

Youth Justice Strategy 2020 – 2026

Foreword

I am delighted to present a new Youth Justice Strategy for 2020-2026. This Strategy has been guided by its two predecessors, the 2008 Youth Justice Strategy and the subsequent Youth Justice Action Plan 2014-2018 and deals with many of gaps that remain to be addressed and what new and contemporary challenges have emerged in the meantime.

An expert Steering Group was convened in February 2019, The group was tasked with advising and guiding the development of the new Strategy, and considered the full range of issues connected to children and young people at risk of coming into contact with the criminal justice system, from early intervention and preventative work, including family support, diversion from crime, through to court processes and facilities, supervision of offenders, detention and reintegration and support post release.

The first National Youth Justice Strategy 2008-2010 focused on children who already had some contact with the criminal justice system and aimed to provide a coordinated approach among agencies working in the youth justice system. Going forward, we still need to focus attention on children in contact with the Justice system, to examine more closely, why a proportion of young offenders go on to become adult offenders, and how this can be better addressed.

Research shows strong links between youth offending and child and family welfare issues. Offending behaviour can't be considered in isolation. A key focus this Strategy is considering how youth justice policy might be more closely aligned to other child and youth polices.

For me, a key priority is prevention and early intervention. I can't stress enough the importance of bringing all the relevant agencies and programmes together, including schools, to ensure that we provide a holistic, 'wrap around' response to the needs of children and young people at risk in the specific family and community context. And, ideally, we should be engaging young people at risk before they enter the justice system.

Young people should have the benefit of a ‘no wrong door’ experience – if a family or a young person engages any service, they should also have access to any of the other services and supports that they might need.

As the saying goes, ‘it takes a village to raise a child’. I think it’s safe to say the same can be said for effective crime diversion. One of the key challenges we face at the moment is the fragmented delivery of services.

The Commission on the Future of Policing, report has recommended that a multi-agency approach is required to deliver an effective policing service that can best protect vulnerable people. I believe the same principle applies to youth justice. To finish the jigsaw, all the pieces in the puzzle must fit together.

I would like to thank the Steering Group for their expert knowledge and insight while guiding the development of this strategy. I would like to thank the many individuals and organisations that gave their time to participate in meetings and forums to help develop the strategy. I would like to acknowledge the work done by the officials of my Department in collaboration with UCC in writing and developing the strategy.

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Vision statement

Collaborating across all sectors of government and society in the development and delivery of opportunities for children and young people, to harness support in their families and communities in order to strengthen their capacities to live free from crime and harm

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Guiding Principles

These guiding principles are intended to inform the new Irish Youth Justice Strategy as a whole. They aim to provide a lens through which youth justice policy is to be understood, delivered, assessed and monitored. These fundamental principles reflect Ireland's international obligations under the UNCRC, and a commitment to upholding the rights of children and young people, while acknowledging the impact of offending on society and victims of crime in particular.

Children and Young People

- Young people in conflict with the law will be treated as children first, with due respect for their rights, in a way that promotes their reintegration and strengthens their capacities, and that reinforces respect for the human rights and freedoms of others
- The development of policies, programmes and systems will be informed by the voices of children and young people, (including those who have and who have not had contact with the criminal justice system) and children and young people will be supported to participate effectively at all stages of any contact they may have with the youth justice system
- Young people should be diverted from the formal youth justice system to the greatest extent possible, with due regard for the welfare of communities and society in general

Measures

- Measures, programmes and interventions included in this Strategy, (including mainstream services) will aim to uphold the best interests of children and young people, address the underlying causes of offending, take a collaborative approach to service delivery and involve parents, guardians and families as far as possible and as appropriate to the situation in each case.
- Procedures, decisions and measures should be appropriate for young people, and carried out and implemented without undue delay and with regard to a young person's sense of time
- Measures and interventions should cause as little interference as possible with the child's legitimate activities and pursuits, should take the form most likely to maintain and promote the development of the child and should take the least restrictive form that is appropriate in the circumstances
- Detention is a measure of last resort.

Victims of Crime

- Victims should have an opportunity to have their voices heard, and, where appropriate, should have the opportunity to take part in restorative processes with young people

System

- A system-wide collaborative approach involving all relevant agencies and community partners will underpin the implementation of this Strategy
- The capacities of professionals working with young people will be developed through promoting and encouraging specialisation and training
- The implementation of all aspects of this Strategy will be delivered in a transparent and accountable manner

- Research, data collection and the best collective use of research capabilities will be strongly supported to ensure an evidence base for the continuing development of Irish youth justice policy and practice

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Priority Objectives

Given the wide-ranging nature of the Strategy, a number of particular Objectives and actions are highlighted for priority attention. Achieving these important consequential effects and therefore should make a very significant difference to the successful implementation of the Strategy.

These objectives should be prioritised in the allocation of resources and for continuing research and development. These objectives should also form the core focus for monitoring and implementation of the Strategy.

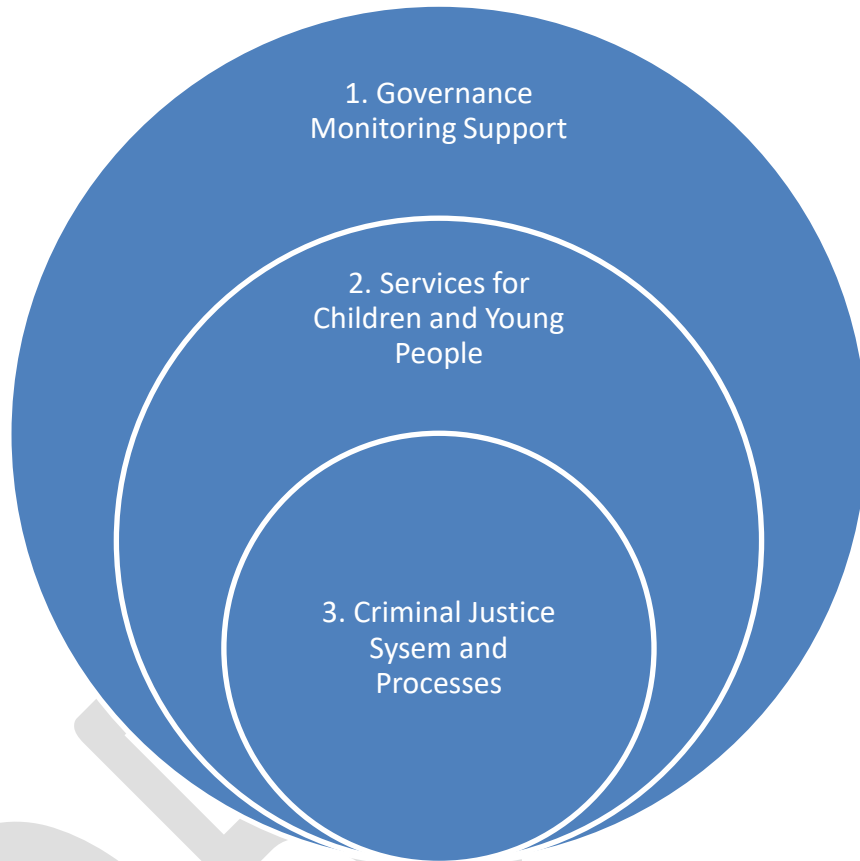
Priority Area	Objectives and Actions
1. Enhance Youth Justice Oversight and Monitoring	
National Oversight arrangements with a clear Youth Justice focus.	1.1
A dedicated research-based facility to inform the work of the National Oversight Group, provide evidence for effective monitoring and implementation, support for effective practices and recommendations for future Governance arrangements at national and local level.	1.2
2. Early support for vulnerable children and young people	
Strengthening systems to ensure early support, at home, at school and in the community, for those in situations more likely to give rise to offending behaviour.	1.4.1
	1.4.2
	2.1.1
	2.1.2
	2.2.1-2.2.3
A special focus on disproportionate disadvantage, including those in State Care, Ethnic Communities, Mental Health, Neuro-Diversity, Homeless.	1.10.5 1.8.1 1.9.1-1.9.5
3 Strengthen and Expand Diversion measures	
Enhanced Garda procedures	2.4.1, 2.5.1, 2.7.1
Sustained interagency initiative to engage more effectively with harder-to-reach cases	2.7.2, 2.8.1, 3.1.1
Continuing development of Youth Diversion Projects throughout the State	2.9.1-2.9.5
4 Improved Criminal Justice Processes	
Implement a specialist approach to dealing with child and youth cases, including training for Legal Profession, Gardaí and other key personnel.	1.9.1-1.9.5 3.3.1
Reduce delays in case processing	3.4.1
Extend Bail Supervision Scheme Country wide	3.1.1
Improve range and implementation of options for community sanctions available to the Courts	3.6.1
5 Detention and Post-Detention	
Ensure continuing development of service quality at Oberstown and an enhanced interagency support framework for post-Detention services	2.11.1, 2.11.2 2.14.1, 2.14.2

6 Strengthen Legislation	
Provide for a positive duty on all agencies and funded bodies to cooperate in the planning and provision of appropriate services in the best interest of children and young people, including those more vulnerable to involvement in criminal activity.	1.6
Update Children Act to support implementation of the Youth Justice Strategy and the flexible future development of systems and procedures	1.6 1.7.1-1.7.4 Appendix

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Youth Justice Strategy – Strategic Objectives and Key Actions

The objectives and actions to be pursued under the strategy are presented under three broad thematic areas.



1 Governance Monitoring and Support

We will provide effective Governance, Monitoring and Support for policy implementation and the continuing evidence-informed development of practice and programmes.

2 Services and Communication with Children and Young People

We will provide services for children and young people who come in contact with the Criminal Justice System, or who are in situations more likely to give rise to offending behaviour, to support positive life choices and desistance from offending behaviour. We will also ensure ongoing assessment of effective practices as part of dedicated Youth Justice monitoring systems.

3 Criminal Justice System and Processes

We will conduct Criminal Justice Processes to, as far as possible, support children and young people to refrain from offending and make positive life choices.

1 Governance Monitoring and Support

Thematic Objective 1: We will provide effective Governance, Monitoring and Support for policy implementation and the continuing evidence-informed development of practice and programmes.

What (Strategic Objective)	(What) Key Actions	Who	When
Oversight			
1.1 We will provide enhanced oversight of Youth Justice policy and its implementation to ensure that a strong ongoing focus on addressing the factors underlying crime and antisocial behaviour, diversion away from crime and criminal justice processes which, as far as possible, promote desistance for further offending.	1.1.1--We will establish a national oversight group for Youth Justice, aligned with other relevant structures, which will inform and advise the Department of Children and Youth Affairs and the Department of Justice and Equality, and relevant national oversight bodies (as appropriate) This work will be supported by a dedicated research-based facility, and the existing Diversion Monitoring Committee (established under section 44 of the Children Act), will be subsumed into these arrangements. (See also 1.2)	DJE/DCYA jointly	Establish Oversight Group within 2 months. Establish transitional arrangements for work of the Monitoring Committee within 6 months, pending amendment of the Children Act.
	1.1.2—We will establish a special oversight group to ensure cooperation between key agencies and guide initiatives to address serious offending and coercive control of children and young people, including a) consideration of legislative measures to address grooming to children for criminal purposes b) oversight of the Greentown programme including	DJE and DCYA with AGS, OCDC, ¹ Probation, Tusla	Establish groups within 2 months

¹ Oberstown Children Detention Campus

	<p>pilot implementation (2.8.1)</p> <p>c) development of the Bail Supervision Scheme (3.1)</p> <p>d) development of Y-JARC approach (2.8.1)</p> <p>e) development of specialised community based project for hard-to-reach children and young people (2.8.1)</p> <p>f) other approaches to support those who are most vulnerable to becoming involved in serious offending, or at risk of radicalisation.</p>		
Oversight Support			
<p>1.2 We will establish a research-based facility for Youth Justice, to support implementation of this Strategy and implement an agreed work programme, including data analysis and engagement with service delivery and coordination mechanisms (including CYPSCs, Child and Family Support Networks and Drugs Task Forces) to monitor progress and identify difficulties.</p>	<p>1.2.1 - Establish the research-based facility.</p> <p>1.2.2 – Agree initial work-programme to inform the work of the national oversight group, through research on complex problems and assessment of the effectiveness of policy implementation, including</p> <p>a) develop options for better national and local coordination, including co-location</p> <p>b) highlight effective interagency collaboration</p> <p>c) design of pilot/trial initiatives</p> <p>d) development of appropriate area-based (City or County) assessments of policy implementation</p> <p>e) studies of particular thematic issues (e.g. Crossover between</p>	<p>DJE/DCYA Jointly</p>	<p>Produce operating specification for the facility within 3 months with a view to establishment as soon as possible thereafter, subject to procurement requirements.</p>

	<p>Care and Youth Justice Systems)</p> <ul style="list-style-type: none"> f) support the ongoing development of effective practices in Diversion projects, through a dedicated Best Practice Development Team g) facilitate sharing of best practices (including with other programmes) on thematic areas including, engagement with hard-to-reach groups, mentoring, mental health, access to training and employment, including social enterprise h) enhance communication and collaboration between Diversion Projects and schools, Youthreach, Youth Encounter Projects or other alternative education services, Drugs Task Force Projects and other community based programmes i) align Diversion Project activities, as appropriate, with community development, employment, (including social enterprise) and training strategies and supports j) effective engagement with under 12s and appropriate family supports (aligned with and not duplicating other services) k) support improved practices for schools, 		
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	to retain children with challenging behaviours in the education system.		
National Policies			
1.3 We will ensure that oversight of policy development and implementation take full account of the situation of children and young people (and families) in situations more likely to give rise to offending behaviour.	1.3.1 – We will work collaboratively to ensure that the prevention of offending behaviour is mainstreamed into all Government policies affecting children and young people (and their families).	Lead by DCYA via BoBF ² structures	Ongoing
Coordinated Services			
1.4 We will develop effective systems for collaboration by agencies and funding programmes in the design of youth, family and child services, coordinated at the point of delivery, designed around the needs of children and young people rather than Departmental responsibilities and funding lines, with a strong oversight and governance role vested in the Minister for Children and Youth Affairs	1.4.1 - We will identify or establish standing oversight arrangement to ensure that children and young people in situations that are more likely to give rise to offending behaviour are fully included in Prevention and Early Intervention programmes and services, particularly in situations where it is more difficult for services to engage. This will include examining if the work of CYPSCs, Local Drugs Task Forces (LDTFs) or other service coordination mechanisms can be better aligned. 1.4.2 - We will ensure that relevant agencies coordinate design and delivery of services, elements to include a) power for Minister for Children and Youth Affairs to issue	DCYA/DJE	Scoping paper within 6 months, showing steps to achieve implementation.

² BoBF – “Better Outcomes Brighter Futures” the National Policy Framework for Children and Young Adults.

	<p>guidelines or codes of practice to relevant programmes and agencies;</p> <p>b) power to designate a mechanism for development and delivery of an integrated area plan (NEIC model) with which funders and service providers are under a duty to coordinate and comply</p> <p>c) power to designate a preferred community and voluntary sector partner in areas where that may be appropriate approach to achieving the desired outcome ('CoFPI' model)</p> <p>d) independent review mechanisms supported by a dedicated research and analysis facility. (See 1.2)</p>		
Voices of Children and Young People			
1.5 We will ensure that programme and service planning and design takes proper account of the views of children and young people.	1.5.1 - We will involve children and young people as active partners in the development of systems and programmes and document how this is done in reports from Departments and agencies.	DCYA / DJE / Tusla	Ongoing via BOBF reporting
Legislation			
1.6 We will provide statutory backing for collaboration between agencies based on principles of the best interest of children and young people.	1.6.1 - We will provide for a positive duty for agencies to cooperate in relation to children and young people, including those in situations more likely to give rise to offending behaviour. (Possible vehicles for these provisions include the Children Act and the Childcare Act)	DCYA/DJE, in consultation with other Departments as required.	Proposals for incorporation into legislation within 6 months

<p>1.7 We will amend the update the Children Act 2001 as required (and other legislation as necessary) to give effect to the objectives in this Strategy</p>	<p>1.7.1 – We will finalise provisions (already in preparation) to replace suspended sentences for those under 18. 1.7.2 - We will incorporate the indicative schedule of amendments in the Appendix into draft legislative proposals and work collaboratively to refine the full detail of amendments, as well as any necessary supporting Regulations or Guidelines. 1.7.4 – We will finalise a full package of amendments to the Children Act to give effect to this Strategy.</p>	<p>DCYA – with DJE DJE and DCYA, with AGS, Probation Service, Tusla, ODPP, Courts Service, IPS. As for 1.7.2</p>	<p>Incorporate in a suitable Bill as soon as possible. As soon as possible within Govt. legislative programme As for 1.7.2</p>
<p>Training and Front-line Support</p>			
<p>1.8 We will work to enhance the capacity of all those working directly with young people (and their families) to provide appropriate support and guidance, particularly in relation to risks of offending behaviour – including child and family and health services, education, Garda and other Justice sector services.</p>	<p>1.8.1 - We will Identify or establish arrangements for enhanced collaboration between agencies to</p> <ul style="list-style-type: none"> a) disseminate and implement effective practices b) pursue effective supports and training for front-line staff, including in relation to important thematic issues such as neurodiversity, trauma, and mental health. c) strengthen the capacity of front line staff to interact effectively with young people, (including from migrant and other diverse backgrounds) facilitating appropriate 	<p>Lead jointly by DCYA and with DJE, and other Departments and agencies. Departments and Agencies.</p>	<p>Scoping Paper with proposed actions and next steps Within 6 months</p>

	<p>response, and referrals to other services, for each individual</p> <p>d) enhance systems and practice to strengthen the capacity of teachers and other school staff to respond to challenging behaviours, based on principles of inclusivity, particularly through collaboration with agencies and community partners</p> <p>e) design and implement relevant pilot or programme initiatives as required.</p>		
<p>1.9 We will provide specific training for professionals involved in the criminal justice system to underpin the provision of effective services</p>	<p>1.9.1 - An Garda Síochána We will provide specific training for all Gardaí on interaction with young people and the implementation of the Garda Diversion Programme, guided by the Garda National Bureau of Youth Diversion.</p> <p>1.9.2 - The Legal Profession We will pursue the development of specialised training for legal professionals to ensure that children and young people have access to lawyers with appropriate specialised training</p> <p>1.9.3 - Probation Service – We will continue to support and resource the deployment of suitably qualified Probation Officers to engage effectively with children and young people</p>	<p>AGS supported by DJE</p> <p>DJE to coordinate with Law Society, Bar Council, Courts Service, (in consultation with the LSRA)</p> <p>Probation Service</p>	<p>Provide annual statement on implementation within ongoing Garda training provision.</p> <p>Produce initial recommendations for action within 6 months</p> <p>Ongoing</p>

	<p>1.9.4 - Youth Justice Workers We will continue to support the provision of ongoing training to enhance the capacity of Youth Justice Workers to engage effectively with the children and young people they work with, and address the range of issues they encounter.</p> <p>1.9.5 – Other Services We will review the need for specialised training and support (relating to young people) in other Justice agencies and other sectors working with children and young people and prepare a programme of action</p>	DJE	Ongoing
		DJE with other Justice agencies, including IPS, Courts Service, ODPP, and with DCYA.	Scoping paper with suggested next steps within 6 months.
Research and Evidence			
1.10 We will develop and adapt systems to support enhanced communication and cooperation between agencies and research bodies to maximise the use of data and research to inform Youth Justice Policy and the broader development of preventative and early intervention and approaches to support desistance from offending behaviour	<p>1.10.1 - We will identify or establish standing arrangements for coordination across Departments and Agencies, working collaboratively with research bodies, to align research programmes to maximize collective efforts to better understand the factors underlying offending behaviour and enhance programme and project design</p> <p>1.10.2 - We will work to ensure that, as far as possible and in line with legislation, data systems are aligned so that data collected by various agencies can be used across all agencies to</p>	DCYA / DJE DoH / DES with Tusla, AGS, Probation Service, IPS	Initial Scoping Report Within 6 months

	<p>enhance collaborative policy development</p> <p>1.10.3 - We will develop effective data collection systems, in line with relevant legislative requirements, to provide enhanced data on groups disproportionately represented within the youth justice system to support better policies and programmes</p> <p>1.10.4 – We will design and implement pilot and trial initiatives to refine practice policy implementation, as required</p> <p>1.10.5 - We will prioritise research and pilot initiatives on</p> <ul style="list-style-type: none"> a) harder-to-reach groups, including those subject to grooming and coercive control by criminals b) those who may be disproportionately represented in the in the Youth Justice system (e.g. in State Care, Disability, Minority communities) c) improving insights into pathways into crime / detention, recidivism and desistance d) improving the effectiveness of governance, coordination, programmes and practice 		
Emerging Issues			

<p>1.11 We will develop policy responses and key actions, based on Evidence, to address emerging issues which affect Youth Justice policy.</p>	<p>1.11.1 -We will monitor future developments and emerging issues, including crime trends, and initiate new policies and actions as required</p>	<p>Oversight Group established under 1.1.1</p>	<p>Ongoing</p>
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Services for Children and Young People

Thematic Objective 2. We will provide services for children and young people who come in contact with the Criminal Justice System, or who are in situations more likely to give rise to offending behaviour, to support their development and desistance from offending behaviour. We will also ensure ongoing assessment of effective practices as part of dedicated Youth Justice monitoring systems.

What (Strategic Objective)	(What) Key Actions	Who	When
Prevention/Early Intervention			
2.1 We will enhance service delivery through collaboration across agencies and programmes to deliver integrated services for children and young people in situations that are more likely to give rise to offending behaviour, with close involvement of parents, guardians and families.	<p>2.1.1 - We will identify mechanisms / examples for collaborative service delivery, emphasising child-centred wrap-around services, designed around the needs of children and young people rather than Departmental responsibilities and funding lines, including education, mental health and drugs services, including but not limited to -</p> <ul style="list-style-type: none"> a) using case-management approaches (including Meitheal) b) using local networks such as Child and Family Support Networks c) mapping the availability and role of Family Resource Centres (and similar) as a focus for wrap-around services, identifying gaps in the availability of such centres and alternative ways of delivering wrap-around services as required d) implementing new pilot approaches <p>2.1.2 - We will promote collaboration with the Youth Work Sector and other organisations working with young people to enhance access to services for all young people, and effective use of resources, including</p> <ul style="list-style-type: none"> a) aligning funding for Youth Work and for GYDPs on an area basis, to eliminate duplication and support service expansion or merging according to local needs 	Lead by DCYA, supported by and DJE, together with DES, DoH, Tusla, An Garda Síochána, Probation Service, BOBF Advisory Council, Academic and Practitioner experts	Initial Scoping Report Within 6 months and Ongoing

	b) examining if LTDF projects, GYDPs and other Youth Projects can be better aligned to respond to local area needs		
Education			
2.2 We will address the effects of early school leaving, including transitioning issues from primary to secondary education.	<p>2.2.1 - We will align the work of the School Completion Programme and Garda Youth Diversion Projects based on area needs to provide enhanced and integrated support to schools and teachers to retain vulnerable children with challenging behaviours within the education system.</p> <p>2.2.2 – We will map the likely number of children who are disengaged from Education with a view to describing the supports they need and developing pilot examples of such services</p> <p>2.2.3 – Where mainstream school options have been exhausted, pursue appropriate alternatives to school education, including pilot initiatives, aligned with the work of GYDPs and other community programmes including building on existing programmes such as Youthreach and Youth Encounter Projects.</p> <p>2.2.4 In addition, and within wider youth service provision, we will enhance the range of positive leisure time and developmental activities available to young people, including sport, arts, music and cultural activities, as well as adventure and sail training opportunities, and ensure these are accessible to vulnerable and “at risk” young people.</p>	<p>DJE/DCYA</p> <p>DCYA, Tusla, supported by DJE, DES, Probation Service</p> <p>DCYA, DJE, Tusla, supported by DES, Probation Service</p> <p>All Departments and agencies</p>	<p>Scoping Report Within 6 months</p> <p>Scoping Report Within 6 months and Ongoing</p> <p>Scoping Report Within 6 months and Ongoing</p>
2.3 We will pursue collaborative actions between agencies, community partners and schools to identify and support	<p>2.3.1 - We will take action to support inclusive educational environments, (including initiatives such as restorative justice in schools, including</p> <p>a) Mapping the actions that schools can take and the community and other supports available to them to address the situation of such children and</p>	DCYA, Tusla, DES DJE	Initial Scoping Report Within 6 months

children/students who are vulnerable to disengaging from formal education or training	<p>young people, and disseminating best practices for schools</p> <p>b) Ensuring reduced-hours timetabling is eliminated except where essential for e.g. medical reasons</p> <p>c) Ensuring that State supports for schools are tied to the use of exclusion from school only as a last resort</p> <p>d) Ensure that schools are engaged with other services and partners, including through case-management processes (including Meitheal) and links to Family Support Networks and GYDPs, to support inclusionary policies</p>		
<u>Diversion</u>			
2.4 We will strengthen Garda policies and practices for Diversion, upholding the principle of best interests of children and young people.	<p>2.4.1 - An Garda Síochána will mandate a strong central resource within An Garda Síochána, to</p> <p>a) design Garda policies and procedures for Diversion of children and young people from offending</p> <p>b) inform Garda practice and procedures to incentivise, as far as possible, positive interaction between Gardaí and young people</p> <p>c) drive the design of Garda training and best practices on interaction with children and young people.</p>	AGS	Ongoing
2.5 We will strengthen the operation of the existing procedures for Diversion to minimise delays and ensure fully informed and transparent decision making processes.	<p>2.5.1 - An Garda Síochána will implement the recommendations arising from the 2019 Garda Youth Referral Examination Report, and equip the Garda National Bureau of Youth Diversion to ensure</p> <p>a) efficient decision making on cases referred to it</p> <p>b) ready access to specialist legal or other professional resources</p> <p>c) access to appropriate IT or other technical supports</p> <p>d) consistent application of decision making policies</p>	AGS supported by DJE	Ongoing

	e) transparent decision making and communication with those who are the subject of referral for Diversion		
2.6 We will allow for the flexible development of the existing Garda Diversion Programme, aligned to strategic developments in policing and community-based services, including the implementation of the Garda Divisional model development of co-located services	<p>2.6.1 - We will ensure that Diversion systems, (and legislation) are sufficiently adaptable to address individual circumstances, ranging from “light-touch” intervention to more concentrated Garda supervision, as well as supporting interagency case-management approaches, including Meitheal.</p> <p>2.6.2 - We will produce a scoping paper on the effect of implementing the Garda Divisional model on the Diversion Programme and the potential contribution of co-location or other dedicated co-operation arrangements, and suggested next steps for further development</p>	<p>DJE AGS</p> <p>DJE AGS PCSOC</p>	<p>Ongoing development</p> <p>Within 6 months</p>
2.7 We will ensure that all criminal cases involving Children and Young People are fully dealt with, whether admitted to the Diversion Programme, or not	<p>2.7.1 - Ensure centralised oversight of cases and that all appropriate actions are taken to a conclusion, in line with procedures, including implementation of the recommendations from the 2019 Garda Youth Referral Examination Report.</p> <p>2.7.2 - Establish clear interagency procedures, working with community partners and the Probation Service, to address the situation of children and young people involved in offending behaviour, especially those unsuitable for Diversion, incorporating pilot project and programme initiatives and including (as appropriate in each case)</p> <p>a) a case-management approach to coordinate the input of each agency restorative approaches</p> <p>b) use of restorative processes</p> <p>c) use of community-based Care Orders</p>	<p>AGS supported by DJE</p> <p>DJE, DCYA, Tusla, Probation Service, AGS.</p>	<p>Ongoing</p> <p>Scoping Paper and draft interagency procedures within 6 months.</p>

	d) adaptation of approaches such as Y-JARC and Bail Supervision, working to address individual needs		
2.8 We will identify and support at an early stage those young people, and their families, at risk of becoming serious offenders, (currently estimated as in the region of 1,000 children)	<p>2.8.1 - The Department of Justice and Equality will develop and fund sustained community-based interventions for the most serious and prolific young offenders and their families, and for those who are at significant risk of becoming serious and prolific offenders, designed around the needs of the children and young people rather than Departmental responsibilities and funding lines . This will have four main elements:</p> <p>a) Inter-agency platforms in each appropriate area, resourced by the Department of Justice and Equality, supported by An Garda Síochána and with participation from the Probation Service, Tusla, the HSE, the local authority and schools to identify those who would benefit from such an intervention</p> <p>b) The Garda Youth Diversion Projects will be strengthened and rebranded (specialised youth projects) as the first line of targeted support for children in this category and their families; this will include early intervention, family support, working with young people under JLO supervision, working with harder-to-engage young people, and support for young person and parent mentoring initiatives as well as promotion of restorative justice practices.</p> <p>c) Tusla will lead on the development of multi-agency services that provide a sustained and holistic response to the wider needs of these young people and their families;</p>	Lead by DJE with DCYA, Tusla, AGS, Probation Service	Scoping Paper within 6 months

	<p>d) An existing, or new as appropriate, coordination network will be responsible at local level for planning and coordination of service delivery, based on an area plan and a matrix of mutual funding and delivery agreements to be entered into by the local service providers, agencies and funding Departments involved.</p> <p>This initiative will include elements already under way involving special “hard-to-reach” GYDP projects, Probation Service Community Projects, Y-JARC and Greentown pilot project as well as actions under 2.7.2, above.</p>		
2.9 We will continue the development of the existing network of Garda Youth Diversion Projects (GYDPs), rebranding them as specialised youth projects, aligning their activities and operational areas according to local needs, working collaboratively with local services and other community partners.	<p>2.9.1 - Re-name the existing GYDPs as specialised youth projects, (without altering the involvement of An Garda Síochána in their oversight and management) and ensure appropriate involvement of the Probation Service to support their operation.</p> <p>2.9.2 - Ensure that these specialised youth projects are available throughout the State within 5 years</p> <p>2.9.3 - Pursue the expansion or merging, according to local needs, of existing Projects, including alignment with similar services such as School Completion or Drugs Task Force projects, based on area needs and in particular</p> <p>2.9.4 - Align the development of Young Persons Probation Projects (YPP) with the ongoing development of Diversion-related projects to maximise learning and effective use of resources.</p> <p>2.9.5 - Assess the potential of specialised youth projects (or similar) to provide suitable diversionary programmes for the 18-24 years age group, with a view to developing pilot initiatives with</p>	DJE with DCYA, DRCD, AGS Probation Service	Scoping Paper within 6 months

	community partners, including social enterprises and aligned with community development and employment and training strategies. 2.9.5 Ensure that GYDPs reach all relevant young people in the community, including those from minority and hard-to-reach groups.		
2.10 We will support the development and dissemination of effective practices in specialised (Diversion) youth projects	2.10.1 - Continue to enhance support for Youth Justice Workers through the work programme set out at 1.2.2.	DJE with DCYA DES DoH, DRCD Tusla	Ongoing
Detention			
2.11 We will assess service needs, accommodation and operational requirements at Oberstown Children Detention Campus (OCDC), to address likely future demands	2.11.1 - We will Implement a research based assessment of likely demands for Detention places and services and the consequent resource requirements over the next 6 Years to inform future strategic options as well as ongoing planning, budgeting and service development at OCDC. 2.11.2 – We will develop a framework to describe for each individual case, intended outcomes, the services / support required to help achieve those outcome and the methodology for measuring what is achieved, from a period in Detention and from Post-Detention support.	DCYA, OCDC. DCYA, OCDC, DJE, Tusla, IPS and Probation Service.	Commission research within 6 months. Scoping paper with indicative steps for implementing this Key Action within 6 months.
2.12 We will align, as far as possible, national policies on Children in Detention and in State Care, within the National Policy Framework on Children and Young Adults and	2.12.1 - We will develop and implement enhanced interagency procedures to address the situation of young people who are in State Care during and after Detention, (including those transitioning to adulthood) with a view to providing an appropriate continuum of support based on the needs in each case, aligned and complementary to supports	DCYA, Tusla, DJE, Probation, IPS	Initial scoping review within 6 months

successor frameworks	for those leaving State care, including a) an initial review and scoping of current procedures with gap analysis to inform developments of enhanced cross-agency procedures b) operational recommendations and agreed implementation arrangements to be developed arising from the scoping exercise.		
2.13 We will develop specific protocols for management and care of young adult offenders aged 18-24, including transition from Oberstown to the Prison system	2.13.1 – We will carry out an initial scoping review and gap analysis of current procedures and practices, to inform the development of enhanced cross-agency procedures. 2.13.2 – We will develop recommendations for enhanced Operational procedures and their implementation, arising from the scoping review. 2.13.3 – We will develop specific enhanced support for young adult offenders in the Prisons system with particular emphasis on support to protect against further criminal involvement and preparation for post-release situation, including early (or continuing) links with relevant community contacts and supports. These supports should build on the work that commenced while the child or young person was in OCDC.	IPS, with OCDC, DJE, DCYA, Probation	Scoping review within 6 months
Post-Detention			
2.14 We will pursue enhanced effective services for children that have left detention and young people leaving custody	2.14.1 – We will develop joint-agency protocols and mechanisms, as part of pre-release planning, to ensure a continuum of interagency support post-detention, with an emphasis on early assessment and collaborative service planning involving OCDC, Tusla, HSE, Probation service and community partners. 2.14.2 - We will design a multiagency service framework, linked to 2.14.1, designed around the needs of	DCYA, Tusla, HSE, ACTS, Probation, DJE Lead by Probation,	Within 6 months Designed by 6 months

	<p>children and young people rather than Departmental responsibilities and funding lines, incorporating</p> <ul style="list-style-type: none"> a) Post release supervision b) Aftercare services c) The young person’s input and preference for services d) “Never Give Up” principle for engagement with a young person e) Appropriate engagement with family to help support the young person f) Development of the Y-JARC approach as an option for supervision and support g) Development of alternative options for residential placements, for post-detention and (potentially) as part of community sanctions available to the Courts or other circumstances. h) Alignment of the development of Young Persons Probation Projects (YPP) with the ongoing development of Diversion-related projects to maximise learning and effective use of resources. 	<p>with DJE and DCYA Tusla IPS OCDC</p>	<p>Running by Twelve months</p>
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3 Criminal Justice System and Processes

We will conduct Criminal Justice Processes to, as far as possible, support children and young people to refrain from offending and make positive life choices.

What (Strategic Objective)	(What) Key Actions	Who	When
3.1 We will extend Bail Supervision so that it is accessible to all young people who can benefit from it, particularly vulnerable and hard to reach groups.	3.1.1 – We will coordinate the development and expansion of the Bail Supervision Scheme, including a) initial expansion based on available resources b) ensuring those in Care can avail of the service c) ensuring full awareness of the scheme among Courts, legal profession, AGS.	DCYA with DJE OCDC Courts Service Probation	Include in work of Oversight Group (1.1.??)
3.2. We will review the facilities and procedures in Garda Stations and Courts with reference to obligations under Part 6 and Part 7 of the Children Act.	3.2.1 – We will review of how current Courts buildings and facilities support the operation of the Children Act, including with regard to minimising interaction with adult offenders. 3.2.2 – We will review facilities and procedures and with a view to any necessary updating of practices for continuing compliance with Part 6.	Courts Service, supported by DJE and Oversight Group AGS, supported by DJE and Oversight Group	Scoping Paper within 6 months Scoping Paper within 6 months
3.3 Ensure provision of effective specialised representation and information services to assist young persons throughout the Courts process.	3.3.1 - DJE to coordinate work to provide for requirements, (including any relevant legislative provisions) for legal representation and in relation to Criminal Legal Aid, in child and young adult cases, to ensure high quality representation focussed on the best interest of the child or young person.	DJE with Law Society, Bar Council, Courts Service AGS Probation Service	Scoping Paper within 6 months
3.4 Prioritise processing of	3.4.1 – We will develop enhanced practices and	DJE, with AGS, DPP Courts Service	Initial Scoping

children and young adult cases to minimise delays including with regard to the role of Garda Case managers,	<p>procedures and as a first step produce a Scoping Paper, followed by agreed actions, including specific actions on how the Case Manager role and/or other mechanisms can be used to</p> <ul style="list-style-type: none"> a) reduce delays bringing cases to Court b) minimise the number of Court appearances for each child or young person c) ensure effective practice so that young persons are fully informed and aware of what is involved in the Court process 	Probation Service	Paper within 6 months
3.5 Maximise the support which the Probation Service can give children and young people.	<p>3.5.1 Review systems, processes and resource allocation to allow Probation Officers contribute to the management of cases at the earliest appropriate opportunity to facilitate effective support for</p> <ul style="list-style-type: none"> a) Positive engagement with the young person/families b) Garda functions and decisions c) Court functions and decisions 	DJE, Probation Service, with AGS, Courts Service IPS	Scoping Paper within 6 months
3.6 We will provide a range of options for the Courts, both prior to sentencing and as alternatives to detention. As already specified in the Children Act 2001), detention will only be considered as the final option.	<p>3.6.1 – We will ensure that options set out in a revised Children Act are actually available to the Courts as part of an overall and integrated set of services to address the situation of young people at various points of the continuum of risk, properly resourced and designed around the needs of the child or young person rather than existing Departmental responsibilities and funding lines. Actions include -</p> <ul style="list-style-type: none"> a) extending the use of restorative and personal development approaches prior to a substantive Court hearing to give the Court the option of a strike out, and 	DJE, DCYA, with Probation Service, AGS Court Service IPS	See 3.1 and 1.7 and ongoing

	<p>b) extending of the Bail Supervision Scheme (see 3.1) to all suitable young people before the courts</p> <p>c) developing other alternatives to detention, (e.g. Day Centres as already provided in the existing legislation, specialised community programmes, Y-JARC) to give the courts a broader range of options.</p>		
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Appendix

Indicative schedule of areas for amendment in the Children Act 2001

1 Principles

While the Act does encompass principles such as detention as a last resort, and best interests of the child within particular provisions, it would be preferable to have such principles inform the operation of all its provisions, and monitoring of its implementation. Therefore, it is proposed to introduce a statement of principles to apply to the Act as a whole, including -

- A. Upholding the best interest of the child or young person and that this is generally best served by supporting him or her, including through relevant services, so that he or she can participate fully in society and live with respect for the rights of others
- B. that detention is used only as a last resort
- C. that upholding the best interest of the child (as defined above) is consistent with upholding the interests of society and vindicating the rights of victims
- D. that criminal proceedings shall not be used solely to provide any assistance or service needed to care for or protect a child.

2 Family conferencing provisions – Part 4 and Part 9.

There is a clear need to improve on the provisions on family conferencing, which are little used in practice. The intention is to provide for an individualised consideration of the situation and needs of each child (whether at Diversion or Court stage) involving the relevant agencies and family members, as appropriate to the situation of each case. In some cases this may more or less replicate the existing family conferencing provisions, but in others a different configuration of players will be needed.

More detail can be provided (and amended flexibly) by way of Regulations or guidelines, and will include the use of restorative approaches. Draft Regulations / guidelines should be published at the same time as an amending Bill.

3 Diversion Programme Systems – Part 4

3.1 Implications of Garda Divisional Model

Section 20, which empowers the Commissioner to appoint a Director (Superintendent) of the Diversion Programme, would be amended so as to allow (not require) the Commissioner to delegate aspects of the Director role. This would allow flexible development of Diversion systems aligned to the ongoing implementation of the new Garda Divisional Model. More detail could be included in Regulations which can be readily adapted as the Divisional model is established nationwide.

The intention is (a) to allow for continuing operation of current Garda systems as required, but (b) to facilitate development of Diversion systems, if required, to align with new policing approaches and the implementation of this Strategy.

This amendment would have a knock-on effect on other provisions relating to the role of the Director and the operation of the Diversion programme, in particular sections 21 – 28.

3.2 Appeals and Transparency

Introduce clear procedures to appeal decisions on admission to the Diversion Programme and for communication of clear reasons for decisions.

3.3 Monitoring Effectiveness

Section 44, provides for the Monitoring Committee for the Garda Diversion Programme. This arrangement pre-dates the establishment of the Policing Authority and, as such, is an outdated concept. Moreover, the Diversion Programme is just one element in the overall Youth Justice system. What is really required to measure effectiveness and progress is monitoring and technical support for all areas coming within the scope of the Youth Justice Strategy. Therefore it is proposed to replace the existing Committee with a mechanism to monitor the effectiveness of the whole Youth Justice System using (and developing) relevant research and data in the process. This more rigorous and far reaching monitoring would help to better advise the Ministers for Justice and Equality, and Children and Youth Affairs. Reports to the Ministers could also be subject to examination, as appropriate, by the PA (PCSOC), BOBF Council, and/or Oireachtas Committees. Operational oversight in relation to Diversion would be subsumed into the PA (PCSOC).

The proposed new provision would simply require the Ministers to provide for monitoring, using evidence and appropriate research, and specify the annual (or other) reporting requirements to the Houses of the Oireachtas and/or Oireachtas Committees. The research-based facility proposed in Objective 1.2 of the Strategy would be an important mechanism to enable the necessary reporting.

4 Transition to adulthood (Part 4 and Parts 7-9)

4.1 Diversion over 18. The provisions in Part 4 relating to Diversion could be amended slightly to allow their application (and other similar measures) to those over 18, by Ministerial regulation. This is in line with recommendations of the Review Group on Penal Policy. It would simply be an enabling provision so that approaches for over 18s could be trialled and developed, with more detailed parameters to be imposed by regulations, which could be provided incrementally, based on the experience of pilot initiatives.

4.2 Age at time of offence. It is accepted in principle that the actions of a young person should be judged with reference to the level of maturity and capacity to comprehend the impact of offending behaviour at the time an offence is committed. Therefore the provisions of the Children Act should apply to the processing of an offence with reference to age at the time it is committed, irrespective of the age of the young person when the case actually comes to Court. An amendment to this effect would allow the Children Court to hear cases of over-18s in relation to offences occurring when under 18.

Such a provision would align with the existing provisions in section 23(5) which allows admission to the Diversion programme by reference to the age at the time of the offence.

5 Probation Service Support (Part 9)

It is proposed to align the provisions in Part 9 with the objectives in key action 2.7.2 of the Strategy, such that the Probation Service can support the processing of child and youth cases at the earliest possible opportunity. Currently, section 99 obliges the production of a Probation Report where it is intended to impose a community sanction or detention.

6 Community Sanctions (Part 9)

Amend Section 115 such that the Court may impose a community sanction in relation to any of the matters currently covered in the other sections referenced in section 115 (118, 124, 125, 126, 129, 131, 133, 137) prescribe any other conditions, with particular reference to recommendations in reports from the Probation Service or Other Reports made to the Court. This would have knock-on effects on several other sections in the Part 9. More detail on the practical operation of this approach to be included in Regulations, to be drafted to accompany an amending Bill.

7 Post-Detention Support (Part 10)

Include a provision for a right to aftercare support after release from Detention, along the lines of provisions in the Childcare Act for support after leaving State care.

8 Alignment of Diversion with Spent Convictions in section 258 (Part 13)

Section 258 of the Act allows for convictions under 18 to become spent after three years. However, records in relation to Diversion do not expire in the same way. This is anomalous so it is proposed to amend the Act to provide the same regime in relation to Diversion records. Any implications in relation to Vetting legislation will also be examined in the course of preparing this amendment.