommended by CJINI should be carried out.
88. A policy should be developed on supporting young people through tobacco withdrawal, and resources made available to implement this.
89. Young people should be able to make supper, or have it made for them, in the kitchen if preferred, and where supper bags are used, they should include healthy options.
90. All staff should be regularly trained in dealing with ligatures and in first aid.
91. There should be greater resourcing of complementary therapy, where possible tying these therapies in with stressful times for young people, such as court appearances.
92. A health care plan should be incorporated within each child's care plan.
93. The Centre should explore ways of encouraging greater parental involvement in their child's health care.
94. The Centre should work towards greater involvement of a young person's GP prior to release.
95. Children with serious mental health problems should be cared for in community or hospital services rather than in custody.
96. Policies on the management of self-harm and suicide prevention should be developed as soon as possible and training provided for all staff.
97. A central record should be kept on self-harm incidents and trends should be analysed.

Chapter 12 Education and vocational training

Human rights standards

All children, including those in custody, have a right to education³²⁰ 'suited to his or her needs and abilities and designed to prepare him or her for return to society'.³²¹ Where possible, children in custody should continue to be schooled in the community.³²² Education programmes in custody should be integrated within the education system and inter-ministerial and inter-departmental co-operation fostered in education provision.³²³ Detention centres should utilise educational resources from the community,³²⁴ and children should be permitted to leave detention centres for educational and vocational reasons, to ensure adequate communication with the outside world.

Special attention should be paid to the education of children with particular cultural or ethnic needs, and children in custody with learning difficulties and/or special educational needs have the right to have those needs met.³²⁵

All children in custody should have access to a well-stocked library and they should be encouraged and enabled to make use of this.

Children over school age, who are in custody, must be facilitated in pursuing their education and provided with vocational training in occupations likely to prepare them for future employment. Where possible, they should be able to choose the type of work they wish to take up and to work within the local community.³²⁷

The Prisons Inspectorate requires that education is 'at the heart of provision' and that all children and young people are 'engaged in good quality education and training which meets their individual needs'. It also requires that children below the school-leaving age follow the national curriculum.³²⁸

Previous research

Concerns about standards of education for children in custody were raised by *In Our Care*, citing inadequate funding, staff shortages and a lack of in-service training for teachers.³²⁹ The Commission recommended that responsibility for education be transferred from the NIO to the Department of Education. This was supported by the CJINI,³³⁰ which noted the JJC school's inability to access educational in-service training and support for teachers, and the lack of access to educational psychology.³³¹

320. CRC Article 28.

321. UN Rules 38.

322. Above.

323. Beijing Rules 26.6.

324. Un Rules 81.

325. Above, 38.

326. Above, 41.

327. Above, 39, 42, 43 and 45.

328. Juvenile Expectations p 95.

329. *In Our Care* Chapter 9.

330. CJINI Inspection JJC 2004 para 6.7.

331. Above, para 6.4.

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The CJINI found that the level of short-term admissions continued to present a particular challenge for staff.³³² It noted that closer ties had been formed with the South Eastern Education and Library Board (SEELB); commended the appointment of a liaison and placement officer, funded by DENI, to develop links with mainstream education services;³³³ and recognised that the liaison staff 'have been instrumental in re-establishing young people back into education in the community'.³³⁴

The CJINI found 'significant improvement' in educational provision since the transition to a single Centre. It found that the education unit 'provides well for the young people and has much to commend it'.³³⁵ Strengths included a good quality of ethos, highly committed staff, good leadership and management, good quality planning and teaching, a broad curriculum, strong emphasis on assessment and opportunities for young people to gain accreditation.

CJINI recommendations included a review of the organisational structure of the school,³³⁶ consideration of the implications of the current arrangements relating to long-term absence of teachers on sick leave³³⁷ and strengthening the school's partnership arrangements with care staff.³³⁸

Education and training

At the time of the current research, responsibility for the education of children in the JJC had still not been transferred to DENI and children continued to have no legal entitlement to be taught within the Northern Ireland Curriculum. As highlighted by *In Our Care*, this 'may give rise to a claim of discriminatory treatment under the Human Rights Act 1998'.³³⁹ A teacher who was interviewed indicated that the lack of links with the education system was a cause of some frustration: "Our relationship with the South Eastern Education and Library Board is weak. ... We have semi-informal links. The resources are there, but sometimes we feel we're denied them".

The appointment of a liaison teacher and placement officer is a significant development; however, the Commission was disappointed to find that during the fieldwork for this report, there had been no liaison teacher "for eight to nine months" and that the placement officer had to cover both roles.³⁴⁰ It was evident from the research that the placement officer fulfilled both roles with competence and enthusiasm; the extent of these roles and their significance in addressing children's needs cannot be overestimated, but one staff member should not be expected to cover these vital roles. The extensive workload is highlighted by examples of the placement officer's role.

332. Above, para 6.1.

333. Above, para 6.3.

334. Above, para 6.6.

335. Above, para 6.2 and 6.3.

336. Above, recommendation 36.

337. Above, recommendation 42.

338. Above, recommendation 43.

339. *In Our Care* p 135.

340. Commission interview with staff.

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"[The placement officer] drives to Derry, for example, to put young people on a brick laying course. ... We're setting up a 10-week programme after young people leave and [the placement officer] is to visit them to follow up. ... [The placement officer] works in the units a lot and gives the young people options. ... If they're committed, she looks at what they're interested in. ... Education always sit in case reviews to raise issues, discuss the young people's school reports. [The placement officer] attends." (Staff)

Since completion of fieldwork, Centre management has confirmed that the Department is committed to continuing funding two posts at the Centre. However, the exact nature of these posts has not yet been confirmed. Staff affirmed the significance of developing links with education providers, through a liaison teacher, to enhance the continuation of children's education and commented that contact with schools had improved:

"In the past, schools particularly ignored you. There was a stigma attached to schools. Now we go to the schools and ask for information on the young people. ... [Child's name] was doing eight GCSEs and got work from his school and took it back to the school when he was released." (Staff)

The Centre had taken steps to ensure that a child's education was followed through when he was sentenced to the YOC:

"[Child's name] had a court case when he was doing his GCSEs. He was found guilty and went to the YOC. He sat his exam there. A member of staff from here was the exam officer and invigilated there." (Staff)

The YJA standards on education aim for 'an ethos where learning is valued and children are encouraged to improve their standards of education or achievement'. Children are promised a broad curriculum appropriate to their age and ability with 'a view to return to school on release'. Children above school age should receive a programme of educational and vocational training and careers guidance.³⁴¹

The school at the JJC, named Rowan College, is a separate building within close walking distance of the living units. At the time of the research, it was split into four sections to provide separate areas for children from the four units (Houses 8, 6 and 5 and ISU). Each day, Monday to Friday, there are three one and a half-hour blocks at school, separated by a twenty-minute break and two hours for lunch, when the young people return to their living units.

Teaching staff provide a broad range of subjects including English, mathematics, ICT, science, geography, history, French, careers and social education, art, physical education, catering, cartooning, motor mechanics and woodwork. Children also have the opportunity to participate in the Duke of Edinburgh's Award. There are examples of innovative initiatives,

341. Juvenile Justice Centre for Northern Ireland, Policy and Procedures JJC 5, *Education*.

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such as the introduction of the 'healthy eating week' programme, designed to include cross-curricular studies.³⁴²

Class groups primarily consist of three children and each child is allocated a personal tutor to support their education. A member of the care staff from each unit sits in the class groups and tutors also spend time in each living unit to "sit in the young person's environment [as] it's good to get to know them outside the school environment" (Staff). A teacher explained that "there is no homework policy, but we try to encourage it as much as possible". The JJC Policy on Education states that unit staff have a significant role in encouraging and assisting with homework.³⁴³

The school provides education for all of the children detained, including those who are on remand and committed, and who are of school age and over. Teachers must address a wide variety of education needs, in terms of both the diverse age groups and levels of ability among children in the JJC. For example, at the time of fieldwork, most children in the Centre had educational difficulties, but two were GCSE candidates. The challenge for teachers presented by 'the constantly changing population and the wide variety of ability' was recognised by the CJINI³⁴⁴ and confirmed by the current research.

The JJC Policy on Education states that teachers will begin educational assessment during the child's first week in the Centre and each child will be allocated a personal tutor who, during the first four weeks, will be an assessment teacher. It notes that the aim of the assessment is to secure agreement on the main elements of the individual education programme. Before children attend Rowan College, they are assessed by teachers over three days to determine their educational level and devise an individual learning plan. Where possible, this involves contact with the child's previous education provider, but one teacher acknowledged that "a lot of the time that's not with schools. A lot have been in [alternative] programmes". Many of the children have not been attending school for some time, some having been suspended.

Teachers agreed that the high level of short term remands makes it difficult to devise plans for the majority of children:

"Things change on a daily basis due to the dynamics of the Centre. For example, one person is released and two come in. The high number of remands makes it very difficult to plan. I think there are 10 committals out of 26 in the Centre. With committals we can plan. ... It's difficult planning education because they could be in today and out tomorrow." (Staff)

A child's educational needs do not determine which unit the child is placed in following initial assessment, despite the fact that one of the main criterion used to devise class groups is the unit in which children are held. The CJINI report also noted that the movement of children between house units has an 'impact on teaching programmes and classes'.³⁴⁵ In the current research, a teacher expanded on problems related to the criteria for

342. Wright M (2005) 'Education through eating' Youth Justice Connections Issue 7 June 2005.

343. JJC Policy 5.

344. CJINI Inspection JJC 2004 para 6.1.

345. CJINI Inspection JJC 2004 para 6.4.

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determining class groups:

"There is nothing worse than mixing a particularly weak and particularly strong young person. ... Class groups are based on house units, co-accused, friction, and the same level of ability. Education has no say over where young people are placed. There is no educational rationale for which particular unit a young person is placed in. The rationale is the number of young people in the Centre, the number of staff and if the young person is vulnerable." (Staff)

However, they were confident of "a reasonable academic mix" in groups and felt that the situation would be improved in the new centre. Children's progress is monitored through weekly reviews of daily reports written by each teacher, and children are provided with reports in relation to each subject. A teacher explained:

"We have school reports and exit reports for all the committed young people when they are leaving. There are end-of-term reports and a report if there is a case review; for example, we had seven case reviews this week. ... There is an education report for every meeting. ... On Wednesday, we have progressive regime meetings in the units. We take daily reports to the units on a weekly basis." (Teacher)

JJC Policy states that each child will be presented with an up-to-date record of achievement on release,³⁴⁶ and staff felt that positive reports and accreditation enhanced young people's sense of achievement, which many had not experienced in schools outside:

"A lot of the young people haven't functioned in mainstream education. Here, they see gratification in what they're doing. In mainstream education, quite often, they're seen as failures. Here, they receive accreditation and get a buzz from that. They move from failures to achievers." (Staff)

Interviews with children indicated that their involvement in the school had enhanced their confidence and, during observations of the school, they appeared to be actively interested in what they were doing and there was a positive, lively atmosphere in the small has an 'impact on teaching programmes and classes'.

In the current research, a teacher expanded on problems related to the criteria for determining class groups:

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346. JJC Policy 5.

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placed. There is no educational rationale for which particular unit a young person is placed in. The rationale is the number of young people in the Centre, the number of staff and if the young person is vulnerable." (Staff)

However, they were confident of "a reasonable academic mix" in groups and felt that the situation would be improved in the new centre. Children's progress is monitored through weekly reviews of daily reports written by each teacher, and children are provided with reports in relation to each subject. A teacher explained:

"We have school reports and exit reports for all the committed young people when they are leaving. There are end-of-term reports and a report if there is a case review; for example, we had seven case reviews this week. ... There is an education report for every meeting. ... On Wednesday, we have progressive regime meetings in the units. We take daily reports to the units on a weekly basis." (Teacher)

JJC Policy states that each child will be presented with an up-to-date record of achievement on release, and staff felt that positive reports and accreditation enhanced young people's sense of achievement, which many had not experienced in schools outside:

"A lot of the young people haven't functioned in mainstream education. Here, they see gratification in what they're doing. In mainstream education, quite often, they're seen as failures. Here, they receive accreditation and get a buzz from that. They move from failures to achievers." (Staff)

Interviews with children indicated that their involvement in the school had enhanced their confidence and, during observations of the school, they appeared to be actively interested in what they were doing and there was a positive, lively atmosphere in the small classes. Children were, in the main, complimentary about Rowan College. Several felt that school was the best thing about the Centre, as they were given the opportunity to do cartooning, woodwork, car mechanics and cookery, which were described as particular favourites. A boy, who had been expelled from school on the outside, told how:

"I'll be doing cartooning, art and design, maths, geography. There's so many classes I haven't done yet. I've done business studies and I've done swimming. I ended up swimming in here and I haven't swum for about three years. I was sitting around and I says, 'I'll try it'. I went and got in and all, and was swimming up and down the very best. I thought, 'I can't believe I've just done that'." (Young person)

He particularly enjoyed 'choices day' on Friday, when young people could choose which

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class to attend. Sadly, he thought that the education he was receiving would not help him on release as he would not be able to continue the subjects he had gained an interest in, especially cartooning. A girl interviewed, described school as "amazing" and said that her self confidence had improved as a result. She did not relish returning to school when she left the Centre as, "when teachers shout at me, I shout at them back". Another young person agreed that he had benefited from education in the Centre: "School in here is far better than the ones outside. There's less classes but less people are in the class, so you learn more". Only one child suggested that the education he was receiving in the Centre did not meet his educational level. He said, "It's like starting back in first year when you come here".

Children's participation in education was emphasised through Centre practice and staff explained that, when children refuse to attend school, they are provided with an education pack in the living unit.

"We want as many in education as often as possible. ... Very few young people refuse to go to education. Between April and February there were 15 occasions when someone refused. [That included] nine occasions for one young person. For three days, from the young person started, they refused to attend. We provide them with a work pack for that day. If they choose to do it in their room, they're left on their own to do it." (Staff)

A young person indicated that school attendance is enhanced by the integration of education in the progressive regime.

"There is no choice about going to school even if you're over school leaving age. If you refuse to go, you get an adverse [report]. ... If you don't go to school and start mouthing off, they'll say, 'go to the ISU'. They keep you in your room and give you a work pack for school." (Young person)

The JJC Policy states that, if a child refuses to go to school or is sick, they will remain in their bedroom; 'privilege items' will be removed and they will not be permitted to return to normal association until the work given to them in their room is complete.³⁴⁷ This blanket policy raises concerns about the potential impact of such treatment for particularly vulnerable children. It is widely recognised that the behaviour of children in custody is often adversely affected by anxiety, for example, about pending court appearances. This was acknowledged by a number of staff, who recognised that children's behaviour in the Centre is often determined by external issues which have upset them. A staff member warned against the inappropriate placement of vulnerable children in their room and explained that, "young people with anxiety have been put in their room due to staff inexperience and lack of knowledge".³⁴⁸

Overall, Rowan College appears to be providing an excellent education for the young people.

347. Above.

348. Commission interview with staff.

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Human rights standards demand that, where possible, children in custody should retain their schooling in the community. The Commission recognises the difficulties with achieving this in the JJC, given that so many of the young people had not been attending school prior to entering custody and, because schools in the community may not be equipped or resourced to deal with young people with severe behavioural problems. Consideration should be given as to how best to meet this human rights requirement, possibly through integrating the child back into a school or college in their area towards the end of their sentence. Where a child was still attending school when they entered custody, subject to risk assessment, efforts should be made to keep them in this school. This apparently happened previously on occasion for young people in Rathgael and is provided for in the Juvenile Justice Centre (NI) Rules 1999.

Staffing

In Our Care raised concerns about the high level of teaching staff on sick-leave and the lack of special needs teachers. The CJINI³⁴⁹ recognised that long-term absence continued to have an impact, and the NICCY report³⁵⁰ noted the over-representation of children with special education needs in the JJC. During the course of fieldwork for this research, a new teaching staff member was appointed and a teacher described plans to “restructure education” and to address special needs.

“We’re looking to provide 11 groups and have a special needs co-ordinator, a literacy co-ordinator and numeracy co-ordinator for individual one to one work. Also, for practical work, one-to-one work in the afternoon, so we can de-formalise work and have an individual basis. We’re now looking at restructuring education. ... We’ll try and implement changes in stages through to the new centre.” (Staff)

The Commission welcomes the new appointment and the plans to provide additional support for children with educational needs, but is disappointed that, at the time of writing this report, such provision was not in place. A further staffing issue raised during interviews relates to the role of care staff accompanying young people to school and staying with them during classes. This issue was also commented on by the CJINI, which noted the need to consider how best to build upon the role of care staff in supporting the education of children.³⁵¹ Some staff interviewed thought that they had a positive role to play with the young people in partnership with the teachers. A teacher also indicated that the involvement of care staff in classes had developed so that they provide support for both teachers and children:

“One staff member from each unit sits in a class. They are partly responsible for

349. CJINI Inspection JJC 2004 para 6.4.

350. NICCY 2004 pp 189-190.

351. CJINI Inspection JJC 2004 para 6.4.

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identifying potential problems. We need to make sure teachers have support, for example, for young people from the ISU. ... Initially, the role of care staff [in the school] was seen as trouble-shooters. Now they're seen as taking an interest in young people's work. They can engage in the young person's work, see if the young person is developing an interest. Young people take work back to their unit and care staff can engage with them." (Staff)

Concerns about the relationship between care and teaching staff groups were raised in *In Our Care*. The current research found relationships had improved. As one teacher said: "It took a long time to break down the barriers between care staff and education" (Staff).

However, interviews with care staff indicate a lack of clarity about their role in the school and suggest that this may lead to resentment. Some staff interviewed thought that they were little more than "babysitters" or "minders" in the classroom and that their time could be used more constructively. Given these views, the role of care staff in the school should be clarified.

Vocational training

Young people over the compulsory school age were less convinced than younger children that the education in Rowan College was beneficial to them. This did not mean that they did not enjoy the classes, but they felt that they would benefit from more work-oriented training. Some staff made the valid point that, because some of the older young people's educational level is so low, it is still necessary to work with them on, for example, literacy and numeracy to enable them to apply for jobs and training when they leave. A teacher noted that "older people get a higher proportion of practical subjects" and younger children "have a higher weighting of maths, English and ICT".³⁵² However, the research found that provision for children over 16 years was very limited in terms of vocational training, being restricted in the main to car mechanics, woodwork and ICT, with occasional work experience in the gardens.

While attempts are made by the placement officer to place young people in training such as bricklaying when they leave the JJC, to meet human rights requirements in this area, there should be greater resourcing of vocational education and work experience for the young people during their period of detention.

During interviews six boys expressed their desire to become a tiler, a bricklayer, a motor mechanic, a joiner and an electrician. The boy who aspired to being a joiner thought that the woodwork class in the JJC would help him achieve his ambition. The boy interested in mechanics complained that there was "only one hour of mechanics once a week", and the others noted that training for the jobs they wanted was not provided in the Centre. The current research shows the need for increased emphasis on vocational training and for

352. Commission interview with staff.

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greater efforts to tailor the training on offer to take account of young people's interests.

It was widely acknowledged by staff interviewed, that additional vocational training is required and that this need would increase given the potential increase in the number of 17-year-olds in the Centre. Several staff suggested that there would be improved provision of vocational training in the new centre.

Recommendations

98. Responsibility for education should be transferred from the NIO to the Department of Education.
99. While flexibility for different levels of education and learning ability is important, children below the school-leaving age in the JJC should have the opportunity to follow the national curriculum.
100. The replacement for the Juvenile Justice Centre (NI) Rules 1999 should reflect the positive approach to education in the JJC Policy on Education.
101. Where possible, children in custody should receive education in schools in the community. If a child was still attending school when s/he entered custody, subject to risk assessment, efforts should be made to keep them in this school. Consideration should be given to integrating children back into a school or college in their area towards the end of their sentence.
102. More emphasis should be placed on vocational training for children over school age and a wider range of training likely to prepare them for future employment should be provided. Where possible, they should be able to choose to take up work and/or training in the community.
103. Children's individual education needs, including learning disabilities and previous disengagement from education should determine class allocations, rather than which house unit they live in.
104. Education plans for children should be devised in partnership with parents or guardians and education providers from the community and incorporated in the child's care plan. For children on remand, pre-release meetings should be held in advance of court hearings to enable plans to be put in place in the event that the child is released.
105. The JJC Policy that children, who refuse to attend school, should be left in their room

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with work and not permitted to join the rest of the unit until this is completed, should be reviewed. The underlying reasons for the child's decision should be addressed and more constructive and appropriate action taken.

106. The role of care staff in the classroom should be reviewed and continued only if the review finds it necessary.
107. A special educational needs teacher should be employed as soon as possible.



Appendix: Methodology

A number of research methodologies were employed to assess the extent to which the recommendations of *In Our Care* had been implemented. These included a review of literature, documentary analysis and fieldwork in the Juvenile Justice Centre (JJC). The fieldwork was carried out over 10 days in June 2005. It was conducted in line with ethical standards, based on the Commission's Guidelines for Investigations, Confidentiality Policy and Child Protection Policy. Both researchers had security and child protection clearance.

The fieldwork had initially been planned for January 2004. The 18-month delay was the result of a Northern Ireland Office (NIO) decision to deny the Commission access to the JJC. In January 2004, the researchers met with the Director of the Centre to discuss arrangements for the fieldwork. On their return to finalise plans and commence the fieldwork as agreed with the Director, the researchers were met by an NIO representative and informed that the Commission's access to the JJC had been blocked. Consequently, the Commission began lengthy legal proceedings with the aim of judicially reviewing the NIO decision. It settled its case against the Secretary of State in February 2005, following an announcement by the then Secretary of State, Paul Murphy MP, that the government had decided in principle that the Commission should be granted the right of access to places of detention and the power to compel evidence and witnesses in conducting its investigations.³⁵³ The Commission agreed to an arrangement granting it access to the JJC by Spring 2005, and subsequently, arrangements were made with the Centre Management and Youth Justice Agency to carry out fieldwork in mid-June 2005.

Throughout the fieldwork, a private office with a telephone was made available to the researchers and they received excellent access to the Centre and documentation requested. On arrival each day, the researchers were provided with keys for the house units which enabled free movement throughout the Centre. Confidential interviews with staff and children were facilitated in the units. The researchers were also given the opportunity to talk informally with staff and children and observe daily life and the atmosphere in the Centre. They joined staff and children for lunch in the units and visited the education unit during school hours, and one attended a morning management meeting. Staff provided the researchers with documentation contained in the house units, where available, upon request. Centre management staff, while acknowledging that the information they had was limited, also responded positively to requests for statistical information on the routes through which children are admitted to the Centre and subsequent court decisions.

During the course of the fieldwork and following its completion, issues arising from the research were brought to the attention of the Director of the Centre. This provided an opportunity for the researchers to seek clarity on a number of points and for the Director to provide feedback. Where a child protection issue was raised by a young person interviewed, the researchers informed the unit manager and Centre Management, and the Commission formally wrote to the Director of the Centre detailing the information provided by the young

353. Previously cited.

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person. The young person was informed in advance that the researchers were obliged to follow up on his comments.

The research was informed by information provided by meetings held with the NIO, YJA and Social Services Inspectorate (SSI), and correspondence in writing with these bodies and the Director of the Centre, in advance of, and following the fieldwork.

The researchers found difficulty obtaining accurate and up-to-date statistical information on children entering custody. For example, requests were made to the NIO for the most recent statistics on the numbers of children sentenced to the JJC and remanded by the courts and under PACE. The Commission was particularly interested in information relating to the reasons for admissions, the cross-over between care and custody, and subsequent outcomes for children held on remand. The NIO did provide statistical information, but the form it took made it difficult to analyse or to make comparisons with previous figures. The research, therefore, drew upon published statistics and those provided by JJC management. This did not provide all of the information required and the information gathered related to differing time periods. Subsequently, direct comparisons over time and with statistics documented by *In Our Care* were prevented.

Documentary analysis

As was the case in *In Our Care*, the research drew upon international standards of particular relevance and importance to the area of youth justice and the deprivation of children's liberty. These included, inter alia, the United Nations Convention on the Rights of the Child (CRC) and three UN instruments relating to the rights, interests and welfare of children, namely: the UN Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (Beijing Rules); the UN Guidelines for the Prevention of Juvenile Delinquency, 1990 (Riyadh Guidelines); and the UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990 (UN Rules).

Further documentation included relevant legislation and publications. Invaluable information was documented by a number of recent reports. These included *Juvenile Expectations*,³⁵⁴ the CJNI inspection of the JJC,³⁵⁵ the NICCY report on children's rights, and the YJA review of 10 to 13-year-olds entering custody.³⁵⁶

The analysis included a wide range of policy and procedure documents for the Centre and information produced for children in the JJC. Documented information contained in children's files, records of Independent Representative visits, morning meetings, incidents of self-harm, and the use of restraints and single separations, made available to the researchers during fieldwork, were also analysed.

354. Her Majesty's Inspectorate of Prisons 2005 *Juvenile Expectations: Criteria for assessing the conditions for and treatment of children and young people in custody* HMIP, London.

355. Criminal Justice Inspection Northern Ireland (2005) *Inspection of the Juvenile Justice Centre (Northern Ireland)* October 2004 CJINI, Belfast.

356. McKeaveney P (2005) *Review of 10-13 Year Olds Entering Custody* January 2003 - August 2004 YJA, Belfast.

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Interviews

Semi-structured interviews were conducted with children and staff in the Centre. Prior to the researchers inviting people to take part in an interview, separate leaflets describing the research were produced for children and staff and distributed to each house unit. These contained information on the aim of the research and the interview process, including the interviewees' choice as to whether interviews would be tape-recorded or not, and to end the interview whenever they wished. An interview guideline detailing the main topics to be addressed was attached. The purpose was to provide all children and staff with a chance to hear about the research and enable them to take an informed decision about whether or not to participate.

The researchers met a number of children and staff in each of the units and, having explained their role and purpose of the research, asked if they would take part in an interview. A total of 12 children (11 boys and one girl) agreed to an interview. This included children from each of the units. A small number of children, who the researchers spoke to, chose not to participate. They indicated that this was due to the timing of interviews which, to avoid disrupting the children's education, were conducted during their leisure time in the units.

Children were given the opportunity to meet the researchers on their own or with others. The majority of children consented to the interview being tape-recorded, with only two boys interviewed together requesting that notes be taken instead.

In advance, the researchers explained to each child how their participation would inform the Commission's report and assured them their names would not be used. At the end of each interview, children were asked if they had any questions or concerns about the process.

The interviews with children addressed several broad themes related to their experience of being detained in the Centre. These included:

- experience of court
- reception at the Centre
- physical environment
- care and control
- education and recreation
- health care
- contact with family, guardians and friends, and
- staff and young people's relationships.

right to be heard right to health
right to equality right to privacy
right to education right to family
right to be heard right to liberty
right to family right to privacy
right to be safe right to language

Still in our care

Protecting children's rights in custody in Northern Ireland

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No staff, approached to participate in an interview, refused to do so. Thirteen staff from different occupational groups within the Centre were interviewed. They included management, care, education, medical and domestic staff. Staff were assured that the intention of the interviews was to give them the chance to voice any concerns they had and/or to highlight good practice. Interviews with staff explored their areas of work and more general views on children's needs, the culture and ethos of the Centre and its policies and practices. Staff and children, where applicable, were asked about their experience of the transition to the JJC, and all interviewees were given the opportunity to put forward any recommendations which they felt should inform plans for the new centre being built.

Further interviews were conducted with professionals outside the Centre, including representatives from NIACRO and PBNI.

Field notes

Information was gleaned from informal conversations and insights gained by the researchers into the routine of the JJC during the fieldwork. A written record of such information was made during each day of the fieldwork.



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right to be heard right to be safe
right to family right to liberty right to privacy
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