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NEW DIRECTIONS

Understanding and Improving Employment Pathways in Youth Justice in Northern Ireland

Research Papers

This project is a partnership between NIACRO and The Bytes Project and is funded by the Collaboration and Innovation Fund through the Department for Employment and Learning.



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New Directions: Understanding and Improving Employment Pathways in Youth Justice in Northern Ireland

NIACRO and The Bytes Project, 2015

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INTRODUCTION

Each year in Northern Ireland, approximately 10,000 children and young people enter the youth justice system¹.

In 2014, NIACRO and The Bytes Project commissioned five research papers to improve the overall understanding of the short and long-term issues affecting the thousands of young people in contact with the youth justice system or who are at risk of offending.

This research project was developed in tandem with the delivery of the New Directions pilot project, a partnership between NIACRO and The Bytes Project funded by the Department for Employment and Learning through the Collaboration and Innovation Fund.

New Directions aimed to enhance the education, training and employment opportunities of young people aged 16-18 years old in contact with the youth justice system.

Through the work of the project in both the community and the Juvenile Justice Centre, it supported young people to change their offending behaviour and overcome barriers to effective resettlement. This innovative project, which offered tailored programmes of support and individual pathway plans, was developed in partnership by NIACRO and The Bytes Project, two organisations with a wealth of experience in working with people affected by the justice system.

NIACRO is a voluntary organisation which has been working for more than 40 years to reduce crime and its impact on people and communities, working with children and young people who offend or who are at risk of offending, families, and adults in prison and in the community.

The Bytes Project aims to remove individual barriers to training and employment by assisting young people to overcome extreme, social and educational disadvantage so they can make a difference in their lives, become economically active and make a positive contribution to their communities.

As well as providing a valuable service to the young participants, New Directions sought to improve understanding of the complex barriers they faced and identify areas for improvement. The Youth Justice Review in 2011 highlighted how youth justice rehabilitation policy and legislation “needs to be overhauled to reflect the principles of proportionality and minimise the counter-productive impact of a criminal record on desistance from offending”.

One of the Review’s 31 recommendations was that young people should be allowed to apply for a clean slate age 18 (**Recommendation 21**); this was echoed in NIACRO’s ‘Off The

¹ See Paper 5 by Edgar Jardine.

Record' campaign in January 2015, which received support from the WipeTheSlateClean campaign in England and Wales. Off The Record recognised that convictions received under the age of 18 can have a lasting and damaging impact as a person moves through life, severely restricting access to education, employment and training, as well as other opportunities; the campaign therefore called for people to have the opportunity to apply for old and minor convictions received under the age of 18 to be removed from criminal records. This message is also evident in some of the research papers in this publication.

This collection of research papers draws on a mix of academic, policy, theoretical and primary research. Several of the papers also note European best practice and propose models for change in youth justice in Northern Ireland.

The first paper in the series looks specifically at barriers experienced by young people with criminal records, highlighting issues around disclosure and noting models of automatic expunging in Europe. It echoes some of the concerns of the Youth Justice Review, including the impact of criminal records and the low age of criminal responsibility in Northern Ireland.

Focus groups with young people involved in the youth justice system uncovered a concerning general lack of understanding amongst young people about the impact of youth convictions, with many young people assuming youth criminal records were wiped at the age of 18.

It also highlights criminal records as a clear barrier to education and employment, ironically making having a criminal record a key contributing factor to reoffending.

The authors raise concerns that in Northern Ireland, "insufficient distinction is made between adult and juvenile criminal records" and it recommends workable models to address the identified barriers faced by young people involved in the youth justice system, as

well as further research to assess the long-term impact of a criminal record received under the age of 18.

Paper 2 explores best practice and potential ICT employment pathway models for young people involved in the youth justice system, in response to the growing career opportunities in the ICT sector. It identifies a number of factors which compound the problem of high numbers of young people in Northern Ireland being not in education, employment or training (so-called 'NEETs'), including a lack of sign-posting for early school leavers and a poor understanding of the jobs market. In particular, it highlights the critical need for ICT to be considered – and taught – as an essential skill to give young people the skills needed for the modern labour market. Following on from this, the third paper in this collection looks at the practicalities of delivering ICT programmes in a secure institution – primarily the Juvenile Justice Centre (JJC) – with a connection to the community post-release.

This paper illustrates how introducing ICT elements into education provision within the JJC need not compromise security, and makes the case for the Department of Education to have a greater role in the education provision at the centre. The authors also note the important role of the voluntary and community sector, particularly regarding the transition from custody to community.

Though the paper recognises the challenges of providing internet access for young people in the JJC, it acknowledges the real achievements made by New Directions project workers delivering the service in the JJC in successfully delivering an innovative OCN ICT Level 1 programme using tablet devices without internet access. While this is significant, the authors maintain that supervised internet access is preferable to ensure young people gain the required broad range of skills for the job market.

Often young people who offend have disengaged with the formal education system. In exploring how to sustain and develop the motivation of young people in the youth justice system, Paper 4 emphasises the importance of not replicating the approach to education which led to that disengagement.

A key principle emerging from the research is that young people who offend are not a homogenous group; their needs, abilities, preparedness and aspirations must be looked at on an individual basis.

Other key messages from the paper include the need for a balance of optimism and realistic goals to avoid false promises and expectations, and the importance of a significant adult - whether it's a relative, professional or mentor - to offer care and continuity.

The final paper explores the process of desistance and how that might be applied to young people. It examines the relationship between education, employment, unemployment and desistance, and looks at individual, family and neighbourhood risk factors in offending behaviour - including analysing desistance by summarising three paradigms: maturational, social bonding, and agency theories.

A Theory of Change is proposed to illustrate how interventions, focusing on motivation, building capacity and addressing opportunity, might be designed to encourage desistance among those who offend. However, the paper also notes the social, structural and environmental challenges and obstacles to desistance attempts - including the lasting impact of youth criminal records.

We believe these research papers provide an interesting and insightful analysis of the policies and practice of youth justice in Northern Ireland and the views of many of its key stakeholders, including the young people affected by it. We look forward to exploring the themes and recommendations emerging from the papers with partners across justice to improve opportunities for young people to access meaningful and relevant education, employment and training pathways.



Young People, Criminal Records and Employment Barriers

Report prepared for NIACRO and The BYTES Project

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Summary

Significant amount of research details the importance of providing young people with criminal records the opportunity to participate fully in society, particularly through accessing employment. It is widely recognised that meaningful employment can support a person in desistance from further offending. Conversely, the presence of a criminal record can act as a barrier to attaining employment.

A new system for dealing with the disclosure of criminal records was introduced in Northern Ireland in April 2014. The so-called 'Filtering Arrangements' refer to a process which will identify and remove some old and minor convictions (defined as 'non-specified offences') and other information (such as some cautions/ informed warnings/ diversionary youth conferences). Some concerns have been highlighted regarding the complexity of the current arrangements, however, the full implications of the changes to the system for criminal record checks is not yet known.

This report commissioned by NIACRO and The Bytes Project sought to address a number of key areas in respect of the barriers experienced by young people with criminal records. These included:

- Employer's attitudes towards young people with criminal records;
- Quantifying the number of young people affected by criminal records;
- The experiential effects of criminal records;
- Profiling of offences and what is understood to be a 'minor record'; and
- Legislative and policy review.

In order to address each of these areas the research adopted a multi-modal approach. This included a survey, interviews and desktop research.

Key Findings

There are examples from other countries of different treatment of criminal records acquired as a juvenile. In some instances this

involves automatically 'sealing' the young person's record so that it is not subject to further disclosure. In other cases conditions are attached to sealing or expunging a young person's criminal record.

In Northern Ireland the introduction of filtering arrangements has had a paradoxical effect. While providing a mechanism to allow for the non-disclosure of certain types of offences, it has at the same time brought a range of diversionary disposals under its ambit.

This research suggests that this system fails to adequately distinguish between young people and adults. Further still the application of the rule that only one offence can be filtered means that some groups of young people will be disproportionately affected.

Young people find the criminal records regime difficult to understand. Many young people believe that their criminal record is automatically 'wiped' when they become adults.

Professionals advising young people also find the filtering system difficult to understand. This raises questions about what advice young people receive on the implications of accepting disposals.

Recommendations

- » The disclosure of criminal records should be linked with the disposal a young person receives. Diversionary disposals should not be subject to disclosure. Any system should have an in-built review and appeal mechanism whereby non-diversionary disposals can also be considered.
- » Members of relevant criminal justice agencies require clearer guidance and training on what information is disclosed so that they can adequately advise young people on the implications of future disclosure in relation to criminal records.
- » There is a need for further research in this area. In particular, there is a need to examine further the long-term impact of holding/disclosure of a criminal record received under the age of 18.

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BACKGROUND AND LITERATURE

Background to Study

Since the implementation of the Justice (Northern Ireland) Act 2002, the Youth Justice System in Northern Ireland has undergone significant restructuring, including the creation of a Youth Justice Agency and the introduction of youth conferencing.

However, whilst there have been various changes to the approach to and management of children and young people in conflict with the law, many key issues and challenges remain.

Despite continuous national and international criticism, the minimum age of criminal responsibility remains at 10 years of age (UN Committee on the Rights of the Child, 2008; Department of Justice, 2011). Year by year significant numbers of children and young people are processed through the criminal justice system. For example, in 2009, children and young people were reported to have committed nearly 10,000 offences (Department of Justice, 2011: 22) The Public Prosecution Service have recorded 28,920 occasions when young people have been either reported or charged between 2010 and 2014.

Following the Hillsborough Castle Agreement (2010), it was announced that there would be a comprehensive review of the youth

justice system, in order to assess the 'current arrangements for responding to youth crime' and making 'recommendations for how these might be improved within the wider context of [...] international obligations, best practice and a financially uncertain future' (Department of Justice, 2011: 9).

The Review Team made a number of recommendations in the areas of youth conferencing and youth courts; dealing with delay in criminal proceedings; policing of children and young people and the use of custody. Of particular relevance are recommendations relating to reintegration and resettlement and strategic and practical arrangements for the delivery of services for children and young people.

Article 3 of the UNCRC states that the best interests of the child must be a primary consideration in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative

bodies. State-parties are required to apply the best interests principle by systematically considering how children's rights and interests are or will be affected by their decisions and actions - by, for example, a proposed or existing law or policy or administrative action or court decision, including those which are not directly concerned with children, but indirectly affect children (UN Committee on the Rights of the Child, 2003: 4).

The UNCRC includes a number of provisions regarding the treatment of children and young people by the criminal justice system, including their effective reintegration (see Articles 37 and 40). In 2007, the UN Committee on the Rights of the Child, recognised that children and young people who have been in contact with the criminal justice system, often experience discrimination when trying to reintegrate into society. The Committee have therefore stressed that State-parties should take measures to ensure that appropriate assistance is provided to children and young people to help them integrate into society, including provisions to support education and employment (UN Committee on the Rights of the Child, 2007).

Research has indicated the difficulties which arise when young people are left marginalised, isolated and without much hope for lifetime opportunities, including employment (see Cusworth et al, 2009; Goldson, and Muncie, 2006; Goldson, 2013). Much research has been carried out on the challenges faced by young people seeking education, training and employment in Northern Ireland (see Bennet, 2010; Committee for Employment and Learning Report: Northern Ireland Assembly, 2011; Department of Education and Learning, 2010; Hargie et al, 2006; Horgan et al, 2010).

Some studies have indicated the socio-economic challenges faced by young people who have been in conflict with the law (see Kilkelly et al, 2004; McAlister et al, 2009; McAlister, et al, 2010; McAlister and Carr, 2014). However, little research has specifically looked at barriers experienced by young people who have acquired criminal records.

Significant research is needed to understand the wide-reaching impact of having a criminal record when attempting to enter/ re-enter the labour market.

Criminal Records and Employment

It is widely recognised that meaningful employment can support a person in desistance from further offending (Uggen, 2000; Farrall, 2004). Conversely the presence of a criminal record can act as a barrier to attaining employment (Uggen, 2008). As emphasised in the Report of the Youth Justice Review (2011:82):

It is somehow perverse that while all the research evidence suggests that providing offenders with stable employment is one of the most powerful ways of preventing re-offending, the current system of informing potential employers of an offender's criminal history acts as the most potent barrier to accessing such employment.

Variation in practices regarding the disclosures of criminal records across different countries is evident. For example, the system of disclosure in the United States is far more expansive than in continental Europe where an individual's right to privacy is more strictly guarded (Jacobs & Larrauri, 2012). However, even within continental Europe there is evidence of expansion of the circumstances under which criminal background checks are conducted and in the range of information provided (Larrauri, 2014a). Historically, the United Kingdom has been noted for its wide-reaching system of criminal background checks (Larrauri, 2014a).

The range of non-adjudicated information encompassed within such checks including 'police intelligence' and the circumstances in which it is sought has been subject to some critique (Larrauri, 2014a).

In Northern Ireland the specific issue of 'conflict related convictions' and their status in criminal records has been a long-standing issue of policy concern (Dwyer, 2013). The recent introduction of legislation prohibiting people with 'serious convictions' from employment

as political Special Advisors illustrates the continued currency of this issue.

This next section will examine in detail the various approaches taken in a number of European countries, regarding the disclosure of criminal records. In particular it will examine how criminal background checks are conducted in relation to young people under the age of 18 years.

Young People and Criminal Records: The European Dimension

This section examines the practices involving young people and criminal records in comparative terms. Overall, while there has been an increased focus on the implications of criminal records for adults, driven in part by more expansive processes of disclosure in various jurisdictions, the treatment of young people's records has been the subject of a relatively limited amount of research. This may be because many countries have separate mechanisms in place for the treatment of criminal records acquired as a juvenile. In some cases this involves sealing or expunging a young person's record once they reach the age of majority.

For the purpose of this report a small number of countries with varying mechanisms regarding the treatment of criminal records acquired as a juvenile were selected for analysis. Some of the key differences in practices including processes of disclosure and mechanisms for expungement are highlighted below.

Considerations of disclosure of criminal records usually focusses on adults. Here we will examine rules concerning the disclosure of juvenile criminal records, that is information of offences committed when the person is below eighteen. ***It is often the case that young people believe that their criminal record gets 'erased' when they become 18. As will become evident, sometimes this is the case, in others it is not, and still in others, even if it is 'erased', this does not mean that it cannot be made public under certain circumstances.***

By 'criminal records' we usually mean convictions. However it is important to note that sometimes a 'criminal record' also contains information from 'police records' (Larrauri, 2014a). Moreover for example in the case of juveniles in Spain each agency intervening in a case has its own database and therefore we should be aware that in addition to police records and convictions there is also a 'probation database'. It is therefore important to be aware that rules addressed to regulate disclosure or expungement of conviction records should not overlook other such data.

Little attention has been given to the disclosure of criminal records for crimes committed when the person is a juvenile (in Spain from 14 to 18 years old). To our knowledge, only one academic article has focused on how the Criminal Justice System deals with juvenile criminal records from a comparative perspective. The article however made no reference to the disclosure of criminal records outside the criminal justice system (Jehle et al. 2008).

Some empirical research has shown the negative consequences that the disclosure of criminal records of juveniles can have on their future prospects. Kirk & Sampson (2013) found that an arrest record 'hinders the transition to adulthood by undermining pathways to educational attainment' (p.86). After controlling for more than 80 predictors of arrest including individual, family peer, neighbourhood and school, they found that the probability for dropping out of school was 0.22% greater for arrested youth relative to otherwise identical individuals who were not arrested. Also, the probability of enrolment in college was 0.16% lower for arrestees. The authors did not find these differences could be explained by person-level mechanisms, for example educational expectations, school attachment and changes in peer support due to the arrest. In their opinion attention should be directed to the official labelling as a product of the arrest. It is reasonable to infer that if the disclosure of an arrest can produce these labelling effects the same results can be expected with the labelling and disclosure of a conviction.

Additionally Baerts & Verhofstadt (2015) carried out a 'correspondence test' in Belgium sending two CVs to 486 job vacancies. Both CVs had identical job-relevant characteristics, but in one case, the cover letter stated that the applicant had been in a juvenile detention centre for a year when he was a minor. The response rate found that applicants disclosing a history of juvenile custody detention got about 22 per cent less call-backs, compared to their counterparts without a criminal record as juveniles. It is clear then that any juvenile record has a continuous and persistent effect that lasts well after the person has served the sentence and becomes an adult.

Jacobs (2014) has argued that agents outside the Criminal Justice System should have access to Juvenile Criminal Records in the case of juveniles who have committed a new crime once they are adults. In his view the rationale for expungement is to protect the subject from poor decisions in adolescence. However, if the subject crosses the threshold of legal adulthood and commits a new crime, this new offence means that the provisions of the juvenile criminal justice system for protecting his identity should no longer apply.

Confidentiality was meant to protect the youth (first for the remainder of adolescence and then as an adult) from the indiscretions and poor decisions of his adolescence so that he could embark upon adult life with a clean record. The rationale for concealing youthful delinquencies no longer applies when the former delinquent is charged as an adult. Because a juvenile record is a significant predictor of an adult offender's future criminality (Miller 1997), that record will be important for the prosecutor's charging and plea-bargaining decisions. Some employers, landlords, and volunteer organizations and colleges also seek delinquency information when handling application from youth adults (Jacobs 2014: 164).

Actually then we confront two decisions: the first one is if juvenile records should be known inside the adult system, and the second one is if these should be disclosed outside the criminal justice system? Although we tend to focus on the problem of juvenile criminal records once they become adults it should also be obvious that juvenile criminal records while under the age of majority also need protection against disclosure. It is debatable if the rules of disclosure that are been implemented for adults should be the same ones for juveniles.

In the following section we provide a summary of the international conventions supporting the need for a 'clean slate' once a person reaches adulthood. This is followed by a brief comparative view of the regulation in Europe.

International Conventions and the Disclosure of Criminal History

The overall lack of concern in the area of juvenile criminal records is surprising because several international conventions on the rights of children establish protections against disclosure of criminal history information, especially outside the criminal justice system (See Table 1).

Table 1: International Regulation concerning Juveniles' Criminal Records.

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (1985).

Article 8. Protection of privacy

8.1 The juvenile's privacy shall be respected at all stages in order to avoid harm being caused to her or him by undue publicity or by the process of labelling.

8.2 In principle, no information that may lead to the identification of a juvenile offender shall be published.

United Nations Convention on the Rights of the Child (1989).

Article 40. 1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, (...) and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

Article 40. 2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that: (...)

(vii) To have his or her privacy fully respected at all stages of the proceedings.

Recommendation CM/Rec (2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures (2008).

Article 34.2.c. Information in a case record shall only be disclosed to those with a legal right to receive it and any information disclosed shall be limited to what is relevant for the task of the authority requesting information.

Article 34.2.d. After the termination of the community sanction or measure, case records shall be destroyed or kept in archives where access to their contents shall be restricted by rules providing safeguards on revealing their content to third parties.

Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (2010).

Article 83: In order to promote the reintegration within society, and in accordance with the national law, criminal records of children should be non-disclosable outside the justice system on reaching the age of majority. Exceptions for the disclosure of such information can be permitted in cases of serious offences, inter alia for reasons of public safety or when employment with children is concerned.

As we can see international conventions state that criminal records of juveniles should not be disclosed outside the criminal justice system once the young person reaches the age of majority. Obviously the main interest is to allow the person to begin his/her adulthood with a 'clean slate', not least because research has shown that an arrest and a conviction can hinder social reintegration as an adult.

Comparative Regulation of Juvenile Criminal Age in Europe

In order to offer an overview on the regulation of the disclosure of criminal records of juveniles outside the Criminal Justice System we have carried out an intensive literature review. We have also interviewed experts in Germany, The Netherlands and Spain. Therefore, the analysis is focused on these countries.

With juveniles we refer to persons that have committed an offence once they are considered criminally liable and below 18 years old. Jehle et al. 2008 offer a view summarizing the information regarding penal responsibility in different European Countries. In this table we can observe that in most countries of continental Europe, the age of criminal responsibility begins between 12 and 14 years old. In all countries full adult responsibility is acquired at 18, but in some countries in certain circumstances a person can be treated as a juvenile until age 21.

Table 2: The Age of Criminal Responsibility in Europe

	Age of criminal responsibility	Full adult responsibility at age	Group in between?
Switzerland	(7) ¹ 10	18/25	2
Germany	14	18/21	Yes
Spain	14	18/21	Yes ³
England/Wales	10	18	Yes ⁴
France	13 ⁵	18	Yes
Hungary	14	18	No ⁶
Croatia	14	18/21	Yes ⁷
Netherlands	12	18	Yes ⁸
Poland	15 ⁹ /17	17/21	Yes
Sweden	15	18/21	Yes
Turkey	12 ¹⁰	18	Yes

¹ Until the end of 2006 children having reached the age of 7 were criminally responsible. Now responsibility starts at the age of 10.

² 18–25 year olds can exceptionally be treated as juveniles.

³ Under certain circumstances: falta or less serious offence without violence or intimidation, without criminal record, personal circumstances it may be appropriate to treat the suspect as a juvenile.

⁴ The position is very complex for young people aged between 10 and 17. There are many aspects of law and practice where different age groups within this range are treated differently, depending on the circumstances of the offence

or type of punishment. All agencies have some form of diversionary power, with many of the, particularly younger age groups being dealt with by civil orders, warnings, reprimands, discharges, educational or reparation orders of various kinds, usually conditional on good behaviour.

⁵ Juveniles can already be brought to the court (judge d'enfants) at the age of 7 but they cannot be sentenced.

⁶ But 18–21 year olds regarded as young adults and this as a mitigating circumstance.

⁷ Dealt with as juveniles if this is considered appropriate (act deemed to be a consequence of youth).

⁸ 16–17 years old can be dealt with according to adult criminal law. In practice this group is usually treated as juveniles. 18, 19, 20 years old can be dealt with according to juvenile criminal law. In practice this group is usually treated as adults. The judge decides whether to apply juvenile criminal law or not.

⁹ For the most serious crimes the limit of criminal incapability is reduced to 15 years.

¹⁰ Under the age of 15 will only be culpable if is capable of understanding the meaning and the effect of his/ her act.

³ Extracted from: Jehle, J. M., Lewis, C., & Sobota, P. (2008). Dealing with juvenile offenders in the criminal justice system. *European Journal on Criminal Policy and Research*, 14(2-3), p.240.

The Disclosure Rules of Juveniles Criminal Records inside the Criminal Justice System: The Spanish Example

Juvenile conviction records are extremely protected in Spain. The Organic Law 5/2000, which regulates to the criminal liability of juveniles, establishes that in the Ministry of Justice there will be a Register of sentences derived from this law, *the data can only be used by Judges of Minors and the Prosecutor Office* (...). Therefore, only judges and prosecutors specialized in Juvenile Justice can access this register. Also, article 2 of the Royal decree 1774/2004⁵, establishes that Police records for minors are registered in a separate database and their disclosure is not allowed for adult cases⁶ (Montero 2013).

Further still, the communication of juvenile criminal records to the adult system is actually prohibited. This rule has been explicitly stated in the Spanish case of (*Audiencia Provincial de Barcelona (Sección Tercera) Ejecutoria nº38/2008. 9 of May 2008*). The judgment refers to 'J' (the anonymised defendant). 'J' committed an assault on another young person in a juvenile detention centre when he was already 18 years old. He was sentenced to 15 months of prison. When 'J' asked for the suspension of his prison sentence, the judge requested a presentence report from the Ministry of Justice in order to establish the appropriate sentence. The report was written by a psychologist from the Department of Justice who took into account all the information registered on the probation service and youth centre's databases. The psychologist recommended not to suspend the prison sentence on the basis of the defendant's previous criminal history, which included eleven crimes of rape, five robberies and one offence of threats, all committed by 'J' when he was minor. However, the Court stated that, by law, these criminal records should never be disclosed, as these crimes were committed when 'J' was minor.

Therefore, as there was no legitimate information on which to draw a negative risk assessment, 'J' obtained the suspension of his prison sentence. The court criticized that the report considered a) convictions from the person when he was a minor; b) information of databases which include not only convictions but all the reports from the execution of sentences in the Juvenile Justice System.

This example is extreme and striking, and probably in most European countries criminal history information related to juvenile offences can be delivered inside the criminal justice system; and in the case of serious crimes might even be disclosed to employers outside the Criminal Justice System (Larrauri 2014a).

The Disclosure of Criminal Records in the Labour Market: A Comparative European Perspective

In Continental Europe formally, only convictions can be disclosed outside the Criminal Justice System (Larrauri 2014a). We address the disclosure of juvenile criminal records for employment prospects, that is, disclosure to employers in the public and private sector and the consequences in the labour market.

In **Spain** criminal records for convictions of juveniles are recorded in a separate database. Employers do not have a direct access to the Criminal Records Certificate (CRC). In order to carry out a Criminal Background Check an employer cannot seek information from the National Conviction Register or the 'juvenile register'. Instead they have to ask the individual to provide her own CRC. This certificate is based only on the information of the adults' conviction register. Therefore the CRC will never contain information of the 'juvenile register', so records of crimes committed by minors will not be disclosed to employers. Individuals can also ask for a CRC. Theoretically

⁴ Ley Orgánica 5/2000, de 12 de enero, reguladora de la Responsabilidad Penal de los Menores.

⁵ Real Decreto 1774/2004, de 30 de julio, por el que se aprueba el Reglamento de la Ley Orgánica 5/2000, de 12 de enero, reguladora de la responsabilidad penal de los menores.

⁶ LO 15/1999, de 13 de diciembre, de Protección de Datos de Carácter Personal

it should be possible for the juvenile, once s/he is 18 years old, to apply to the juvenile register, however we have not found any case in which this is done for employment purposes in Spain. All the cases in which a juvenile applied to the juvenile register for a CRC tend to be for the purposes of travelling or studying abroad.

In **France**, there are three databases called 'Bulletins'. Bulletin 1 contains all convictions, including juvenile records. Bulletin 2, contains all convictions except suspended sentences, juvenile records and some less serious offences. Bulletin 3 contains sentences of imprisonment of two years and more and sentences which prohibit certain professional activities. In addition the Court has discretion to decide that a conviction should appear in Bulletin 3. Employers can never get access to 'Bulletin 1', so they can never know about convictions of juveniles (Herzog-Evans 2011).

We find a similar situation in **Belgium**, here Juvenile Delinquency is recorded in the Central Register but it does not appear on the certificate that employers can access (Baert & Verhofstadt 2015).

In **Germany**, there are *two conviction registers, one for juveniles and one for adults*. Only a conviction of a prison sentence (suspended or otherwise), will be registered in the 'adult' register. Also, Germany has implemented short periods of custody for up to four weeks that do not appear on the offender's criminal record (Hazel 2008). Only sexual offences with a punishment of more than 1 year will be included in the certificate of conduct for 10 years (Morgenstern 2011:26). In the case of public jobs, the certificate can be sent directly to the institution. In private jobs, the certificate is sent to the person and then he or she should present it to the employer. In both certificates, *only non-suspended prison sentences of more than two years for juveniles will be included* (Morgenstern 2011: 26).

In **The Netherlands**, all information of police and judicial records is included in the same database. However, in the Netherlands employers can only ask for a Certificate of Conduct, provided by the Ministry of Security and Justice, on which it is only specified if

the individual is suitable for the job. In the production of Certificates of Conduct, criminal records of juveniles are considered but *no information of convictions or other criminal history information is disclosed*. In only a few public jobs can the institution get access to the CRC (Boone 2011).

In continental Europe, in general then juvenile records for crimes committed before the person is 18 years old are kept in a *separate database* in order to enhance their protections against disclosure; if they are disclosed *only convictions* are disclosed; and moreover *only serious conviction records* (like for example a sentence of more than 2 years imprisonment) will be disclosed for employment purposes.

The Disclosure of Criminal Records for Immigration Purposes

Most of our previous research on the disclosure of criminal records has focused mainly on disclosure *outside* the criminal justice system *and for employment prospects*. However, criminal records can also restrict other civic and social rights. Particularly criminal records of juveniles create many problems when the young person applies for a residence permit when he is 18 years old, and has a criminal record as a juvenile.

In **Spain**, in exceptional circumstances police records for crimes committed as minors can be disclosed for immigration purposes. The prosecutor office in Spain has established that when a minor applies for Spanish nationality, the immigration authority can ask the police whether there is any police record that should be known before granting nationality. If there are police records they can ask the judge responsible for juvenile justice for more information concerning conviction records.

In **Germany**, the authorities responsible for foreigners, immigration, asylum and naturalization can get unrestricted access to the register on which records for convictions of imprisonment for minors are stored (Morgenstern 2011: 25).

The Disclosure of Juveniles Criminal Records in Other Contexts

In **Germany** the disclosure of criminal records to schools has been contested as, there is risk of stigmatizing the individual (Morgenstern 2011).

In **Spain**, the disclosure might happen when the probation services contact the school. As we see here the disclosure is not as a result of a conviction or police disclosure, but just as a result of the probation services carrying out their supervision tasks. The following quote from a recent interview with a probation officer in juvenile justice highlights some of these challenges:

I have secondary schools that if I say that the boy is carrying out a juvenile justice measure he is really welcomed, they try to help, they give support (...), there is coordination and it is positive. On the contrary, some schools stigmatize young offenders (...). For instance, I have a school in my area, that if they know that a boy has been in a penal process [automatically] they divert him to the Special education centre for young people with problems of adaptation into normal schools (...). Or they try to convince the boy in order to change school. They do not want children that create problems, and if he has a problem with Justice, they really do not want him. (Interview with a probation officer)

Expungement of Juvenile Criminal Records

To expunge a criminal record means to erase it or seal it, and it usually prevents further disclosure outside the criminal justice system in the future (Larrauri 2014a). There are two ways in which expungement can take place in Europe: 1) automatic expungement, after some period of time without committing any crime; and 2) merit-based expungement, in which the individual needs to apply for it and show some indicators of social rehabilitation and reintegration (Herzog-Evans 2011)⁷.

In general terms, in most European countries all convictions become “expunged” automatically, with the mere passage of a certain period crime-free (Larrauri 2014a). This period of time differs between countries and it is normally reduced for minors.

In **Spain**, due to a norm, hard to understand and for which nobody has been able to provide an adequate explanation, *criminal records for juveniles are not erased until they reach 28 years old*, provided that all the penal measures that have been imposed by the judge have been served. However, as already noted when the subject reaches 18 years old it is almost impossible to get access to his criminal records, even for judges.

In **The Netherlands**, the judicial data on criminal offences are kept for thirty years after the criminal sentence has become irrevocable. However, in the production of Conduct Certificates⁸, *the period of taking into account criminal record information is 2 years for a young person up to age 23*. However there are exceptions. Sexual offences and some severe violent crimes punished with a prison sentence are always considered. Also longer periods are considered when the person is applying for specific occupations, for example:

- » **5 years:** Licenses for Road transport entrepreneur, Taxi driver and security civil aviation.
- » **10 years:** Position with high integrity demands such as sworn interpreters and translators, court experts, extraordinary investigators and persons with access to nuclear power stations.
- » **20 years:** Job that entails contact with children
- » **30 years:** Jobs in Judicial Institutions Department in an institution or facility⁹.

In **Germany**, criminal records for juveniles that could appear in the Certificate of Good Conduct will expire, in general 5 years after the expiration of the penalty. Additionally Germany provides an example of the “merit-based expungement” where juveniles have the opportunity to opt for a procedure of ‘elimination of the penal blemish’ (Beseitigung des Strafmakels):

This declaration is possible for juveniles under 18 and young offenders up to 21 as long as they have been treated as juveniles in the criminal procedure. It requires a request by the young person concerned, his or her counsel, legal representative, etc. or the public prosecutor or can be declared by the court ex officio. This can be done (usually) not earlier than two years after full enforcement or remittal of the remainder of a sentence (...). According to the law, the juvenile has to prove that he or she is (now) an ‘integrated personality’, is ‘righteous’ and has shown ‘impeccable conduct’. Sometimes it is argued that simply leading a law-abiding life complies with these requirements... In my opinion, the wording of the laws has to be understood in a way that it requires ‘more’, e.g. unpaid work for voluntary organizations etc. In cases where such request is made, the law provides that (ex) convict, parents or legal representatives, the competent youth authority and, if applicable, a school representative are heard (Morgensten 2011: 31).

In **France**, ‘juvenile records’ can only be found in Bulletin 1. There is no automatic expungement in Bulletin 1, however individuals can apply for expungement of their convictions three years after the end of the sentence, if no new crime is committed during this period and evidence is provided regarding efforts for re-entry, such as training or employment (Nguyen 2014).

Herzog-Evans (2011: 15) links this procedure with the generative aspects of Maruna’s (2001) “Making Good” as the court also considers volunteering, adoption of children, or looking after a sick relative.

The table below provides an overview of the system of disclosure in various countries across continental Europe.

⁷ Herzog-Evans mentions a third way of expungement: Automatic expungement without any further conditions. In this category we find the ‘100 years old rule’ for records in Police Databases in the UK (Larrauri 2014b) and France (Herzog-Evans 2011) and the erasure of records in The Netherlands after 30 years (Boone 2011). This expungement procedure is probably more related to the need to destroy old files than with a consideration for the rights of the offender (Herzog-Evans 2011).

⁸ Only in few public jobs a CRC is required instead of a Conduct Certificate. In these cases only convictions with severe sentences are disclosed (Boone 2011:67).

⁹ Elina Kurtovic (Personal communication).

Table 3: Summary of the regulatory system on the disclosure and expungement of criminal records of juveniles in Spain, Germany, The Netherlands and France.

	Spain	Germany	The Netherlands	France
Disclosure of juveniles CR	No	No. Only non-suspended prison sentences of more than two years. Based on the sexual nature of the offence (mes de 1).	No. In the certificate of good conduct, convictions are never disclosed. However, juvenile records are considered.	No
Expungement	Automatic expungement at age 28.	Automatic expungement 5 years after conviction. + Merit based two years after sentence is served.	Criminal information of the 2 previous years considered in the production of the certificate of good conduct.	Merit based only after 3 years.
Exceptions to Expungement	No	No	Based on: 1) The sexual nature of the offence and seriousness; 2) The position for which the conduct certificate is required.	No

Republic of Ireland

In addition to the Continental European examples cited above, it is worth noting a mechanism in place closer to home. In the Republic of Ireland there is a Spent Convictions Scheme for young people who have committed an offence before their 18th birthday. Section 258 of the *Children Act, 2001* provides that a conviction would not be subject to disclosure if the following criteria were met:

- The offence was committed before the person was 18 years;
- The offence is not an offence required to be tried by the Central Criminal Court (this applies to serious offences such as murder, rape or manslaughter);
- The person has not been dealt with for an offence within a three-year period; and
- Three years have elapsed since the conviction.

According to information provided by the Irish Penal Reform Trust (IPRT) once this criteria is met such convictions are automatically considered spent, i.e. the person does not have to make an application to anybody to seek expungement of a record¹⁰. However, there is no available research to indicate how this is done in practice and by what body. The IPRT notes also that many people are not aware of the provisions set out in the Children Act, 2001 and may be disclosing convictions where they are not required to do so.

Furthermore this legislation only applies to the jurisdiction of the Republic of Ireland and where information is sought in relation to criminal records when a person is seeking to work or travel abroad they may still be required to declare convictions acquired under 18 which based on the criteria mentioned would be considered spent in the Republic of Ireland.

¹⁰ IPRT (2012) Briefing on Criminal Records under 18 (04.01.12). Available at: <http://www.iprt.ie/contents/2335> (Accessed on: 01.10.14)



YOUNG PEOPLE & CRIMINAL RECORDS

Young People and Criminal Record Checks in Northern Ireland

In respect of criminal background checks in Northern Ireland there has traditionally been some recognition of the differential status of offences committed as a juvenile.

For example under relevant Rehabilitation of Offenders legislation, the length of time until a conviction is considered 'spent' is shorter when the conviction occurs as a minor.

However, the relatively low age of criminal responsibility within England, Wales and Northern Ireland means that young people acquire a criminal record from a much younger age than their counterparts in other European countries. Furthermore, within the UK, the provisions within the Rehabilitation of Offenders legislation (Rehabilitation of Offenders (Northern Ireland) Order 1978; Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979) has to some extent been eroded by subsequent legislation allowing for further exceptions (Rehabilitation of Offenders (Exceptions) (Amendment) (No. 2) Order (Northern Ireland) 2009; the Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2014) as well as non-conviction information to be included in criminal background checks (The Police Act 1997 (Criminal Records) (Disclosure) Amendment No 2) Regulations (NI) 2009).

In early 2004 the Northern Ireland Office commissioned a review into the system in Northern Ireland for the disclosure of police and criminal records for the purposes of pre-employment checking. This was mainly due to the issues raised by the Bichard Enquiry that examined the events leading up to the murders of Holly Wells and Jessica Chapman in Soham. The review concluded that a statutory framework for the disclosure of information for employment purposes, similar to that which already existed in England, Wales and Scotland, should be introduced. That framework, Part V of the Police Act 1997, was extended to Northern Ireland and a new organisation, AccessNI, was established in 2008.

AccessNI assumed responsibility for the issuing of criminal record checks as the Criminal Records Bureau (CRB) had done in England and Wales and Disclosure Scotland (DS) in Scotland, since 2002. In April 2010, following the devolution of policing and justice powers in Northern Ireland, the operations of AccessNI were transferred from the Northern Ireland Office to the newly formed Department of Justice (Mason Report, 2011:14).

In Northern Ireland there are three levels of criminal record checks (1) Basic (2) Standard and (3) Enhanced.

A **basic check** discloses an individual's unspent convictions. A basic check does not give a full criminal history. An employer can ask all job applicants to obtain a basic check during the recruitment process.

A **standard check** discloses an individual's full criminal history, giving spent and unspent convictions and relevant cautions. An individual cannot apply for a standard check. This check is available for certain occupations and must be requested by an AccessNI-registered organisation. A standard check may

be required for certain positions, including but not limited to: barrister; solicitor; veterinary surgeon; actuary; accountant; pharmaceutical chemist (AccessNI, 2014).¹¹

An **enhanced check** discloses an individual's full criminal history, including spent and unspent convictions, relevant cautions and any other relevant material provided by police. By law employers may be required to obtain an enhanced check before they can employ a person to work with children or vulnerable adults. An individual cannot apply for an enhanced check. This check is only available if requested by an AccessNI-registered organisation.

Table 4: Criminal records disclosed in AccessNI checks

Level of check	Unspent conviction	Spent*	Barred Lists	Relevant Police Information	Caution
Basic	Yes	No	No	No	No
Standard	Yes	Yes	No	No	Yes
Enhanced	Yes	Yes	Yes	Yes	Yes

* includes informed warnings, cautions, details of diversionary youth conferences and convictions.

Table 5: Spent and Unspent Convictions ¹²

Sentence	When Spent
A term of imprisonment exceeding 30 months.	Never spent
A term of imprisonment exceeding six months but not exceeding 30 months.	Ten years
A term of imprisonment not exceeding six months	Seven years
A fine or other sentence	Five years

¹¹ In April 2014, a new filtering arrangement was brought into place – see below for further discussions.

¹² Rehabilitation of Offenders (NI) Order 1978 – Shorter periods for offences committed when under 18.

Critique and Response to Criminal Records Disclosures

The Youth Justice Review (2011) explored some of the problems arising in relation to disclosures of criminal records for offences committed as a juvenile. The Review noted a lack of clarity as to whether cautions, warnings and other diversionary disposals are included in criminal record checks. It further noted that despite the fact that such disposals are not criminal convictions, they may appear in enhanced criminal record checks. One of the key concerns raised is that young people who consent to such disposals may not be fully aware of this fact.

This has particular ramifications for the administration of so-called 'diversionary' youth conferences, which are directed by the Public Prosecution Service¹³:

If the disclosure implications of diversionary disposals became widely known, there is every possibility that increasing numbers of young offenders would choose to take their chances in court, thus undermining the whole purpose of diversion. (Youth Justice Review, 2011: 83)

Taking account of Council of Europe guidelines, recommendations from the United Nations Committee on the Rights of the Child and findings from the Criminal Justice Inspectorate's thematic inspection of diversionary disposals, the Youth Justice Review (2011:116) made the following recommendation:

Policy and legislation relating to the rehabilitation of offenders should be overhauled and reflect the principles of proportionality, transparency and fairness.

Specific actions should include:

- a. diversionary disposals should not attract a criminal record or be subject to employer disclosure;
- b. young offenders should be allowed to apply for a clean slate at age 18;
- c. for those very few young people about whom there are real concerns and where information should be made available for pre-employment checks in the future, a transparent process for disclosure of information, based on a risk assessment and open to challenge, should be established. The decision to disclose and the assessment on which it is based should be regularly reviewed (**Recommendation 21, Youth Justice Review, 2011**).

However, in the same period that the Youth Justice Review (2011) was being conducted, the Department of Justice also commissioned a wider review of the Criminal Record Regimes in Northern Ireland (Mason, 2011, 2012). This review explored the existing regime regarding criminal record checks including the vetting arrangements in place and the use of criminal record checks by employers.

While identifying problems with the administration of the current system, the Mason review recommended further resourcing of Access NI, the introduction of 'portable' checks and the inclusion of information other than convictions in certain criminal record checks in the interest of public protection. Most critically in respect of young people, Mason (2011) recommended that:

... AccessNI should routinely disclose informed warnings, cautions and details of diversionary youth conferences on Standard and Enhanced checks. Where this involves a young person the information should only be disclosed if the offence is recent. (Mason, 2011: 51)

¹³ The numbers of 'diversionary' youth conferences now exceeds court-ordered conferences. In 2012/13 there were 862 PPS-directed youth conferences, compared to 694 court directed conferences (DeCodts & O'Neill, 2014).

Somewhat paradoxically, alongside the widening of categories of information to be included in enhanced and standard criminal record checks, the Mason Review also recommended a system of 'filtering' whereby 'old' and 'minor' convictions and criminal information is not subject to disclosure. Ultimately the Department of Justice has decided to reject the recommendation made in the Youth Justice Review (2011) in favour of Mason's (2011, 2012) proposals (DoJ, 2014).

Criminal Record Checks and the Introduction of Filtering Arrangements

In April 2014, the Department of Justice announced new filtering arrangements for criminal record checks which broadly follow the proposals set out by Mason (2011, 2012).

However, its introduction was also in response to a Supreme Court judgment, which ruled that mandatory and blanket disclosure as part of standard or enhanced criminal records check was incompatible with Article 8 of the European Convention on Human Rights (right to respect for private life)¹⁴.

The Legality of Full Disclosure: The Case of R (T and others)

The case of T and others brought to light the difficulties surrounding the full disclosure of criminal records. In particular, it was concerned with the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and sections 113A and 113B¹⁵ in Part V of the Police Act 1997. The 1975 Order makes certain questions

exempt from the above provisions of the 1974 Act, including where they relate to specified professions and employments, and to working with children and vulnerable adults¹⁶ Part V of the 1997 Act deals with enhanced criminal record certificates (ECRCs). These are issued where an "exempted question" within the meaning of the 1975 Order is asked, including by a prospective employer.

Disclosure is then made of every "relevant matter" recorded on the Police National Computer, including, at the relevant time, any spent conviction or caution¹⁷.

The main case considered by the Court involved an individual referred to as T, who had received two police warnings relating to two stolen bicycles when he was 11 years old. He was otherwise of good character, and had believed that his warnings were spent. However, they had appeared on an enhanced criminal records check carried out when he was aged 17 after he applied to work at a local football club, and on a further enhanced criminal records check issued when he was aged 19 after he enrolled on a sports studies course at university. In JB, the police issued a caution to a 41 year-old woman in 2001 in respect of the theft from a shop of a packet of false fingernails. In 2009 she completed a training course for employment in the care sector. She was required to obtain an ECRC, which disclosed the caution.

The training organisation told JB that it felt unable to put her forward for employment in the care sector¹⁸. T or JB had no other criminal records. Both claimed that the references in the ECRCs to their cautions violated their right to respect for private life under article 8 of the European Convention on Human Rights. T

¹⁴ R on the application of T, JB and AW v Chief Constable of Greater Manchester, Secretary of State for the Home Department and Secretary of State for Justice [2013] EWCA Civ 25

¹⁵ 113B governs the use of 'police intelligence', also known as 'soft intelligence', by police authorities in disclosing personal information as part of the compilation of Enhanced Criminal Record Certificates (ECRCs). This process is then governed by which information is 'relevant' to a particular employment vetting scenario and a consideration of what 'ought to be included' in an ECRC.

¹⁶ [78-79]. [2014] UKSC 35 On appeal from: [2013] EWCA Civ 25

¹⁷ Ibid [83-84].

¹⁸ Ibid [118].

also asserted that his obligation to disclose the warnings violated the same right.

The Court acknowledged that the disclosure of conviction information furthered both the general aim of protecting employers (and, in particular, children and vulnerable adults in their care) and the particular aim of enabling an employer to assess whether an individual was suitable for a particular kind of work. However, it considered that “the statutory regime requiring the disclosure of all convictions and cautions relating to recordable offences is disproportionate to that legitimate aim”. It went on:

The fundamental objection to the scheme is that it does not seek to control the disclosure of information by reference to whether it is relevant to the purpose of enabling employers to assess the suitability of an individual for a particular kind of work. Relevance must depend on a number of factors including the seriousness of the offence; the age of the offender at the time of the offence; the sentence imposed or other manner of disposal; the time that has elapsed since the offence was committed; whether the individual has subsequently re-offended; and the nature of the work that the individual wishes to do. These same factors also come into the picture when the balance is to be struck (as it must be) between the relevance of the information and the severity of any impact of the individual’s article 8(1) right¹⁹.

The Court of Appeal decided that disclosing all their convictions and cautions without considering their relevance in an employment contest was disproportionate and breached Article 8. The Home Office appealed to the Supreme Court, but at the same time issued some amendments to the scheme, which narrowed the type of spent convictions that could be disclosed in relation to an exempt occupation - for example, excluding juvenile offences that did not result in a custodial sentence and other “historic” offences that were at least 11 years old.

On appeal, the Supreme Court upheld the Court of Appeal’s decision, finding that the existing criminal records scheme provided no means of filtering information, so only those convictions/cautions relevant to a particular job application were disclosed. The Court did note that the recently introduced changes did produce a ‘more calibrated system’, but expressed no definitive view on whether these changes sufficiently addressed the Court of Appeal’s concerns.

In line with *MM v UK*²⁰, the Court considered that sections 113A and 113B of the 1997 Act were incompatible with article 8 because they failed to meet the requirement of legality, that is, that the interference with the Convention right be ‘in accordance with law’. Legality requires safeguards which enable the proportionality of the interference to be adequately examined²¹.

The Court stated that the legislation ‘which requires the indiscriminate disclosure by the state of personal data which it has collected and stored does not contain adequate safeguards against arbitrary interferences with article 8 rights’.²²

¹⁹ Ibid [38].

²⁰ No 24029/07 The Times 16 January 2013

²¹ [108-119; 158]. [2014] UKSC 35 On appeal from: [2013] EWCA Civ 25

²² Ibid [113-119].

The Court further noted that that it was the Home Secretary who identified a need to scale back the criminal records system 'to common sense levels'²³, and pointed to a lack of a rational connection between dishonesty as a child and the question of whether, as an adult, the person might pose a threat to the safety of children with whom he comes into contact.²⁴

The Court did not prescribe any solution to the incompatibility between the current disclosure scheme and Article 8, instead stating that it would be 'for Parliament to devise a proportionate scheme'.²⁵

Filtering Mechanisms

In 2013, the Government amended the existing legislation in England and Wales, and introduced a new 'Filtering Scheme' so that certain spent disposals (e.g. old and minor convictions and cautions) would no longer be disclosed on a DBS certificate²⁶. Similar legislation was passed to introduce a scheme of filtering similar in Northern Ireland, which became effective in April 2014. Commenting on the introduction of the filtering scheme, a respondent from AccessNI stated:

... the reason why it [filtering] has been introduced is because it was in response to the Supreme Court decision that was taken, where the judge said that you just can't have this blanket disclosure but need to take into account other factors, such as the age of the person or the job they are going for, the length of time the conviction was and all that sort of thing ... we very much followed the Home Office model, we made one or two changes for Northern

Ireland, but taking advice from Treasury solicitors at that time who provided advice around the Home Office scheme... (Interview with AccessNI)

The term 'Filtering' is used to describe the process which will identify and remove from Standard and Enhanced Access NI checks, some old and minor convictions (defined as 'non-specified offences' and other information (such as cautions/ informed warnings/ diversionary youth conferences).

This does not mean the conviction or cautions will be 'removed' or 'wiped', but rather some conviction information, which previously would have been disclosed, may not be in the future (the information is not disclosed on the certificate but stays on the criminal record).

There is also a list of specified offences, which will always be subject to disclosure, and includes sexual and violent offences and other offences relevant to safeguarding. In January 2015, there were 1188 offences outlined on the specified list.²⁷

These offences will be automatically displayed on Standard and Enhanced Access NI checks. Another important caveat is that if an individual has more than one conviction, they will not be subject to the filtering process.

²³ Ibid [48].

²⁴ Ibid [142].

²⁵ The Supreme Court, R (on the application of T and another) (FC) (Respondents) v Secretary of State for the Home Department and another (Appellants) [para 69]

²⁶ The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 and The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013

²⁷ See <http://www.nidirect.gov.uk/accessni-list-specified-offences-2014.pdf?rev=1>.

The table below sets out the rules applied by AccessNI to information held on any individual contained in central records:

Table 6: Filtering Guidelines²⁸

Disposal	Aged 18 or over at time of issue/ conviction	Under 18 or over at time of issue/ conviction
Conviction for non-specified offence [NB. only applies if there are no other convictions on the person's record]	11 years from the date of conviction	5 ½ years from the date of conviction
Caution/diversionary youth conferences for non-specified offence	6 years from date of issue	2 years from date of issue
Informed warnings for non-specified offence	1 year from date of issue	1 year from date of issue
Conviction or caution, diversionary youth conference or informed warning for specified offence	Will not be filtered	Will not be filtered
Conviction resulting in a custodial sentence (including suspended sentence) regardless of offence	Will not be filtered	Will not be filtered

As set out in the table above, a conviction for a non-specified offence will be filtered after a period of 5½ years for those under 18 at the time of the conviction. Cautions and diversionary youth conferences will be filtered after 2 years for those under 18 at the date of the caution; with informed warnings being filtered after 1 year. However, if the caution, diversionary youth conference or informed warning was for a 'specified offence', then these will not be filtered at all. Since the introduction of the Filtering scheme, AccessNI have found that they are filtering some level of information from around 20% of certificates.

One significant concern regarding the introduction of this filtering process is that since April 2014, all informed warnings, cautions, details of diversionary youth conferences and convictions held on criminal record databases will be considered for disclosure in the first instance²⁹.

Members of the children and young people sector in Northern Ireland have strongly criticised this, with the Children's Law Centre (CLC) commenting:

... we do not believe that it is compliant with international standards or the recommendations of the Youth Justice Review that all convictions, cautions, informed warnings or diversionary youth conferences for such offences should be automatically disclosed. (Children's Law Centre, written response to the Justice Bill, 2014)

²⁸ As cautions, informed warnings and diversionary youth conferences are not convictions they will be considered separately to convictions. If the caution, informed warning or diversionary youth conference is not for a specified offence, then it may be filtered. If they relate to specified offences, then they will not be subject to filtering (NIACRO, 2014)

²⁹ For details of the filtering scheme see, <http://www.dojni.gov.uk/index/accessni/disclosures/filtering.htm>

It should be noted that between April 2011 and April 2014, Access NI had not, routinely disclosed informed warnings, cautions or details of diversionary youth conferences on certificates.³⁰

In explaining this process, AccessNI have commented that when they were established in 2008 they had always disclosed cautions, however, as a result of a Judicial Review the disclosure of diversionary disposals was 'suspended' (Interview, December, 2014). During the consultation process of a review of the Northern Ireland Criminal Records Regime (NICRR), concerns were raised in regards to continuing the practice of non-disclosure of diversionary disposals. The independent advisor, Sunita Mason reported that there is a concern that the non-disclosure of this information could 'have a detrimental effect on public protection'. Concerns were expressed in regards to the fact that some form of offending has occurred and a significant number of the cautions etc. are for sexual cases' and it would 'remove, at a stroke, a wide range of information about offences and offending' (Mason, 2012). It was acknowledged that whilst some of these offences were 'minor in nature' and 'could have been committed by those under 18'. It was concluded that 'such offences should be disclosed to ensure that public protection is maintained' (Mason, 2012).

AccessNI further commented that there was always an understanding that the disclosure of cautions was going to be reintroduced and there was a 'proper legal basis for this'. AccessNI further suggested that the Assembly wanted to wait until the completion of the Youth Justice Review and the outcome of the Mason Report. It just so happened that that this coincided with the introduction of the filtering scheme (Interview with AccessNI).

However, the Children's Law Centre have argued that:

Information relating to cautions, informed warnings and diversionary youth conferences should only be disclosed in exceptional circumstances where the offence is sufficiently serious, is relevant and where there are concerns for public safety if the disposal were not to be disclosed. Information about old and minor convictions should only be disclosed where there is a proven risk of harm due to the potential negative impact on the training and employment prospects of young people of disclosure. (Children's Law Centre, written response to the Justice Bill, 2014)

Although concerns have been highlighted regarding the complexity of the current arrangements and the fact that the rules regarding 'filtering' are overly restrictive and difficult to understand (Never-Ending Sentences Seminar, QUB, 31.05.14), the full implications of the changes to the system for criminal record checks is not yet known. So for example, the fact that 'diversionary' disposals have been brought within the ambit of criminal background checks is particularly problematic for young people who may not be fully aware of this when they consent to such a disposal.

As an ongoing concern, NIACRO have commissioned this research to ascertain the challenges and barriers faced by young people with criminal records attempting to enter employment, the understanding and operation of the current system and examine any further proposals. The following sections of this report outline the methodological approach adopted and the key findings in relation to current practice.

³⁰ For further information see, <http://www.dojni.gov.uk/index/accessni/disclosures/ani-1-2014---filtering-of-old-and-minorconvictions-and-cautions.pdf>



METHODOLOGY

This report commissioned by NIACRO sought to address a number of key areas in respect of the barriers experienced by young people with criminal records.

These included:

- Employer's attitudes towards young people with criminal records;
- Quantifying the number of young people affected by criminal records;
- The experiential effects of criminal records;
- Profiling of offences and what is understood to be a 'minor record'; and
- Legislative and policy review.

In order to address each of these areas a multi-modal research approach was adopted. The project components included:

- A survey of employers' attitudes;
- Analysis of datasets relating to numbers of young people processed; through the Youth Justice System;
- Focus group interviews with young people;
- Key stakeholder interviews; and
- Desktop review of current legislation in NI and European comparators.

Ethical Review

The research project was submitted for review to the Research Ethics Committee (REC) of the School of Sociology, Social Policy and Social Work, Queen's University Belfast. The components reviewed by the REC included the participant information sheets, consent forms, online survey, focus group and stakeholder interview schedules. The REC approved the research in October 2014.

Survey of Employers' Attitudes

A randomly stratified sample of 200 employers was selected from the database of the register of employers in Northern Ireland, which was obtained from the Economic and Labour Statistics Division of the Northern Ireland Statistics and Research Agency in September 2014. The sample was stratified on the basis of sector type and number of employees with a larger number of employers selected from the larger sector types - e.g. Construction comprises 20.05% of the overall employer sector, therefore 40 employers were randomly selected from this category. Employers with larger numbers of employees are over-represented in the sample. The confidential online survey contained questions aimed to explore employer practices and attitudes in relation to criminal record checks.

It specifically explores issues in relation to young people with criminal records. The online survey included questions focusing on areas including:

- Organisation demographics;
- Current practices in relation to criminal record checks; and
- Attitudes towards criminal records.

Attitudes towards criminal records were explored further in respect of specific types of offences and applicant characteristics with the following questions:

How would you rate the person with the following criminal record's chance of employment within your organisation?

Scale 1- 7 from no chance to very good chance

- A prison term with involvement in a job training programme prior to release;
- A single conviction for a non-violent crime;
- A single conviction for possession and use of heroin; and
- Multiple convictions for petty theft relating to drug use

In your opinion would offences committed as a juvenile (i.e. under the age of 18) be viewed as:

- Less serious
- Just as serious
- More serious
- It depends

Unfortunately, despite repeated recruitment attempts the response rate for the employer survey was low (n=17, i.e. a rate of less than 10%). While some information was gleaned from the responses in respect of employer practices and attitudes, it is not possible to draw wider inferences from these findings in regards to general employer practices and attitudes in Northern Ireland. Some of the

difficulties in accessing employer's views on this area are identified in research conducted in other countries (Pager and Quillian, 2005). The limited responses from employers suggest a need for further focused research employing diverse methodologies (e.g. individual interviews).

Analysis of datasets relating to numbers of young people processed through the Youth Justice

In addition to the analysis of publicly available data Freedom of Information (FOI) requests were made to the following bodies requesting information on the numbers of young people processed through the criminal justice system in the period 2010-2014:

- Public Prosecution Service
- Police Service of Northern Ireland
- Department of Justice

Information from these sources was sought on the numbers of young people charged and the ultimate disposals they received. Where available this information was requested by offence, age of the young person, geographic area and outcome. Specific information was sought in regard to case disposals – i.e. warnings and cautions, PPS-directed youth conferences, court-ordered youth conferences, community sentences or imprisonment.

Focus Group Interviews with Young People

We conducted interviews with three focus groups comprising 21 young people facilitated through the following organisations – NIACRO, Include Youth and Start 360. Interviews with young people focussed on their understanding of the criminal records regime and any barriers that they perceived regarding criminal records and employment.

Stakeholder Interviews

We also conducted interviews with representatives from the following stakeholder organisations:

- Access NI
- Children's Law Centre
- NIACRO
- Public Prosecution Service
- Youth Justice Agency

These interviews focussed on current processes and practices in relation to criminal record checks and the impact of the introduction of the filtering arrangements. We also reviewed the submissions made by various organisations on this issue to the Justice Committee in its deliberations on the Justice Bill (2014).

Desktop review of current legislation in NI and European comparators

Finally we conducted a desktop review of current Northern Irish legislation and European comparators in order to draw key learning in this area.



FINDINGS

A Statistical Profile of Children and Young People with Criminal Records

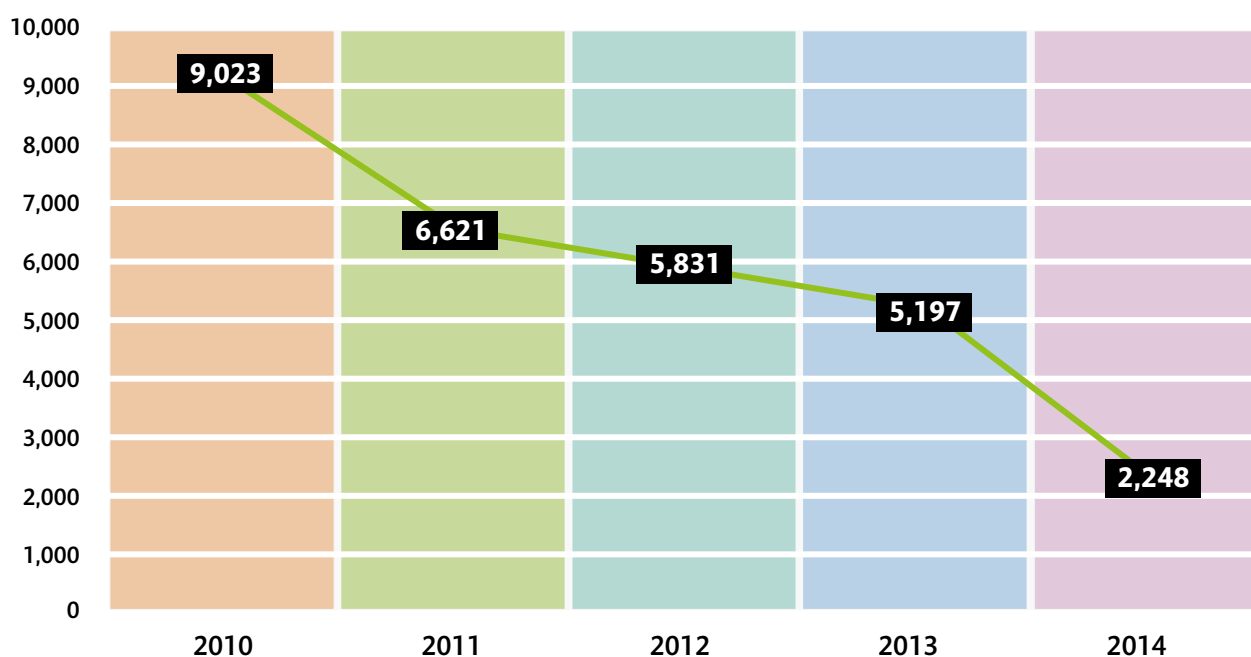
The following section provides a statistical overview of the numbers of young people who have been in contact with the criminal justice system between the period 2010 and 2014. Both the Public Prosecution Service (PPS) and the Police Service (PSNI) provided data.

The PPS were unable to provide data on each individual suspect they received a file on, so PPS data is an analysis on the number of 'counts' against young people during this period. Data provided by the PSNI, includes an analysis on the number of young people who received a diversionary disposal, the types of

offences committed, the area where the young person was arrested, the age of the young person and the diversionary outcome.

The table below bellows an overall view of the number of occasions youths were charged or reported within the period 1 January 2010 to 30 June 2014.

Table 7: Number of Occasions Youths were Charged/Reported to PPS



Between 2010 and 2014 there were a total of 28,920 occasions on which youths were charged/ reported to the PPS, this relates to 13,635 different individuals. The Table above illustrates that there has clearly been a sharp decrease in the numbers of cases charged or reported over the last 4 years. The number of occasions youths charged/ reported to PPS has dropped on an annual basis from 9023 in 2010, 6621 in 2011, 5197 in 2013 and up until June 2014 stood at 2248.

Table 8: Number of Occasions Youths Charged/Reported to PPS by Suspect Age

Age	2010	2011	2012	2013	2014	TOTAL
10	81	35	27	24	7	174
11	153	71	87	60	25	396
12	370	243	199	145	62	1,019
13	667	468	412	363	114	2,024
14	1,160	881	732	663	220	3,656
15	1,794	1,183	1,100	1,054	428	5,559
16	2,111	1,669	1,389	1,404	637	7,210
17	2,687	2,071	1,885	1,484	755	8,882
TOTAL	9,023	6,621	5,831	5,197	2,248	28,920

Throughout the period of January 2010 – June 2014, there were 7269 counts of 10 – 14 year olds charged/ reported to the PPS. Of this, in 3656 counts the suspects were 14 years old at time of charge. In 396 of the counts, ‘suspects’ were 11, whilst 174 were aged 10 years. The table above provides a breakdown of the number of counts according to age reported/ charged within this period. The largest number of counts were made up of ‘suspects’ aged 16 or 17 years old (56%) at the time papers were received by the PPS, with 8882 counts made up of aged 17 years old.

From January 2010 – June 2014 there were 9,121 individual youths who were each charged on one occasion in the time period.

There were 819 individual youths who were each charged 3 times in the time period. This accounted for 2,457 of the overall total of 28,920 charged/ reported to PPS. There were 460 individual youths who were each charged 4 times in the time period. This accounted for 1,840 of the overall total charged/ reported to PPS. There were 14 individual youths who

were each charged 20 times in the time period. There were 2 individual youths who were each charged 46 times in the time period. This accounted for 92 of the overall total of 28,920 occasions on which youths were charged/ reported to the PPS.

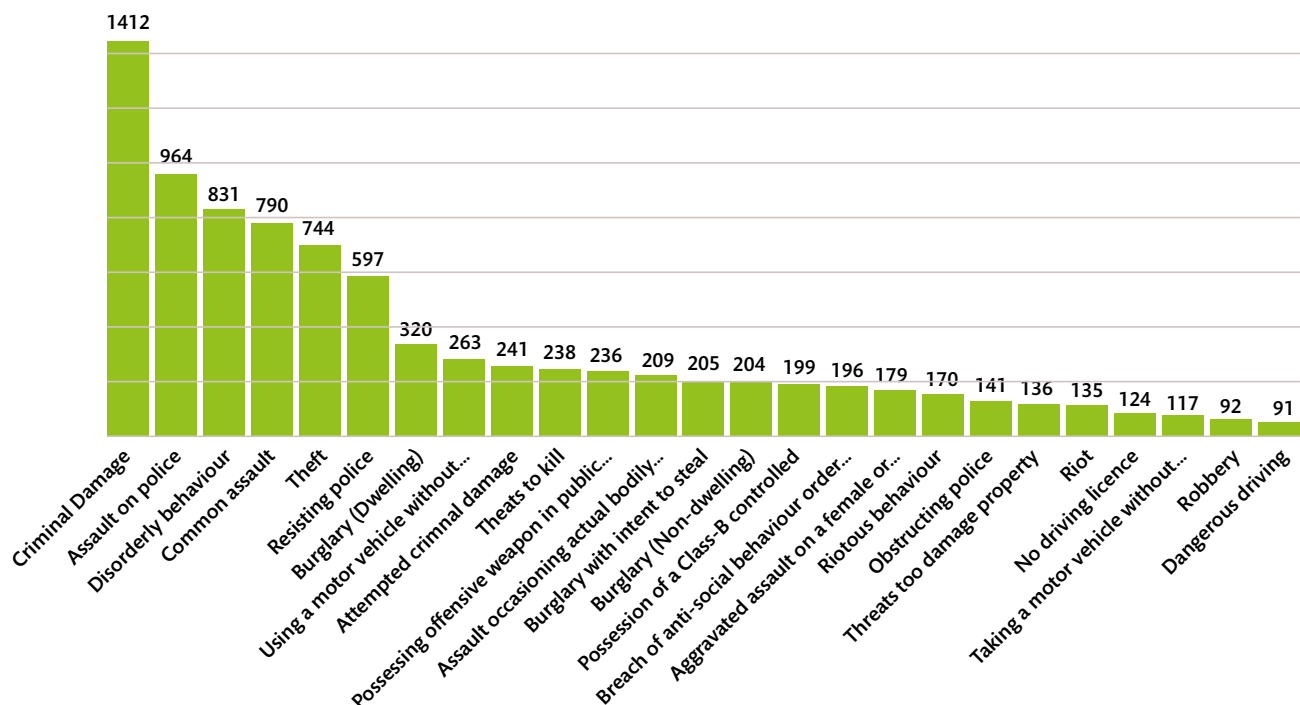
Young People Charged and Diversionary Disposals

Recent data provided by the PSNI, reporting between 2010 – September 2014 highlights the number of young people aged 10 – 18 charged with offences who received a diversionary disposal. It illustrates that the highest number of offences fell within the category of criminal damage, with 1414 youths charged with this offence in this period. There were also comparatively high number of youths charged with assault on police (936), disorderly behaviour (831), common assault (790), theft (744) and resisting arrest (597).

The table below provides a breakdown of the 25 highest occurring offences (out of 330 category of offences charged). (A full list of offences charged is included in Appendix 1.

Of particular note is the fact that 18 out of 25 the highest occurring offences are listed on the specified list and under the current regime would never be filtered.

Table 9: Number of Youths Charged by Primary Offence ³²



53% of the total 330 categories of offences charged between 2010 and 2014 are clearly set out in the list of specified offences (and therefore never filterable). For a significant number of offence categories provided in the police data, it is unclear whether they may be included on the list or not.

The largest majority of young people charged during this period were from Belfast and Foyle. 3194 youths were charged across Belfast in this period, with the number of young people arrested in North Belfast (1172), 936 from South Belfast, 723 from West Belfast and 363 from East Belfast. 910 young people were charged across the Foyle area during this period. There are a number of other areas where high levels of young people have been charged including Craigavon (706), North Down (624), Antrim (605) and Lisburn (589).

Summary of Diversionary Disposal Outcomes

The chart below provides a breakdown of the decisions issued for youths aged 10-17 between 2010 and 2014.

This includes the number of Youth Conferences, Restorative Cautions, Discretions and Informed Warnings.

The chart highlights of the 10,588 young people given a diversionary disposal, the majority, of young people charged between January 2010 and September 2014 received a Restorative Caution.

³² For further information see, <http://www.dojni.gov.uk/index/accessni/disclosures/ani-1-2014---filtering-of-old-and-minorconvictions-and-cautions.pdf>

Table 10: Diversionary Decisions Issued for Youths: 2010-2014

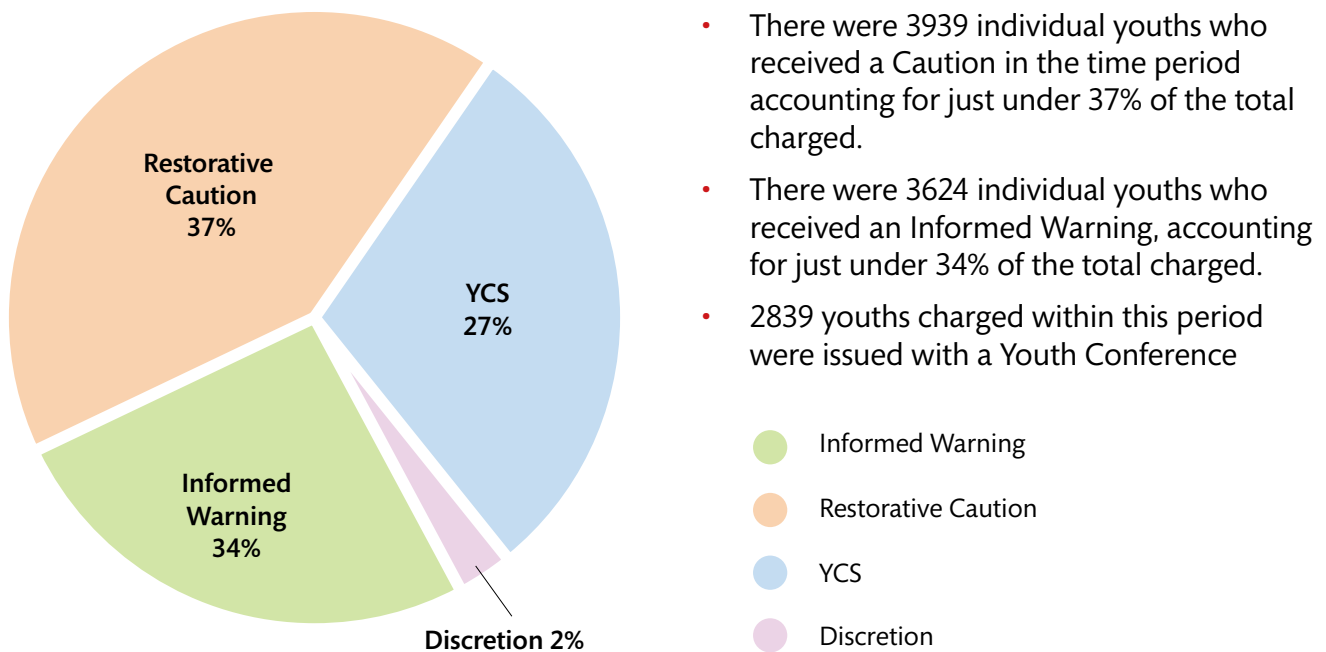


Table 11: Number of Diversionary Disposals 2010 - 2014: By Age

Age of Young Person	Informed Warning	Restorative Caution	YCS	Discretion	TOTAL
10	64	21	9	3	97
11	141	51	27	7	226
12	261	135	106	8	510
13	406	312	239	9	966
14	650	535	420	25	1630
15	712	774	667	41	2194
16	713	941	762	50	2466
17	677	1170	609	43	2499
TOTAL	3624	3939	2839	186	10,588

The table above provides a detailed breakdown of the disposals received and the age of the young people. The largest majority of young people charged and receiving a diversionary disposal fell within the age range of 14-17 years old. Of the 10,588 given a diversionary disposal, 8789 young people were aged 14 – 17 years. 97 young people aged 10 years received a diversionary disposal between the period January 2010 and September 2014, this accounts for 0.9% of the overall numbers.



FINDINGS

The Effects of Filtering And The Impact Of Criminal Records

This section of the report outlines some of the key findings from our research based on policy analysis, interviews with stakeholders and young people.

Particular focus is given to the impact of filtering arrangements to date; the overall understanding of the process and the impacts of criminal records on young people.

The introduction of filtering arrangements has had a paradoxical effect. While providing a mechanism to allow for the non-disclosure of certain types of offences, it has at the same time reintroduced a range of diversionary disposals under its ambit. As noted previously this reverses a position adopted in by Access NI in 2011, where informed warnings, cautions or details of diversionary youth conferences were not routinely disclosed on certificates. The net-widening effects of the filtering arrangements and the particular negative impacts on young people were highlighted in a number of responses:

Filtering concerns us. It is sold by the DoJ as a better place than maybe where we were pre-2011, but since 2011 we have felt happier that diversionary disposals weren't routinely disclosed, because we see that as much closer in line with international children's rights standards... So where we are now with filtering is a roll-back as we see it, from where we were from 2011 until now, particularly in relation to diversionary disposals. (Interview with Children's Law Centre)

Filtering: Complex and Confusing

One of the most prominent concerns raised by respondents is the fact that the filtering process is not yet widely known and that it is complex and difficult to understand:

It is a complex regime...explaining it is quite difficult, because it is so complex. Generally...it's confusion and false expectation. (Interview with NIACRO)

As discussed the new filtering arrangements were introduced in April 2014 and a circular issued by Access Northern Ireland (ANI: 1/2014) provides information on how filtering will be applied (see Table 6 for an overview).

The guidance outlines the circumstances in which old and minor offences can be filtered and the fact that specified offences will never be filtered. It appears from the guidance and from discussion with various stakeholders that the concept of a minor offence is a default category – i.e. a minor offence is simply one that does not appear in the list of specified offences. An old offence refers to the timelines set out in which an offence can be filtered (e.g. a young person who receives a diversionary youth conference for a non-specified offence can have this filtered two years after the date of issue).

Reflecting on the definitional issue of minor offences the Minister of Justice recently commented that:

...in practice it is probably easier to define what is not a minor offence than what is a minor offence. A number of issues would have to be considered, as that would also relate to how many offences there were and how frequently they were committed. There are also differences of gradation and degree, even between what might be termed "minor offences". So, I am not sure that it is that easy to say that something is a minor offence...

In regards to the list of specified offences, it is certainly considered long and expansive. The wide range of offences included within it was noted by a number of the respondents we spoke to:

With filtering because there are so many ramifications and complexity to it... and it seems to depend which piece of legislation you were convicted under whether it's specified or not specified... So maybe if a young person has been given a youth conference order, or convicted or given a discretionary disposal or a youth diversionary conference for something like criminal damage, it's hard for us actually to determine if that is specified or not specified because when you look at the specified offences list it will say 'destroying property'. Is that the same? (Interview with NIACRO)

This view is also supported by our analysis of the statistical data, which shows that more than half of the offences for which young people have been charged between 2010-14 appear on the specified list. Adding further to the complexity, the list of specified offences is subject to change. Offences can be removed

from the list and others added. The precise process through which this occurs was unclear to some and the information provided considered insufficient:

...when the specified list does change, it will just give you the date that it has changed, it will not show you what the amendments are. So you don't know what has been taken off and what has been added on. (Interview with NIACRO)

There are also differences between the list of specified offences in Northern Ireland and the list in England and Wales meaning that some offences which are subject to filtering in one jurisdiction may not be in another. NIACRO provided an example of where this issue arose for a young person from Northern Ireland applying for a university course in England.

With professionals working directly in this area describing confusion, there are clear concerns about the intelligibility of the process for young people.

I think the concern is very much around that young people can be committing criminal offences that they are not aware of, like they know that if they've put a stone through a window that that's wrong, they know that if they assault someone in the street, that's wrong. They don't necessarily know that if I get into a fight in the playground and the police become involved and they are brought into the criminal justice system that that's an assault, and that that will stay and be disclosed. (Interview with Youth Justice Agency)

In line with the above, the provision of appropriate advice to young people who have been charged with offences was an issue raised by a number of respondents.

³³ ANI Circular: 1/2014 Filtering of Old and Minor Convictions and Routine Disclosure of Cautions and Other Disposals. Available at: <http://www.dojni.gov.uk/index/accessni/disclosures/ani-1-2014---filtering-of-old-and-minor-convictions-and-cautions.pdf>

Agencies working with young people gave examples of cases where young people and/or their parents/carers appeared to have been given erroneous advice regarding the implications of disposals within the youth justice system and criminal records. One example of a parent receiving legal advice to the effect that successful completion of a youth conference order would result in their son's record being erased was cited. More generally respondents raised concerns about the levels of awareness about the filtering arrangements amongst practitioners within the youth justice system and those working more widely with young people.

Because of the complexity and confusion surrounding the filtering arrangements the net effect may be that young people are not receiving the information necessary to make an informed decision in respect of accepting a particular disposal. Furthermore providing clear advice to a young person is difficult because of the issues identified above:

If you were providing a young person with advice you would have to go through it meticulously and step-by step. So it is a very complex system. (Interview with Children's Law Centre)

Young People's Understanding of the Criminal Records Regime

The issue of young people's understanding of the criminal record regime in relation to convictions or disposals received as a juvenile is a more general concern. We spoke to young people, many of whom had had previous or ongoing contact with the criminal justice system. The extent of this contact varied, however, it was noteworthy that the majority of young people to whom we spoke were of the firm belief that most criminal records acquired as a juvenile were 'wiped' when they reached 18.

But sure doesn't your record get wiped if you have anything from under 18 but?

(YP FG1)

No, because aren't they [diversionary youth conferences] set up to stop young people going to court by using other things? So it shouldn't be on your record.

(YP FG1)

After you got it done [youth conference], you got to wait 12 months, if you're under 18 when you get it...so I will be alright after a couple of months, I won't have to tell an employer.

(YP FG2)

Some young people that we spoke to had a more thorough understanding of criminal record disclosure, these were young people who had had more significant involvement in the criminal justice system (i.e. those who had been sentenced to prison). However, none of the young people we interviewed had yet heard of the filtering arrangements. And the overall level of understanding amongst young people regarding criminal records particularly for disposals such as cautions and 'diversionary' youth conferences points to issues of concern regarding the wider process. If young people do not understand the longer-term consequence of accepting a particular disposal, the question as to whether they have given fully-informed consent must be raised. This echoes the finding of the Youth Justice Review (2011) in relation to the disclosure implications of 'diversionary' disposals. In a submission to the Justice Committee on the Justice Bill 2014, Include Youth further note:

There has been a failure to inform young people that diversionary disposals such as cautions, informed warning and diversionary youth conferences will still be disclosed on certain checks, regardless of the length of time that has passed since the disposal was issued. (Include Youth, 2014:6)

The Language of 'Less Consequence'

In interviews one of the respondents described the increase in use of 'diversionary' disposals and mechanisms such as Youth Engagement Clinics devised to 'speed up' justice, as contributing to an overall impression of 'less consequence':

The Department is trying to increase the use of diversion, and doing diversion faster through the things like Youth Engagement Clinics. But at the same time it is bringing forward this other policy around filtering, which should have an impact if children and young people are aware of the consequences around decisions they make about whether they would contest their case, or whether they would accept diversion, which is something the Youth Justice Review warned about in relation to diversion. And I think that's really our concern, are young people really fully aware of accepting something like diversion? Yes diversion sounds like it has fewer consequences but the reality can be different depending on the nature of the offence even, that they are being accused of. (Interview with Children's Law Centre)

Another respondent remarked:

It's about expediency. Diversionary disposal isn't a conviction and people attach to that, that it has no ramifications, which is completely incorrect. (Interview with Public Prosecution Service).

The question of legal representation for young people at Youth Engagement Clinics has been raised in the Equality Impact Assessment of the pilot scheme. The majority of young people do not avail of legal representation in the YEC process. Some of the possible reasons put forward for this include a perception amongst young people and their parents/carers that attending with legal representation

escalates the 'seriousness' of a process that is otherwise framed in terms of the provision of supports³⁵. While more timely supports may be provided to young people as a result in their involvement in this process, the longer-term consequences of accepting a particular disposal, particularly in relation to a criminal record, need to be underscored. The issues highlighted above in terms of the complexity and consequences of the filtering arrangements further accentuate this need.

Disproportionate Effects of Filtering

The possibility of disproportionate effects of the current filtering arrangements on particular young people was raised as a concern by a number of respondents. The Youth Justice Review (2011) highlighted in particular the over-representation of Looked After young people and young people with complex needs within the youth justice system as an area of concern. The fact that Looked After young people may come into contact with the criminal justice system at disproportionate rates means that the filtering arrangements, which currently only allow for the filtering of one conviction of a non-specified offence, may have a particularly disproportionate impact on young people within this group:

...young people [in care] are disproportionately represented within the criminal justice system, so that's demonstrated in the figures and it does indicate that they're particularly vulnerable in terms of that. (Interview with Youth Justice Agency)

From a policy perspective that's one of the specific examples that we continuously raise with the DoJ and with their officials, young people in care and the disproportionate impact that this is going to have on young people in care. (Interview with Children's Law Centre)

³⁵ Official Hansard Report 03.04.14: Youth Engagement Pilot EQIA: DOJ/PSNI/Youth Justice Agency. Available at: <http://www.niassembly.gov.uk/assembly-business/official-report/committee-minutes-of-evidence/session-2013-2014/april-2014/youth-engagement-pilot--eqia-dojpsniyouth-justice-agency/> (Accessed on: 01.02.15)

Because of the proscriptive nature of the current filtering arrangements and the fact that little distinction is made between records acquired as an adult or juvenile (beyond differential time limits), the point was also made that there is insufficient account given to the nature and dynamics of desistance, in particular the fact that most people 'age of crime' through the processes of maturation and life transitions (Rocque, 2014). Young people who may be involved in a period of offending at one stage of their life may subsequently desist (and indeed most do) (McAra and McVie, 2010). The fact the filtering system does not adequately differentiate between adults and young people means that young people may be disproportionately disadvantaged as a result.

Effects of a Criminal Record

The wider effects of a criminal record on education, employment and travel opportunities have been noted.

*It's mainly young people contacting us because they have been refused entry to a particular course, university course generally...Nobody wants, particularly in relation to young people, young offending to become something that is a barrier to progression in terms of employment and training opportunities in the future.
(Interview with Children's Law Centre)*

Young people already face numerous barriers to employment and we are concerned that young people with convictions and criminal records find it doubly hard to access employment, education and training. Employers and trainers in FE and HE sectors may be reluctant to engage with a young person who has declared a conviction. There can also be lack of awareness on behalf of the employer in understanding

the implications or seriousness of the disclosed offence or record. (Include Youth submission re. Justice Bill, 2014)

Again it is important to note that young people's understanding of the impact of a criminal record is influenced by their overall understanding of the process of disclosure. A number of responses from young people revealed that where they believed that records were 'wiped' or not considered consequential, they would have little impact on employability:

Like on job applications don't they just ask you about your serious ones? I don't think they really care if you've stolen a packet of crisps.

(YP FG1)

However, some respondents also noted that young people could be misinformed about the process leading to a false sense of belief that their record was clear:

Aye, if the employer sees their record...if they've done youth justice, they think it's not going to be on their record, and they go and apply for a job and they think that their record is clear.

(YP FG1)

Notwithstanding the above most young people felt that employers should check criminal records of applicants, particularly when the job entailed a level of responsibility. Almost all of the young people that we spoke to believed that certain categories of offences (specifically sexual and violent offences), should always be included in a criminal record check.

³⁶ Recommendation 22 of the Youth Justice Review (2011) specifically states: "All agencies working with children and young people should improve their understanding of special needs and the impact these have on those specific groups over-represented in the youth justice system and in custody. The DHSSPS should lead in developing better assessment, inter-agency information exchange and cross-referral mechanisms alongside more specialised interventions."

Like murder and kidnapping and paedophiles shouldn't be wiped, but all other stuff that isn't important like should be.

(YP FG1)

Obviously, if you're a rapist, you shouldn't get that taken off.

(YP FG2)

Some young people felt that even where offences were disclosed, that employers would take this into account when they were interviewing a person, particularly when the offence was some time ago and a young person had made positive changes:

And say if you get a job interview, the employer is going to know what kind of person you are from the way you get on, do you know what I mean? ...You would just tell the employer and you've matured.

(YP FG1)

However, this point of view was contested by other young people who felt that a criminal record may stand against them from the outset reducing their chance of even being called for an interview. The limited amount of research that has been conducted to date on employers' attitudes to offences acquired as a juvenile (e.g. Baerts & Verhofstadt, 2015) and a much wider body of literature on employer's attitudes towards adult criminal records (e.g. Lam & Harcourt, 2003; Pager & Quillian, 2005; Stoll & Bushway, 2008; Backman, 2011) would tend to support the latter view.

As noted earlier our attempt to survey employers' attitudes on this topic yielded a low response rate. Employers that did respond reported seeking information on criminal records in relation to particular roles involving work with vulnerable groups, financial responsibilities, or elements of security (e.g. working at an airport site). These typically involved an Enhanced Criminal Record Check. Some employers reported carrying out criminal record checks on young people aged under-18, again where the roles entailed specific responsibilities as described above. Some of the responses from employers indicated that in certain instances the presence of a criminal record impinged on the progress of a job application.

One example was cited where a job offer was withdrawn because the applicant had not fully disclosed details of their criminal record. In a further example an employer from the Financial and Insurance sector responded 'We don't employ anyone with a criminal record'.

In relation to questions exploring employer's attitudes in respect of the type of criminal record, respondents were most negative about a person with 'multiple convictions for petty theft relating to drug use' securing employment.

They were most positive about the chances of securing employment for 'A person aged 25 who had committed an offence of theft as a juvenile (i.e. under 18)'.³⁷

Regarding the question of whether young people should have the opportunity to 'wipe the slate clean' –one employer stated that 'it depends on how serious it [the offence] was'.

While the data is limited there is some indication of a more positive attitude towards criminal records acquired as a juvenile than those attained as an adult. It is clear that further research on employer's attitudes and practices are required to further explore these issues.

³⁷ See Methodology section for a full list of the categories presented, where employers were asked: How would you rate the person with the following criminal record's chance of employment within your organisation?



CURRENT DEVELOPMENTS

The Effects of Filtering And The Impact Of Criminal Records

There has been a growing concern regarding criminal record disclosure and accessing employment.

With calls from members of the statutory, voluntary and community sectors calling for a more coherent, accurate, transparent and 'joined up approach' regarding the disclosure of criminal records.

NIACRO have reported that since the introduction of the filtering process in April 2014, it is evident that 'employers, applicants and employees are either unclear about the arrangements or more commonly are unaware of them'.³⁸

In particular there is confusion across the statutory and legal profession when advising young people about the impact of a diversionary disposal such as an informed warning, caution or diversionary youth conference.³⁹

NIACRO have argued that the impact of the lack of clarity has led to 'many people... being misinformed about the consequences of disposals and sentences while employers are potentially breaching data protection requirements'.⁴⁰

The Children's Law Centre has also argued that:

*We do not believe that the current approach sufficiently promotes the child's reintegration, nor does it allow for an automatic removal from criminal records of the name of the child who committed an offence upon reaching the age of 18 in line with international children's rights standards and the Youth Justice Review recommendations.*⁴¹

³⁸ NIACRO Briefing Paper – Impact of the new filtering arrangements October 2014

³⁹ *ibid*

⁴⁰ *ibid*

⁴¹ Written response

Independent Review of Criminal Record Checks

The current position regarding disclosure of criminal records is being considered as part of the proposed provision in the Justice Bill. In particular, Part 5 of the Bill introduces a number of arrangements for the disclosure of criminal record checks. This includes the introduction of a number of additional protections relating to the information that can be disclosed and a proposal to raise the age of those subject to criminal record checks.

The Bill attempts to address the current situation where people have to apply for a fresh certificate every time they change employment or engage in relevant voluntary activity, by proposing 'portable' criminal record checks, which can be updated online. Clause 36 of the Bill repeals various pieces of existing legislation so that only applicants will now routinely receive a copy of a certificate, rather than employers or registered persons. However, it further provides that Standard or Enhanced certificates must be provided to the registered person or employer in certain circumstances. Other proposals include that criminal record checks should not be carried out for those under 16 years of age, except in certain prescribed circumstances (Clause 37), and requiring that individuals who want to register for the purposes of requesting criminal record checks must be 18 years or over.

The final sections of Part 5 of the Bill introduces reforms relating to the disclosure of relevant information as part of a criminal record check. It includes provisions which will amend the approach taken by police in their decisions to include information on an enhanced criminal record certificate. It is proposed that the test used by police to judge whether information should be disclosed (under Section 113B of the Police Act 1997) should be revised so that police must now reasonably believe the information to be relevant and that it ought to be disclosed.

Clause 39 provides provision for a statutory code of practice to assist police in deciding what information should be released and for the publication of such guidance, which the police will be required to have regard to.

Finally the Bill also provides for the establishment of an independent representations process for those who wish to dispute relevant information provided by the police about them. Under "Other disputes about section 113B(4) information", Clause 39 of the Bill sets out provisions for the introduction of an Independent Monitor. This will allow persons to ask for an independent review of their case and the disclosure of information. Guided by the Code of Practice published by the Department, an Independent Monitor (in consultation with a chief officer), will review an application and determine whether disclosed information is relevant or ought to be disclosed. The Minister of Justice confirmed that this process will include an automatic referral for cases with offences committed only under the age of 18.⁴²

The Minister stated:

The key issue is to ensure that, if, when the filtering process is applied, individuals still feel that inappropriate convictions remain on their records, they get the opportunity to request a review. This will mean that there will be a second examination to assess the appropriateness of those specific instances being kept on a criminal record for a period of time. For younger people, the filtering out will be at half the length of time than it will be for adults. Secondly, there would be an automatic referral when offences were only committed before the age of 18.⁴³

⁴² <http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2015/01/27&docID=220589>

⁴³ <http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2015/01/27&docID=220589>

The proposals for the review mechanism have been by and large been positively received. The Children's Law Centre have stated that 'the review mechanism is really welcome because there needs to be a system in place for decisions to be taken about whether something genuinely needs to be disclosed, where there is an issue of public protection'.⁴⁴

Although these proposals have been welcomed, reservations remain. One of the key concerns is that the proposed Justice Bill still falls short of meeting Recommendation 21 of the Youth Justice Review and there was a lack of consultation in regards to how the review mechanism would operate.

Giving evidence to the Justice Committee a member from the Children's Law Centre commented:

*Ideally, we would have liked to have been consulted on what those clauses would look like. There is real potential in the review mechanism to bring it much closer to what recommendation 21 said. We would like to see the non-disclosure of diversionary disposals and the disclosure of conviction information in exceptional circumstances for under-18s where the offence is sufficiently serious, it is relevant and there are concerns for public safety if the information were not to be disclosed.*⁴⁵

To date there does not appear to be a clear understanding on how the review mechanism would operate. A respondent from AccessNI has suggested that although there is no decision made on how this will be done there are a number of options:

What we are trying to figure out is how we exactly do this in law and who is going to do it. One option for example is to

have the independent monitor for police information do this role too, another option is to have a panel and another option is to have a single independent reviewer. So there is a number of options we are actually looking at. (Interview with AccessNI)

When asked about is idea of a panel, the Minister of Justice remained uncertain:

*I have to confess that I am somewhat reticent about the idea of a multidisciplinary panel to carry out what is effectively the review process that we are looking at introducing. There are clear issues around the complexity, the cost and the ease of getting a speedy decision for those who seek to be referred to the panel. If it can be done correctly by a single reviewer, there may be no need to look at the wider panel.*⁴⁶

However, in response to the Minister's comment, NIACRO have stated:

*...we recognise the Minister prefers the idea of an independent reviewer to that of the multi-agency panel, we do think there needs to be more information about how that reviewer's independence would be guaranteed. For example, it may be appropriate that the reviewer is accountable to a panel made up of representatives from justice, social services, the voluntary sector and the victims sector to ensure objectivity and accountability.*⁴⁷

⁴⁴ Committee for Justice, Official Report (Hansard) Justice Bill: Children's Law Centre, 12 November 2014

⁴⁵ ibid

⁴⁶ <http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2015/01/27&docID=220589> David Ford (Alliance)

⁴⁷ NIACRO statement on Minister Ford's comments on youth criminal records, available at <http://www.niacro.co.uk/news-and-events/101/statement-on-minister-fords-comments-on-youth-criminal-records/>, 29 January 2015.

Further changes to Criminal Records Checks

It was reported that from the 1st of April 2015, there will be further changes to the process of checking criminal records in Northern Ireland. AccessNI have stated that these changes will mean that they will no longer be checking criminal records and all checks will be carried out using the Police National Computer (PNC). It was suggested that this will make a significant difference to the number of offences disclosed.

Insofar as, the Northern Ireland Criminal Records hold all 'non recordable' offences and the PNC only holds 'recordable' offences:

Where this will make a difference, quite a number of other minor offences will no longer be disclosed. For example, we currently disclose where people are fined for not paying their TV license, come 1st April we won't do that because it is not recorded on PNC, a lot of motoring offences are not held on PNC...it will have a significant impact.

We are suggesting the impact could be as great as 30 to 40%. (Interview with AccessNI)

It has also been suggested that the current filtering scheme will undergo a review itself. This will encompass a review of the timescales, what is included, not included on the specified list (Interview with AccessNI).



RECOMMENDATIONS FOR CHANGE

Conclusion

This report has considered the impact of criminal records on young people and the current mechanisms in place regarding disclosure.

Overall we found that young people consider a criminal record to be a barrier to certain employment and education opportunities. However of concern is the fact that many young people have a limited level of awareness of the disclosure implications of certain disposals, particularly those which they understand to be 'diversionary'. Filtering arrangements have been in place for a year and there is a significant level of confusion regarding the operation of this system.

The introduction of the Filtering Arrangements is contrary to Recommendation 21 of the *Youth Justice Review (2011)* and we believe that it is a system that fails to adequately differentiate between adults and young people. Compounded by a low age of criminal responsibility, the current practice in Northern Ireland varies from practice in other European countries. In the following section drawing from the overview we set out options for redressing the current situation.

Automatic Expungement

The first option under consideration is the *automatic expungement* of the criminal record once the young person reaches a particular age or following a period of time. As discussed in the first section of this report, a number of European countries have implemented this approach, albeit in various guises. Research carried out by Larrauri (2014a) illustrates that in most European countries criminal records for juveniles expire after a certain period of time. The most obvious example of the automatic expungement model can be seen in the process implemented in Spain. The Spanish example illustrates a protectionist stance taken in regards to the disclosure of young people's criminal records.

This is evident through the separation of juvenile records and the restricted access to those records. It is interesting to note that although criminal records for juveniles are not erased until they reach 28 years old, it is almost impossible, even for the courts, to get access to juvenile criminal records once the individual reaches 18 years old.

This approach would certainly simplify the process and could lead to a more efficient, effective and transparent approach when considering the disclosure of young people's records. It would quite simply mean that once a young person reaches, say for example 18 years old, they would have their criminal record 'wiped' and it would become unnecessary for them to consider whether they need to disclose or not.

Incentivised Expungement

In some countries mechanisms exist allowing for the expungement of criminal records in processes of what can be characterised as *incentivised rehabilitation*. The existence of any such mechanisms are invariably influenced by wider social attitudes towards reintegration, and the principles and functions of the justice system. Under the French model referenced earlier in this report and described by Herzog-Evans (2011), a process exists allowing for expungement of a criminal record on application to a court.

There are variations of this approach, the most stringent of which is merit-based and involves proof of 'model citizenship' (Herzog-Evans, 2011). Such reintegration rituals as advocated by Maruna (2011a,b) provide a mechanism of active rather than passive rehabilitation.

However, as noted previously most of the literature in this area concerns adult adjudications. This is largely because in many countries criminal records acquired as a juvenile are treated differently from those acquired as an adult. What we have highlighted is that in Northern Ireland, apart from differential time-limits, insufficient distinction is made between *adult* and *juvenile* criminal records.

Existing practice, we argue therefore fails to address the special status of children and young people (particularly in line with the United Nations Convention on the Rights of the Child and the Beijing Rules). Given the fact that Northern Ireland's model of restorative justice is the subject of international note (Jacobson & Gibbs, 2009; Doak & O'Mahony,

2011), it seems a missed opportunity not to link the underpinning principles of restoration with a process of expungement. This would be in line with Recommendation 21 of the *Youth Justice Review* (2011).

Conditional Expungement

Throughout the consultation process of the review of the youth justice system in Northern Ireland, a key focus for those involved was 'striking a balance'. In particular, this included finding a balance between providing young people in conflict with the law the opportunity to 'rehabilitate' and 'reintegrate' with the need to 'protect the public'.

Recommendation 21 of the Youth Justice Review attempts to strike such a balance, incorporating both the rights of young people in conflict with the law and with the public more generally. Firstly, it is recommended that any diversionary disposals should not attract a criminal record or be subject to disclosure.

However, the Youth Justice Review also supports that notion that young people should be given the opportunity to have their criminal record 'wiped clean' by the age of 18 years. In the interests of ensuring that the correct balance is struck with the protection of the public, it recommends:

for those very few young people about whom there are real concerns and where information should be made available for pre-employment checks in the future, a transparent process for disclosure of information, based on a risk assessment and open to challenge, should be established.

As noted earlier in the report, a scheme has been introduced in the Republic of Ireland which considers a young person's conviction to be automatically spent, i.e. the person does not have to make an application to anybody to seek expungement of a record. There are however, a number of conditions which need to be met including; the offences were committed before the age of 18 years, the offences were not 'serious', the individual has

not been convicted of any further offences and three years have lapsed since the conviction. Unfortunately, there is no evidence of how this works in practice or whether it is considered 'successful' (i.e. are young people aware that it exists and has there been a reduction in the disclosure of young peoples 'qualifying' convictions?). However, we do think that as a potential model it is worth exploring, particularly in the fact that here an emphasis is placed on determining offence seriousness (based on the court level) rather than whether an offence is considered 'minor' or otherwise.

As our findings indicate, in Northern Ireland the question of what constitutes a minor offence has become a default category (i.e. an offence that is not included in the list of specified offences). Given the broad range of specified offences include many of the offences for which young people are most commonly arrested, it is our view that linking a system of disclosure to the type of disposal received would be more in line with a balanced approach. In other words, if a young person receives a 'diversionary' disposal this should also mean that they are 'diverted' from the consequences of acquiring a criminal record.

Concluding Comments

The Justice Bill (2014) is at a relatively advanced stage and we have considered the debates on this issue and some of the proposals regarding review mechanisms. It is evident that further clarity is required regarding what these may entail. Significant amount of research details the importance of providing young people with criminal records the opportunity to participate fully in society, particularly through accessing employment.

The various practices currently undertaken in neighbouring jurisdictions would certainly add to and generate local debates on this issue. As noted, the option of 'automatic expungement' would provide a transparent and clearly understandable process, in that any criminal offence recorded before the age of 18 will be automatically wiped from record on reaching the age of 18 years. There would be no need to

apply or ask for a review of the criminal record.

The 'conditional' approaches provide some level of overview before any expungement of a criminal record. Whether that is through a review of conditions set and whether they have been met, an assessment of risk (related to the seriousness of the offence) or evidence of rehabilitation.

Such approaches however would need to be clearly devised with a strategic procedure implemented. Evidence has demonstrated that the current system remains unclear, with many young people believing that records are 'automatically' expunged once they reach the age of 18. If a conditional approach was formalised it would need explicit guidelines, setting out the system clearly, particularly in regards to the operation of the application process for the 'review' and/or 'expungement' of a criminal record.

To avoid adding any further layers within the system and placing a potentially counterproductive burden on young people, it is our view that 'conditional' expungement should be linked to the disposal that a young person receives. In other words discretionary disposals should not be subject to disclosure. Further still any system adopted should have an in-built review and appeal mechanism whereby non-diversionary disposals can also be considered.

This approach would be broadly in line with Recommendation 21 of the Youth Justice Review. It would bring the disclosure process in Northern Ireland closer towards international children's rights standards, including but not limited to **Article 8** of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice and **Article 40** United Nations Convention on the Rights of the Child. It would also enable the re-integrative process for young people in conflict with the law to be guided more fully by the principles of 'proportionality, transparency and fairness.'

To examine the impact of policy changes and practice in this area further research needs to be conducted. In particular, there is a need

to examine further the long-term impact of holding/disclosure of a criminal record received under the age of 18. There is a need for a strategic approach for the collection of data and statistics on different aspects of this issue, including the numbers of those affected. There is also a clear need to carry out further more in-depth research with employers.

A final important consideration is the need for more informed advice to be made available to young people holding a criminal record.

Members of relevant criminal justice agencies require clearer guidance and training on this information so that they can adequately advise young people on the implications of future disclosure in relation to criminal records. This information will need to be made available to young people from their first contact with the criminal justice system.

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APPENDIX 1

List of Offences (10-17 Year Olds) recorded by PSNI between January 2010 and September 2014

Offence	Total
CRIMINAL DAMAGE	1412
ASSAULT ON POLICE	964
RESISTING POLICE	597
BURGLARY (DWELLING)	320
USING A MOTOR VEHICLE WITHOUT INSURANCE	263
ATTEMPTED CRIMINAL DAMAGE	241
THREATS TO KILL	238
POSSESSING OFFENSIVE WEAPON IN PUBLIC PLACE	236
ASSAULT OCCASIONING ACTUAL BODILY HARM	209
BURGLARY WITH INTENT TO STEAL	205
BURGLARY (NON-DWELLING)	204
POSSESSION OF A CLASS B CONTROLLED DRUG	199
AGGRAVATED ASSAULT ON FEMALE OR BOY UNDER 14 YEARS (REPEALED FOR OFFENCES AFTER 5 JULY 2011)	179
RIOTOUS BEHAVIOUR	170
OBSTRUCTING POLICE	141
THREATS TO DAMAGE PROPERTY	136
RIOT	135
ROBBERY	92

POSSESSION OF OFFENSIVE WEAPON WITH INTENT TO COMMIT AN INDICTABLE OFFENCE	85
HANDLING STOLEN GOODS	78
AGGRAVATED VEHICLE TAKING CAUSING DAMAGE TO THE VEHICLE	73
POSSESSION OF CLASS C CONTROLLED DRUG	69
BURGLARY WITH INTENT TO CAUSE UNLAWFUL DAMAGE	53
GRIEVOUS BODILY HARM WITH INTENT	53
BURGLARY WITH INTENT TO STEAL - DWELLING	51
ARSON	49
ARMED WITH OFFENSIVE WEAPON WITH INTENT TO COMMIT OFFENCE (REPEALED 4 MAY 2011)	39
POSSESSING ARTICLE WITH BLADE OR POINT IN PUBLIC PLACE	38
AFFRAY	35
GRIEVOUS BODILY HARM	34
ATTEMPTED BURGLARY WITH INTENT TO STEAL	32
ATTEMPTED ROBBERY	32
GOING EQUIPPED FOR BURGLARY	32

POSSESSING CLASS B CONTROLLED DRUG WITH INTENT TO SUPPLY	32
SEXUAL ASSAULT (OFFENCES AFTER 01/02/09)	29
RECEIVING STOLEN GOODS	28
FALSE IMPRISONMENT	26
HARASSMENT	26
THROWING PETROL BOMB	26
POSSESSING PETROL BOMB IN SUSPICIOUS CIRCUMSTANCES	23
AGGRAVATED VEHICLE TAKING CAUSING DAMAGE TO ANOTHER VEHICLE	22
ATTEMPTED BURGLARY WITH INTENT TO STEAL - DWELLING	22
RAPE (OFFENCES AFTER 01/02/09)	21
ATTEMPTED GRIEVOUS BODILY HARM WITH INTENT	18
BREACH OF NON-MOLESTATION ORDER	18
POSSESSING ARTICLE WITH INTENT TO COMMIT OFFENCE O.A.P. ACT 1861	18
ROBBERY (FIREARM ETC USED)	17
POSSESSION OF A CLASS A CONTROLLED DRUG	16
AGGRAVATED VEHICLE TAKING IN WHICH VEHICLE IS DRIVEN DANGEROUSLY	15
ARSON ENDANGERING LIFE WITH INTENT	15
POSSESSING ARTICLE WITH INTENT TO DAMAGE PROPERTY	15
ASSAULT ON A POLICE DESIGNATED PERSON	12
BEHAVIOUR LIKELY TO CAUSE A BREACH OF THE PEACE	12
HIJACKING	12
RAPE OF A CHILD UNDER 13 (OFFENCES AFTER 01/02/09)	12

SEXUAL ASSAULT OF CHILD UNDER 13 (OFFENCES AFTER 1.2.09)	12
AGGRAVATED BURGLARY AND STEALING	11
AGGRAVATED VEHICLE TAKING CAUSING DAMAGE TO PROPERTY	11
ARSON ENDANGERING LIFE	10
SEXUAL ASSAULT BY PENETRATION (OFFENCES AFTER 1.2.09)	10
CRIMINAL DAMAGE ENDANGERING LIFE WITH INTENT - Article 3(2) of the Criminal Damage (Northern Ireland) Order 1977.	9
INCITEMENT TO HATRED	9
THREATS TO DAMAGE PROPERTY AND SO ENDANGER LIFE	9
AGGRAVATED BURGLARY WITH INTENT TO STEAL	8
ATTEMPTED ASSAULT ON POLICE	8
BEING CONCERNED IN SUPPLY OF CLASS B CONTROLLED DRUG	8
BURGLARY AND ATTEMPTED THEFT	8
ATTEMPTED ARSON	7
ATTEMPTED BURGLARY (DWELLING)	7
ATTEMPTED HIJACKING	7
ATTEMPTED MURDER	7
BURGLARY AND ATTEMPTED THEFT - DWELLING	7
AGGRAVATED BURGLARY WITH INTENT TO COMMIT GRIEVOUS BODILY HARM	6
ATTEMPTED BURGLARY (NON-DWELLING)	6
BREACH OF INJUNCTION PROHIBITING HARASSMENT	6

CONVERTING CRIMINAL PROPERTY	6
HANDLING PROPERTY STOLEN IN THE REPUBLIC OF IRELAND	6
KIDNAPPING	6
SUPPLYING CLASS B CONTROLLED DRUG	6
WOUNDING WITH INTENT TO DO GRIEVOUS BODILY HARM	6
AGGRAVATED VEHICLE TAKING CAUSING INJURY	5
EXPOSURE (offences after 01/02/09)	5
INDECENT ASSAULT ON FEMALE	5
NON-ADULT CAUSING OR INCITING CHILD BETWEEN 13 AND 16 TO ENGAGE IN SEXUAL ACTIVITY (OFFENCES AFTER 1.2.09)	5
POSSESSING CLASS C CONTROLLED DRUG WITH INTENT TO SUPPLY	5
POSSESSING CRIMINAL PROPERTY	5
ATTEMPTED BURGLARY WITH INTENT TO CAUSE UNLAWFUL DAMAGE	4
ATTEMPTED RAPE (OFFENCES AFTER 01/02/09)	4
BREACH OF SEXUAL OFFENCES PREVENTION ORDER	4
BURGLARY WITH INTENT TO COMMIT GRIEVOUS BODILY HARM	4
INDECENT EXPOSURE	4
PLACING ARTICLE CAUSING BOMB HOAX	4
POSSESSING PETROL BOMBS IN SUSPICIOUS CIRCUMSTANCES	4
AGGRAVATED BURGLARY WITH INTENT TO DO UNLAWFUL DAMAGE	3

AIDING AND ABETTING POSSESSING PETROL BOMB IN SUSPICIOUS CIRCUMSTANCES	3
AIDING AND ABETTING THROWING PETROL BOMB	3
ASSAULT WITH INTENT TO RESIST ARREST	3
ATTEMPTED ARSON ENDANGERING LIFE	3
CAUSING A BREACH OF THE PEACE (COMMON LAW)	3
INTIMIDATION - CAUSING PERSON TO LEAVE RESIDENCE/ OCCUPATION	3
MAKING PETROL BOMB	3
NON-ADULT CAUSING OR INCITING CHILD UNDER 13 TO ENGAGE IN SEXUAL ACTIVITY (OFFENCES AFTER 1.2.09)	3
POSSESSING A FIREARM IN SUSPICIOUS CIRCUMSTANCES	3
POSSESSING OFFENSIVE WEAPON ON SCHOOL PREMISES	3
POSSESSION ETC OF A PROHIBITED WEAPON (DISCHARGE OF ELECTRICITY OR NOXIOUS GAS/LIQUID)	3
SEXUAL ACTIVITY BY NON-ADULT WITH A CHILD UNDER 13 (OFFENCES AFTER 1.2.09)	3
AGGRAVATED BURGLARY AND ATTEMPTING TO STEAL	2
AGGRAVATED BURGLARY WITH INTENT TO COMMIT UNLAWFUL DAMAGE	2
AGGRAVATED VEHICLE TAKING CAUSING GRIEVOUS BODILY INJURY OR DEATH	2
AIDING AND ABETTING RAPE (OFFENCES AFTER 1.2.2009)	2
ATTEMPTED SEXUAL ASSAULT (OFFENCES AFTER 01/02/09)	2
BEHAVIOUR INTENDING OR LIKELY TO STIR UP HATRED	2

BREACH OF RESTRAINING ORDER	2
BURGLARY - ATTEMPTING TO INFLICT GRIEVOUS BODILY HARM	2
DISTRIBUTING INDECENT PHOTOGRAPHS OR PSEUDO PHOTOGRAPHS OF CHILDREN (FROM 1.2.09 CHILD IS <18 YRS)	2
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PAPER 2



Developing good practice and innovative employment models with an ICT focus for young people who are involved with the Youth Justice System in any way

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NIACRO & The Bytes Project Research:

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Walker & Fitzpatrick in Partnership with Springvale Learning

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Executive Summary

Walker & Fitzpatrick, in partnership with Springvale Learning, were commissioned by the New Directions programme⁴⁸ in August 2014 to carry out two research projects⁴⁹ to complement the work of New Directions and to improve overall understanding of the issues affecting young people in contact with the youth justice system or at risk of offending. This report sets out the findings from Paper 2: Developing good practice and innovative employment models with an ICT focus for young people who are involved in the youth justice system (YPIYJS) in any way.

Section 2: Literature, Legislative & Policy Review

Explores relevant literature on the subject and policy context across the UK, Republic of Ireland and Europe beginning with an analysis of young people not in education; employment or training (NEETS) of which young people involved in the Youth Justice (YPIYJS) are a constituent part.

Explores the Northern Ireland policy context across the Department for Employment and Learning, (DEL) the Department of Justice (DOJ), Department of Health, Social Services & Public Safety (DHSSPS) and the Department of Enterprise, Trade and Investment (DETI) shaping the design and delivery of employment programmes for young people and examines a cross section of programmes across the UK and Europe.

Section 3: The ICT Phenomenon

The global ICT phenomenon has and will continue to revolutionise the global economy. There is a significant shortage of ICT professionals yet chronic levels of unemployment persist across Europe,

prompting the European Commission to launch two multi-stakeholder partnerships: Digital Agenda for Europe 2020 Initiative and Grand Coalition for Digital Jobs.

The section studies ICT trends in Northern Ireland, encompassing recent and current recruitment trends and skills requirements, the wider ICT industry business outlook and the challenges associated with filling the level of ICT vacancies projected within the industry growth forecast of 1.8% per annum⁵⁰ (almost double that of average NI employment) to 2022.

Section 4: The needs of YPIYJS

Builds an understanding of the profile of young people entering the youth justice system, their particular needs and supports and the barriers they face to progressing in training and employment.

Section 5: The Employment Model with an ICT Focus

Sets out the key components of an innovative employment model with an ICT focus for young people who are involved with the youth justice system in any way. The model is designed using a pathway approach based on the community diversionary approach to sentencing young people within the Northern Ireland youth justice system. The model includes a number of entry and exit points based on ICT specialisms, progression, work placement, and level of qualification and highlights the critical points along the pathway where additional supports may be required to sustain participation.

⁴⁸ Partnership between NIACRO & The Bytes Project

⁴⁹ Five research papers were commissioned in total

⁵⁰ Northern Ireland ICT Snapshot May 2014: eskills UK The sector Skills Council for Business and Information Technology

Section 6: Post Qualification Progression

Investigates the options available to a YPIYJS hoping to achieve an ICT qualification. It addresses how the increased confidence and self-belief derived from achieving an accredited qualification can quickly become tempered when confronted with the reality of securing employment or moving onto more challenging additional training to increase employability. It assesses and defines employability in the context of the young person and how personal and social development elements can build resilience and capacity to successfully negotiate a post qualification pathway to employment. Options for young people include:

- moving directly into low level ICT employment;
- pursuing opportunities within social enterprise;
- becoming a social entrepreneur;
- moving into an Apprenticeship; and
- self-employment routes within the creative media industry.

Section 7: Key Findings

1. Basic ICT required within all Employment Models.

All vocational areas require, at a minimum, a Level 1 ICT qualification and some non-ICT specific areas such as electrical engineering, construction and joinery require ICT at Level 2. This means that all employability models need to incorporate an element of ICT. Whilst not essential for every vocational area, acquiring a Level 2 qualification in ICT should be considered by individuals as a useful means of improving employment prospects.

2. Technology in the classroom

The use of technologies in the classroom can help young people who have been involved with the youth justice system to re-engage with education, using tools that they are comfortable and familiar with. This can help to transform their learning and progression outcomes. Focus Group outcomes with Springvale students (see Appendices 1 & 2) support this finding.

3. Baseline Assessment & Personal Action Planning

As the young people concerned are not one homogeneous group, any employment models with an ICT focus must include rigorous initial assessment incorporating numeracy and literacy, work readiness and a range of personal, social and development needs including stability of accommodation, alcohol and/or drugs issues, family relationships and access to benefits. A personal action plan incorporating development needs and supports should be drawn up based on the assessment. Should additional support be required it must be easily accessed and tailored to the individual's needs. Additional support for numeracy and literacy should ideally be offered one to one and the assessment process should address offending history sensitively with appropriate questioning, providing a sound platform from which to plan training and employment interventions.

4. Resilient to the needs of Young People in the Youth Justice System (YPIYJS)

Employment models with an ICT focus must be underpinned by good practice to ensure they are equipped to meet the needs of the young people. They must include incremental milestone outcomes and critical success factors, enabling stage by stage progression. Interviews with young people⁵¹ identified the following key employment outcomes which must be achieved within the model:

⁵¹ Appendix 1

- Opportunities for participants to pursue roles that make best use of their skills and competencies and meet their aspirations.
- Indicators of personal capacity to progress from qualification to employment
- The realistic potential for long-term stable employment

5. Generic Barriers

Whilst recognising the barriers that young people must overcome to acquire ICT skills or to benefit from ICT employment opportunities, the literature reviewed does not tend to differentiate the barriers faced by young people who are involved in the youth justice system with those faced generally by young people who are NEET. Appendix 3 describes a range of projects with an ICT focus aimed at vulnerable young people experiencing barriers accessing training and employment.

6. NEETS

The research has identified a number of factors that compound the NEET problem. These include:

- a lack of signposting for students who leave school early and do not wish to pursue further or higher education; and
- A poor understanding of jobs available with a lack of emphasis on the importance of 'soft' skills like communications, team working and customer care.

Some of the interventions required for YPIYJS to progress within an ICT employment model are also relevant to young people not in education, employment or training (NEETS). However, what makes this Paper's model unique to YPIYJS is the assessments relating to contact with the Youth Justice System and the resultant supports that can be accessed throughout.

7. Realistic Timelines

Demand for entrants into the ICT labour market and the specialist nature of ICT labour opportunities presents significant challenges for ICT employment models which must include realistic timeframes to reflect the length of time it is likely to take many participants to achieve stable, sustainable employment in the industry. (Proposal 21 in the DEL's Review of Youth Training provides for additional support and flexibility for those young people with additional requirements)

8. Strategic Relevance

Employment Models with an ICT focus for YPIYJS are strategically relevant to the policy areas of:

- NEETS, Collaboration & Innovation (DEL)
- Reducing Offending (DOJ)
- Transition from Custody to the Community (DOJ)
- Multi-Agency Partnership Working
- Delivering Social Change (OFMDFM)
- Children & Young Person's Strategic Partnership

9. Training for Success

Many YPIYJS aged 16-18 sign up for Training for Success, training providers often place entrants on Skills for Your Life⁵² which offers a range of supports including numeracy and literacy to facilitate trainees to achieve a minimum of a Level 1 qualification within the allotted 156 weeks.

⁵² This is the experience of Springvale Training whose annual intake for 2014 included 29% of young people aged 16-18 who are in or have had contact with the Youth Justice System

10. Work Placement

Quality work placements represent valuable opportunities for young people. Training agencies organising placements must therefore have robust employer engagement strategies with key account management in the priority skills area of ICT. Progress towards qualification and work placement goals should be reviewed every six weeks with relevant personnel. Young people interviewed for this research engaged in work placements are confident that they can achieve employment from these placements.

11. Disclosure of Convictions

For those who have offended, the model's employability units should include a unit on disclosure of criminal convictions alongside researching employment opportunities and applying for work and interview skills. NIACRO, as a specialist in the care and rehabilitation of offenders have the experience and expertise to deliver these units.

12. Apprenticeships

The expansion of apprenticeships that reflect the needs of Northern Ireland's economy present real opportunities for ICT Apprenticeships. These have the potential to provide training providers with vehicles for learners who are participating in vocational skills and training programmes. They also represent a potential pathway from Level 2 to Level 3 qualifications, helping trainees to become more competitive in the ICT labour market.

13. Ancillary Supports and Pastoral Care

ICT Employment Programmes should include high levels of pastoral care, support, encouragement and concern for the holistic welfare and development of the learner. It is

important that training is carried out in the context of careers advice and guidance and personal and social development supports. Learners must be encouraged to develop and take ownership of a progression pathway designed to suit their individual motivations and to address their needs.

14. Employment Opportunities

YPIYJS may not have the capacity to compete for specialist ICT jobs upon achieving Level 2 qualifications. They can, however, compete for jobs which would enable them to move into apprenticeships at Level 3 from where they can access further training and education to enhance their capacity to apply for some ICT specialist roles. Typical entry jobs would be in the computer repair industry, IT office environments, call centres, digital media companies, social enterprises and creative industries.

15. Demand versus Skills Shortages

The ICT workforce is expected to grow three times faster than the average workforce over the next 10 years. 26% of ICT employers report skills shortages yet 70% expect sales to increase. There is a requirement for an average of 2,300⁵³ additional entrants per year into Northern Ireland's ICT sector. Based on analysis from e-skills UK, the breakdown of this annual intake is anticipated to be as follows

- 900 (39%) from occupations other than ICT or Telecoms; experienced workers who re-train as ICT specialists.
- 400 (17%) from education, predominantly graduate level and higher
- 1,000 (44%) from other sources e.g. re-entering the work force after a career break, early retirement or unemployment.

⁵³ E-Skills UK Northern Ireland ICT Snapshot 2014

Section 8:

Recommendations

The Review of Youth Training Interim Report & Consultation, with its twenty six proposals, is the blueprint for the future of Northern Ireland's youth training provision . Many of this Paper's recommendations are reflected within its proposals.⁵⁴ A number have been highlighted for their particular potential to contribute towards an environment in which the ICT model could flourish.

Section 1:

Introduction and Methodology

"ICT can be broadly defined as a set of activities that facilitate, by electronic means, the capturing, storage, processing, transmission, and display of information.... information and communication technologies (ICT) encompasses the production of computer hardware and software and as the means of transferring information in digital form.... Another term commonly used to describe the changes produced by information technology is the digital economy. This expression emphasises the new opportunities created by transforming information into a binary digital code. The digital economy refers to more than the boom and bust cycle of many new ventures aiming to tap the potential of the Internet for commercial purposes. The more profound effect of ICT is likely to be in improving the efficiency and reach of the mainstream production of goods and services, in both the public and private sectors of the economy."

(Curtain, 2002)

NIACRO is a voluntary organisation working for more than 40 years across Northern Ireland to reduce crime and its impact on people and communities. NIACRO works with children and young people, adults in the community and in prison, and people and their families affected by imprisonment, as well as those who may be at risk of becoming involved in offending or anti-social behaviour. The Bytes Project aims to remove individual barriers to training and employment by assisting young people to overcome extreme, social and educational disadvantage so they can make a difference to their lives, enabling them to become economically active and make a positive contribution to their communities.

New Directions is a partnership between NIACRO and the Bytes Project funded by the Department for Employment & Learning (DEL) through its Collaboration & Innovation Fund designed to support the implementation of the Pathways to Success Strategy for Young People not in Education, Employment or Training. New Directions works to enhance the education, training and employment opportunities of young people not in education, employment or training (NEET) aged 16-18 who are in contact with the youth justice system or who are at risk of offending. This group is amongst the most disadvantaged in our society, facing multiple barriers to participation. The project works with young people in the community and in Woodlands Juvenile Justice Centre, providing tailored programmes of support including individual advocacy: accredited qualifications including OCN Employment Readiness: personal and social development: work placement opportunities: mentoring and support for the transition from custody to the community.

To complement the work of New Directions and to improve the overall understanding of the issues affecting young people in contact with the youth justice system or at risk of offending, this Paper has been commissioned to explore Developing Good Practice and

⁵⁴ Consultation ended on 28th February 2015

Innovative Employment Models with an ICT focus for Young People who are involved with the Youth Justice System (YPIYJS) in any way.

The research has been informed by the practical experience in this sector of Springvale Employment & Learning Solutions (Springvale) which was established in 1992 as a not for profit company limited by guarantee. Springvale has, until recently operated exclusively from its centre on the Springfield Road in West Belfast. However, this has been supplemented recently by new premises in Lisburn and East Belfast. The company has a gross turnover in the region of £7 million per annum, employs 100 full time employees and delivers programmes to 2,500 learners, achieving 1,700 qualifications and helping students to secure over 500 sustainable jobs annually. It also provides innovative workforce development solutions to 1,500 employers per annum resulting in close working relationships with employers from a range of key sectors. Springvale's core services include:

- Employment and back to work programmes;
- Skills and vocational training;
- Social enterprise initiatives;
- Corporate workforce development solutions;
- Schools link programme; and
- Delivery of Steps to Work, Apprenticeship NI and Training for Success (under contract for DEL).

Methodology

The methodology adopted for this research into developing good practice and innovative employment models with an ICT focus for young people who are involved with the youth justice system draws upon a number of approaches:

- Literature, legislative and policy review relating to ICT employment models for relevant young people including European best practice;

- Mapping of outcomes within the ICT employment model against key strategic priorities of DEL and DETI; and
- Five focus groups with 55 young people who were engaged with programmes at Springvale and New Directions. Themes and exerts from the focus groups are included in Appendix 1. The focus groups helped to identify the ways in which young people can most effectively engage with employment programmes, their motivations for pursuing ICT as a vocational area, employment aspirations and the personal challenges with which they are confronted. Two questionnaires were used in the focus group discussions. (Appendix 2).

An all-encompassing approach to the design of the ICT employment model has been adopted (Figure 3) taking the view that post qualification Level 2 pathways such as apprenticeships, entry level employment in call centres, creative media or administration, social enterprise and social entrepreneurship and sole trading are elements of the overall model rather than employment models in their own right.

Section 3: Literature, Legislative and Policy Review

2.1 Literature Review

The link between NEETS and offending has long been recognised by practitioners and academics.

Local authorities have a statutory responsibility to secure suitable education and training to meet the needs of all young people in their area, including more tailored provision for those who are not in education, employment or training (NEET). Many of these young people fall in to recognisable groups: they may be young parents, have learning difficulties or disabilities, or a history of offending”.

What Works Re-Engaging Young People Who Are Not In Education, Employment or Training (NEET)? Young People Analysis Division, Department of Education 2010

The following insights from several local and national publications help to build a picture of the context in which an employment model with an ICT focus would be placed, and the issues which the young people to whom the model will be relevant face and must overcome.

1. The Audit Commission, Against the Odds, 2010

This report examined NEET characteristics, the geographic distribution of NEETs and how Government can work effectively to help. It identified certain risk factors that increased the likelihood of young people becoming NEET, finding that being under the supervision of a

youth offending team made a young person 2.6 times more likely to be NEET for six months or more.

2. Helping a Lost and Forgotten Generation: Creating A Better Future For Young People Not In Education, Employment Or Training (NEET) PWC NI 2012

At the time of writing (2012), 48,000 young people (16 to 24) in Northern Ireland were NEET. Making up 21% of Northern Ireland's working age population; they cost the economy “close to £5m a week”. Alarmingly, the report observed that the number of NEETs was increasing and that Northern Ireland's NEET population was growing proportionally faster than the rest of the UK's.

The recognised definition of ‘core’ NEETs is those who have been NEET for more than 12 months. PWC identifies that this group generally possess all four traits prevalent amongst NEETs which are: lack of education; health and wellbeing factors; social deprivation; and domestic circumstances, with ‘*having committed a crime*’ being one of a number of identifiers of a ‘core’ NEET.

40% of all NEETs are disadvantaged by literacy, numeracy and lifestyle issues including alcohol and drug use and encounters with the law, and children whose parents are not in employment are more likely to become NEET. This ‘*intergenerational effect*’ means “*negative conditioning from a young age could occur*” and “*opens the potential for the formation of areas with high NEET populations.*”

The report offers the following in response to these concerning trends:

- **The importance of the ‘right skills’**, recognising the shortfall of workers skilled in science, technology, engineering and maths (STEM), “*thought to be vital for Northern Ireland's future prosperity*”⁵⁶ and the disappearance of many unskilled jobs.

⁵⁵ A Department for Education study in England found that only 3% of young people whose parents were in professional occupations were categorised as NEET

⁵⁶ This theme is expanded in Section 3

- The need to address the **disparity between the grammar and non-grammar schools** with 94% of grammar school students securing at least 5 GCSEs A*-C including English and Maths compared with 35% of non-grammar.
- **A lack of signposting** for those who do not pursue higher education. The lack of information and advice given to young people at critical transitional phases is a concerning issue which needs to be addressed and is incorporated into this Paper's employment model.

"It seems that too few [NEETs] have access to high quality advice and information, potentially impacting upon work experience and training opportunities."

"NEETs are competing with qualified school-leavers and graduates for many of the jobs that remain and NEETs are the losers. Addressing this means changing the structure and shape of the economy, as well as how we educate, train and reward young people entering the workplace. It may also mean managing and changing the expectations of educationalists, employers and a new generation of workers."

3. The Prince's Trust Youth Index (January 2013)

"One in ten young people feel unable to cope with day-to-day life", with young people who are NEET being "more than twice as likely" to be unable to cope, according to this youth index, based on interviews with 2,136 16-to-25 year olds across the UK. In addition, more than one in six young people (16%) living in Northern Ireland did not have someone to talk to about their problems whilst growing up.

And according to the Prince's Trust research, NEETs are significantly less happy across all areas of life. Whilst 21% of young people in Northern Ireland feel down or depressed 'always' or 'often', this is much higher among NEETs.

Ian Jeffers, regional director of the Prince's Trust in Northern Ireland⁵⁷, comments,

"A frightening number of unemployed young people in Northern Ireland feel unable to cope – and it is particularly tough for those who don't have a support network in place. We know at the Prince's Trust that it is often those from the most vulnerable backgrounds who end up furthest from the job market. Life can become a demoralising downward spiral from a challenging childhood into life as a jobless adult. But, with the right support, we can help get these lives on track across the region."

At the time of writing, youth unemployment in Northern Ireland stood at over 20%, with long term unemployment on the rise (189% increase since the beginning of the recession).

The report reveals how 13% of young people in Northern Ireland believe their prospects have been "permanently damaged" by the recession, feeling that they have no future due to the economic crisis; and this is significantly more likely amongst NEETs.

⁵⁷ In 2013, the Prince's Trust worked with more than 3,000 disadvantaged young people across Northern Ireland giving them the skills, confidence and motivation to move into the workplace. More than three in four young people supported by the youth charity move into work, education or training

4. The Prince's Trust Digital Literacy Survey, February 2013⁵⁸

Many NEET young people feel that a lack of IT skills is restricting them from securing employment. The survey emphasises the need to provide those who feel furthest from the labour market with a model that offers opportunities to build the skills and experience necessary to obtain employment and found that:

- Young people who are NEET are significantly less likely to carry out a large range of tasks on the computer. 30% of NEETS created a Word Document in the previous year compared to 55% of all young people;
- 10% of NEETS cannot send a CV on-line;
- 35% of NEETS rarely or ever look for jobs on-line;
- 25% dread completing a job application on-line;
- 17% believe they would be in work if they had better computer skills;
- 17% would not apply for jobs that require basic skills; and
- 18% feel that their computer skills are not good enough for the job that they want.

5. A pathway to Careers in the Digital World

(<http://www.scotsman.com/news/a-pathway-to-careers-in-the-digital-world-1-3666335>)

ICT and digital technologies employers are facing problems recruiting skilled employees. *"This is a global issue, with firms everywhere reporting difficulties in recruitment. The EU estimates there will be more than 100,000 job openings every year for those with the right ICT and digital skills."*

In 2014, Skills Development Scotland launched (with Scottish Government funding) a Skills Investment Plan for the ICT sector through the Digital Scotland Business Excellence Partnership. Concerned about lack of knowledge of the 11,000 ICT job opportunities likely to be available each year until 2020, the Plan includes:

- a marketing campaign aimed at improving awareness of existing ICT job opportunities
- encouragements for Scotland's education system to become more responsive to ICT employers' needs
- plans for a digital skills academy for Scotland to offer an industry-led response to skills shortages in ICT; a flexible source of training for individuals and employers complementary to existing provision which brings academic and vocational training closer to the needs of industry
- enhanced careers information, advice and guidance in every Scottish secondary school, along with the web service, My World of Work (and including advice and guidance to younger pupils)
- encouragements for employers to form partnerships with schools
- The plan is keen to emphasise that ICT industry jobs are not just for university graduates, by encouraging young people and employers to consider ICT Modern Apprenticeships as a valid route into an ICT career. In addition, a Modern Apprenticeship in Information Security has been recently launched in partnership with e-Skills Scotland to prepare young people for the growth in opportunities in information and cyber security.

⁵⁸ Fieldwork conducted with 15-25 year olds across England, Scotland & Wales

2.2. Legislation

The statutory aim of Northern Ireland's youth justice system is to protect the public by preventing offending and re-offending by children. A child is defined as anyone under the age of 18, although unless they are over 10 years of age⁵⁹ they cannot be charged with an offence. If found guilty by a youth court (or for very serious offences, by the crown court), a child can be sentenced to any one of a range of options from conditional discharge or fines, through to community sentences and custody. The Youth Justice Agency is the lead agency in these matters in Northern Ireland. The Justice (NI) Act 2002 introduced a range of innovative new measures for dealing with children who offend. This paper will focus on the Non-Custodial Disposals supervised by Youth Justice Services, with Paper 3 concentrating on the Custodial Disposals.

2.2.1 Youth Conference Order (YCO)

Based upon inclusive restorative justice principles, Youth Conferencing "aims to balance the needs of the victim and the young offender by agreeing plans of action which satisfy the victim and create opportunities for the young person to make amends and stop committing crime."⁶⁰ It can be an alternative to prosecution or a court-ordered process and gives the child concerned the opportunity to take responsibility for his or her actions. Additionally, it gives victims the chance to express how they have been affected by the crime in question. A referral to a Youth Conference can be made either by diversion via the Public Prosecution Service, or at court at the point of sentencing. In either case the child must admit the offence and be willing to take part in the conference. The output of a conference is a conference plan, details of which have been agreed by all of the parties involved. The conference agrees a plan for the child to complete comprising of various elements relevant to the child, the impact of

the offence and their offending behaviour. The period of the plan must not be more than one year. A plan resulting from a court-ordered conference, subsequently agreed by the court, will form the basis of a Youth Conference Order. Both pre-court diversionary youth conferencing (operated by the Public Prosecution Service) and the youth diversion scheme (operated by the PSNI) are aimed at preventing children from re-offending and moving further into the justice system. (Youth Justice Agency Annual Workload Statistics 2013/14).

2.2.2 Attendance Centre Order (ACO)

An attendance centre order requires an offender, aged under 18, to attend a designated attendance centre and undertake a structured programme of activities. The order should be not less than 12 hours and not more than 24 hours. The times at which the offender attends the centre should avoid interference, so far as practicable, with school or working hours.

2.2.3 Community Responsibility Order (CRO)

The order is a form of community service which may be imposed on a child, currently under the age of 18, and combines a specified number of hours to be spent on practical activities and instruction on citizenship. The aggregate number of hours specified in the order must not be less than 20 and not more than 40. In addition, the number of hours spent on instruction in citizenship must not be less than one half of the aggregate number of hours in the order.

2.2.4 Reparation Order (RO)

The order requires the offender to make reparation either to the victim of the offence or someone else affected by it, or to the community at large. The order may currently

⁵⁹ the age of criminal responsibility

⁶⁰ <http://www.youthjusticeagency.ni.gov.uk/victims/>

be made only where the offender is under the age of 18 years. An order must not require the offender to make reparation for more than 24 hours or to make reparation to any

person without their consent. Forms which reparation might take could be, for example, repairing property which has been damaged or removing graffiti.

2.3 Policy

Figure 1 is a Matrix illustrating where Employment Models for youth at risk sit within the strategic and policy context of Northern Ireland Government Departments.

DEPARTMENTAL STRATEGY INCLUSION	IMPLICATIONS FOR ICT EMPLOYMENT MODELS
DEL's Pathways to Success: Preventing Exclusion and Promoting Participation of Young People, 2012	
<p>Whilst addressing problems associated with young people who are NEET, the Strategy does not make any reference to the specific needs and additional requirements of 16-18 year olds involved in the youth justice system, focusing instead on the generic theme of re-engaging 16-18 year olds furthest from the labour market.</p> <p>The document's actions have a particular focus on helping young people who face barriers to participation. Young people who are NEET are a diverse group with a variety of different needs. DEL's Collaboration and Innovation Fund (CIF) focuses on the most disadvantaged young people rather than for example those who spend a short time in the NEET category whilst in transition between other activities. CIF has five key priorities:</p> <ul style="list-style-type: none"> • Enhanced Collaboration and sharing of good practice; • Improved Signposting; • Better Engagement and Involvement of young people in developments and initiatives; • More widespread use of; Mentoring; and • Support for Innovation where there is a demonstrated need. 	<p>Training for Success offers a guaranteed training place to every NEET 16-17 year old. Essential skills which include ICT and Skills for your Life are embedded within Training for Success.</p> <p>Apprenticeship programmes, where apprentices receive structured training while being employed and paid by employers.</p> <p>The innovations within the Strategy that are relevant to this research include:</p> <ul style="list-style-type: none"> • Better co-operation and integration between statutory with community and voluntary provision to assist with overcoming the barriers faced by young people who are NEET. A range of community and voluntary sector programmes are financed by European Social Fund with statutory sector matching funds; • Signposting to ensure clear progression routes (Section 5.3); and • A mentor approach has emerged as one of the most effective tools for support and is where the voluntary and community sector can make substantial contributions. (Section 5.5). <p>Section 5.8 outlines measures to assist 16-18 year olds furthest from the labour market including:</p> <ul style="list-style-type: none"> • Community based access programme; • Further promoting individual action plans; • Introducing a training allowance for those on existing ESF Programmes targeted at NEET's; and • Innovation fund to test new approaches based on sound evidence.

Securing our Success, The Northern Ireland Strategy on Apprenticeships 2014

Policy Commitment 7 outlines that apprenticeships will be facilitated in a wide range of professional and technical operations reflecting the needs of the Northern Ireland economy.

DEL are seeking to commence apprenticeships from Level 3 upwards, with the Strategy outlining plans for apprenticeships to be facilitated in a wide range of professional and technical operations reflecting the needs of Northern Ireland's economy. This can be factored into the ICT Employment Models for youth at risk as a progression pathway for those who complete Level 2 through Training for Success.

DOJ: Youth Justice Agency Corporate Plan 2013-16

The three key outputs of the Corporate Plan are:

- Reduce Offending
- Reduce the number of first time entrants into the Youth Justice System by further developing diversionary services in the community
- Reduce the number of young people in custody by further developing specialist services for prolific young offenders.

The Plan recognises the importance of diversionary services in the community to reduce first time offending and re-offending. Employment models with an ICT focus provide a key diversionary pathway in the community, offering real possibilities of sustainable employment and a corresponding reduction in first time offending and reoffending.

Youth Justice Agency Business Plan 2014-15

Development Objective 3 is to Monitor & Evaluate the Education, Training & Employment (ETE) achievement of young people in the community and establish a process to ensure that all young children leaving custody are linked to ETE within 4 weeks of discharge.

Section 4 recognises the importance of working with other agencies to support young people by:

- Identifying their specific needs within the Youth Justice System and signposting them to appropriate services
- Encouraging multi-agency/ partnership working to address their needs
- Seeking to influence others to deliver appropriate services

This is a progressive initiative which will test the permeability model of equal access to education and skills training in custody and in the community.

ICT employment models must include appropriate signposting and multi- agency partnership to meet all support needs thus enabling youth at risk to progress within an employment pathway. They must also offer marginalised young people excluded from fulfilling their employment potential as a consequence of their criminal records sustainable employment to help break the cycle of offending behaviour.

Northern Ireland Children and Young People's Offending Action Plan 2011-2014	
Regional Sub Group on Children, Young People and Offending of the Children and Young People's Strategic Partnership. The sub group mapped the journey young people take through the youth justice system once they have come to the attention of the police, exploring each possible scenario and routes out of the youth justice system. The map also identifies gaps in service provision that may be addressed by their Action Plan to help prevent (re)offending and offer support.	ICT based Employment Models can deliver improved access to training and employment opportunities for young people immediately upon coming to the attention of the police and for those who have been in care.
Delivering Social Change, OFMDFM	
An OFMDFM-led framework co-ordinating actions across the Executive on priority social policy areas, it works towards a reduction in poverty and associated issues across all ages and to secure improvements in children and young people's health, wellbeing and life opportunities - thereby breaking the long term cycle of multi-generational problems.	ICT Employment Models will offer marginalised young people excluded from fulfilling their employment potential as a consequence of their criminal records sustainable employment which will help break the inter-generational cycle of offending behaviour.

Figure 1

Section 3:

The ICT Phenomenon

Technological advances in labour markets, the knowledge economy, the digital revolution and the on-going decline in manufacturing have all combined to create significant opportunities for young people to access sustainable employment in ICT in Northern Ireland.

However, do or can those opportunities extend to YPIYJS? Out of the 447 ICT posts filled between May and November 2013 in Northern Ireland, employers indicated that less than 3% were non – graduates⁶².

This creates significant challenges for developing models for YPIYJS. This section addresses these challenges through mapping the key components of an employment model with an ICT focus which has the potential to deliver real outcomes for YPIYJS.

⁶² Northern Ireland ICT Snapshot May 2014: eskills UK The sector Skills Council for Business and Information Technology

3.1 ICT Globalisation

The world's young population is growing dramatically. In 2010 there were over a billion young people aged between 15 and 24, 85% of whom were living in developing countries, mainly in cities. Many of these young people are transitioning from education to work and, during "the last two decades all around the world, these young new workers have faced considerable challenges associated with globalization and technological advances within labour markets." (United Nations 2004). Ongoing decline in manufacturing employment has left young people facing three options: getting jobs in the informal economy with insecurity and poor wages and working conditions, getting jobs in the low-tier service industries, or developing their vocational skills to benefit from new opportunities in the professional and advanced technical/ knowledge sectors. (Yigitcanlar, Tan & Baum, Scott 2009). The European Commission is leading a multi-stakeholder partnership: Digital Agenda for Europe A Europe 2020 Initiative to tackle the lack of digital skills in Europe and the thousands of unfilled ICT-related vacancies across all industry sectors. Even during a time of high and sustained unemployment across Europe, many European companies (across many industries) continue to experience ICT specialist labour shortfalls, indicating that there is a serious "mismatch between the skills on offer and those in demand in today's fast developing technology market.

As a result Europe might face a shortage of up to 900,000 ICT professionals by 2020, risking its potential for growth and digital competitiveness.⁶³

This potentially serious situation was the impetuous for the European Commission to launch the Grand Coalition for Digital Jobs: "a multi-stakeholder partnership that endeavours to facilitate collaboration among business and education providers, public and private actors

to take action attracting young people into ICT education, and to retrain unemployed people."

⁶⁴ Its goal is to start to increase the supply of skilled ICT practitioners by 2015.

3.2 ICT Employment Opportunities in Northern Ireland

The trends highlighted in E-skills UK – Northern Ireland Snapshot, May 2014 are summarised below.

3.2.1 Recent recruitment

Though a similar proportion of companies recruited an ICT professional over the last six months⁶⁵; those recruiting are doing so in greater volumes.

- 27% of ICT companies recruited ICT specialists between the period May to November 2013;
- New recruits numbered 447 in the same six month period, a 37% increase on the previous survey; and
- Advertised demand for ICT specialists averaged 360 vacancies each quarter in NI in 2013, with permanent (-26%) and contractor (-9%) adverts both down on 2012 levels.

3.2.2 Current recruitment and skills requirements

Fewer companies have current vacancies; but those that do, have more vacancies.

- Though just 13% (compared with 16% in 2013) of companies had vacancies for ICT specialists, the number of vacancies being recruited for by firms had increased by 11%;
- Developer roles comprised more than one third (36%) of advertised vacancies; and
- SQL, Microsoft, SQL Server, .NET, Java and C# are the most sought after technical skills.

⁶³ <http://ec.europa.eu/digital-agenda/en/grand-coalition-digital-jobs>

⁶⁴ <http://ec.europa.eu/digital-agenda/en/grand-coalition-digital-jobs>

⁶⁵ At the time of writing, May 2014

3.2.3 Recruitment outlook

- 48% of all businesses were planning to recruit an ICT professional over a six month period from May 2014. Roles include Software development roles (48%), Technical and PC support and Systems Design and Development (42%) and Systems Design & Development (37%);
- 58% of ICT firms were planning to recruit an ICT professional over a six month period from May 2014. Planned recruitment equates to approximately 496 ICT specialists being taken on in that period, with ICT and large companies recruiting the majority; and
- 26% of companies predict recruitment problems in the near future. ICT companies (34%) are most likely to be affected. A lack of skills, qualifications and experience in applicants were cited as the main reasons for anticipated recruitment difficulties.

3.2.4 Business outlook

Business optimism within the ICT sector is high, although the concerns that remain include:

- The state of the global economy;
- Change in corporation tax; and
- National/Government debt.

Despite this, an increasing proportion of all companies expected sales (70%) and turnover (72%) to increase over the course of 2014.

Section 4.

The Needs of the YPIYJS

In designing a resilient and innovative ICT employment model for young people involved in the youth justice system, we must first understand the profile of the typical young person entering the system, their particular needs and support requirements and the barriers to progression in training and employment with which they will be confronted.

During the eighteen month period from the beginning of January 2013 to the end of June 2014 7,445⁶⁶ young people were charged/ reported to the Public Prosecution Service (PPS). Woodlands Juvenile Justice Centre (JJC) in Bangor provides custodial facilities for a maximum of 48 young male or female offenders at any one time so the vast majority of young people entering the youth justice system at any time will be exposed to a sentence which will divert them back into the community.⁶⁷

This section draws on the experiences of Springvale Learning, a training provider whose annual intake of trainees frequently includes young people who have been in the youth justice system. Springvale Learning is located in the Whiterock local Government ward of Belfast, the single-most disadvantaged ward in Northern Ireland and the majority of its learners are drawn from West and North Belfast which has the highest concentration of economic, social and environmental deprivation in Northern Ireland.

⁶⁶ Paper 1 – Barriers experienced by young people with criminal records QUB

⁶⁷ Paper 3 – Delivering ICT Models in a secure institution profiles the custodial sentencing regime for young people aged 10-17

4.1 Barriers to Learning / Progression

29% of Springvale's student intake in 2014 were involved in the youth justice system (having been 'lifted' or cautioned by the PSNI, having had a custodial sentence, or a Probation Order). A pre-entry diagnostic assessment is undertaken for every young person starting at Springvale which provides an overview of the individual's literacy, numeracy and ICT skills.

Data for the September 2014⁶⁸ intake onto Training for Success reveals:

- 5% of learners have the equivalent of an English GCSE Grade C;
- 14% of learners have the equivalent of a Maths GCSE Grade C; and
- 20% of learners have the equivalent of an ICT GCSE Grade C.

Table 1 shows the number of learners at each of the Essential Skills levels in Numeracy, Literacy and ICT at the time of enrolment.

Table 1 – Springvale Intake September 14 – Literacy & Numeracy Levels

Essential	Skills	Numeracy		Literacy		ICT	
Level		No. of YP	% of YP	No. of YP	% of YP	No. of YP	% of YP
Entry Level 1		4	3%	5	3%	0	0
Entry Level 2		30	21%	21	15%	5	4%
Entry Level 3		62	44%	90	64%	23	16%
Level 1		18	13%	6	4%	20	14%
Level 2		5	3%	1	1%	9	6%
Exempt		18	13%	6	4%	20	14%

Whilst Essential Skills Level 2 is equivalent to a GCSE Grade C, the vast majority of learners fall short of this, with most scores being at the entry points of literacy and numeracy (E1 – E3), highlighting that skills and abilities are significantly lower than may be expected for the age of the learner. Based on this sample, youth at risk learners, upon entry are more proficient in ICT than the other essential skills.

Such higher levels of proficiency and attainment should make employment models with an ICT focus more attractive to youth at risk and increase the chance of full participation.

A baseline assessment is carried out with each learner on commencement of the programme which provides an overview of the barriers to learning and attendance, with a focus on health and wellbeing issues, in particular behaviour patterns, and physical and mental wellbeing.

Data from the baseline assessment of the Springvale Youth at Risk 2014 intake highlights some very significant factors relating to lifestyle choices, attitudes, behaviours and experiences of the Springvale students which must be addressed within the design and delivery of learning programmes.

⁶⁸ Had been involved in the youth justice system

- 75% do not eat breakfast before coming to Springvale in the morning;
- 72% present challenging behaviour (including suspension or expulsion from school);
- 69% have never seen an optician;
- 68% smoke cigarettes;
- 67% do not engage in physical activity during the week;
- 59% have problems sleeping or waking;
- 49% are on medication or receiving counselling for poor mental health;
- 27% use drugs;
- 16% have attempted self-harm within the past year; and
- 15% have never seen a dentist.

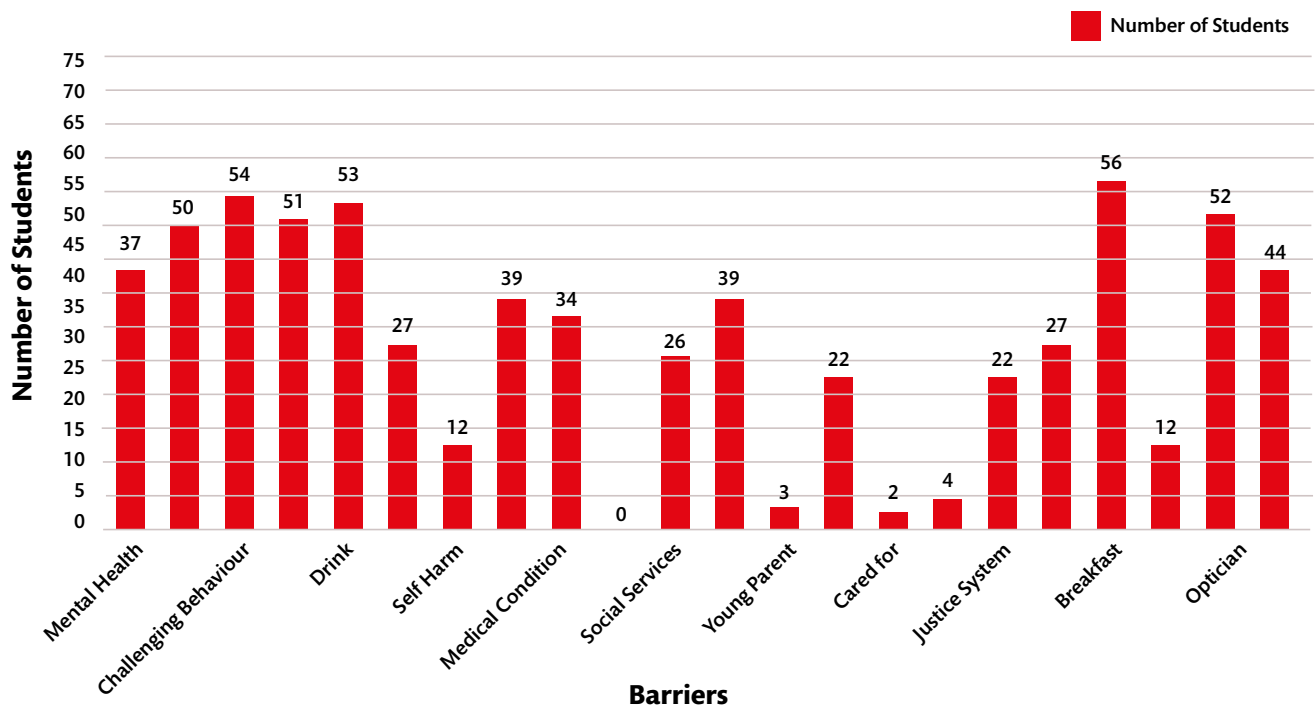


Figure2 Student Barriers

As a result of the barriers that the students face, a wide range of wellbeing interventions are delivered, often in partnership with other organisations and agencies from the community, voluntary, statutory and private sectors. The interventions that Springvale offer young people are listed in Appendix 4.

Section 5: The Employment Model with an ICT Focus

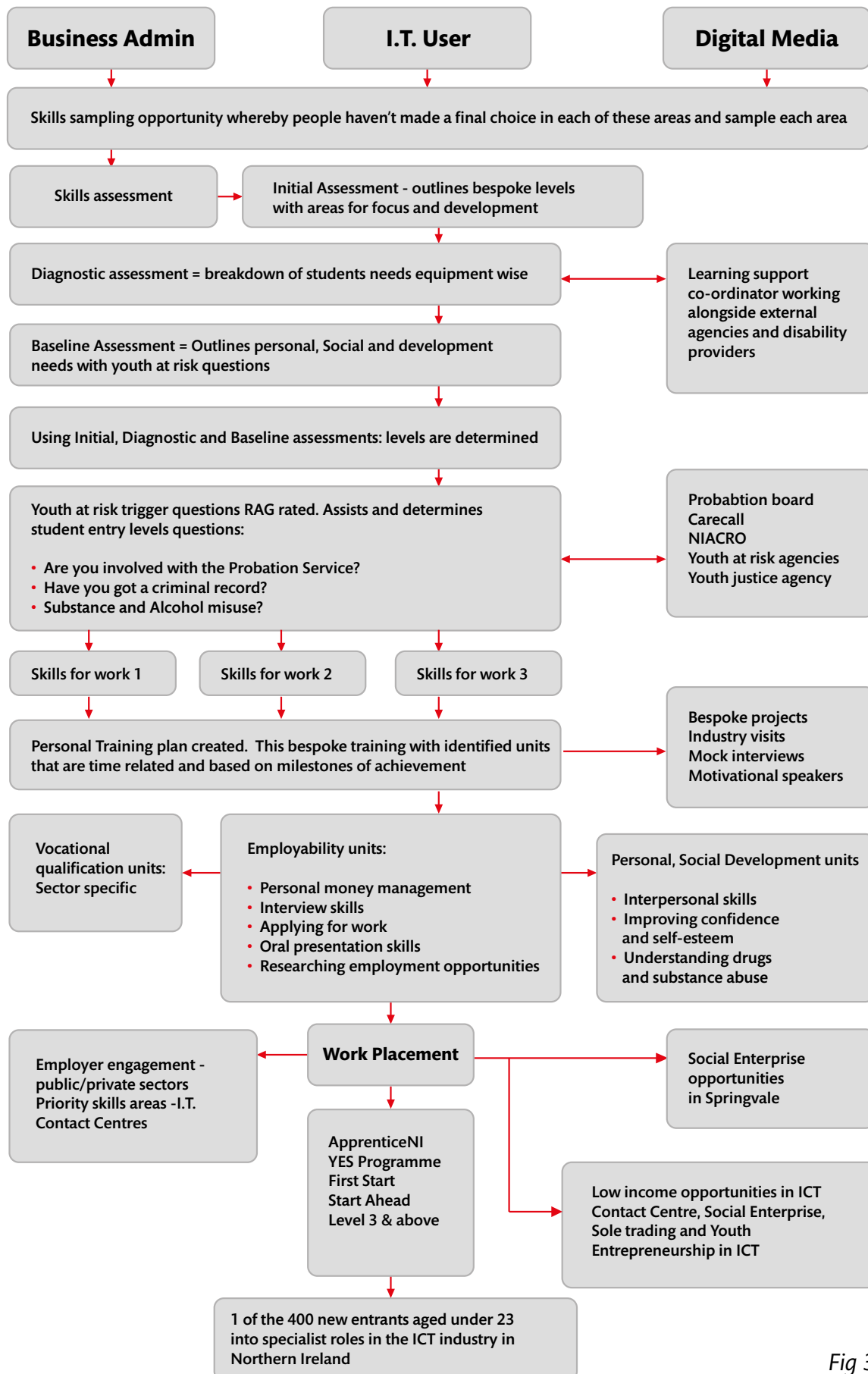


Fig 3.

Involvement with the youth justice system is a barrier to labour market progression which must be addressed within the employment model. The employment model with an ICT focus being presented is based on positive impact and successful outcomes with progression routes that:

- Address individual barriers to learning;
- Provide learners with access to regulated qualifications; and
- Prepare learners for work placements, further training, apprenticeships and employment

The design of the model is predicated on the following

- That it meets the needs of YPIYJS aged 16-18;
- That it is holistic in its approach;
- That it lasts a minimum of two years to meet the learning, support and work based requirements of YPIYJS; and
- That pathways should be progressive, based on achievement and application.

Many of DEL's Programmes under the Youth Employment Scheme are designed for young people aged 18 and over who have been unemployed for some time. The ICT employment model being proposed is based on an intensive, holistic two-year intervention for 16 to 18 year olds. It will leave YPIYJC in or with a clear pathway to employment by the time they reach 18. Mapping the model's criteria against DEL's current provision within the age range, Training for Success (TFS) meets all of this criteria. The model is therefore based on the TFS template and its key stages, including details of how Springvale manage each stage, are summarised in the remaining parts of this section.

5.1 Entry

A young person aged 16 (NEET) has registered for TFS. The Programme guarantees training for up to 104 weeks to help gain the recognised skills and qualifications to progress in a chosen career. TFS enables participants to access a non means-tested Education Maintenance Allowance (EMA) of £40 per week.

In addition, learners will receive Participant Bonuses at various stages throughout and travel, lodging and childcare allowances may be paid, depending on individual circumstance.

All learners⁶⁹, on commencement of the programme, should undergo an initial, diagnostic baseline and skills assessment. These assessments will take place over a 10 to 12 week period, enabling the training provider to devise a Personal Training Plan⁷⁰ which will identify achievable milestones over the period of the programme and identify any barriers to achievement such as being involved with the youth justice system.

5.2 Initial Assessment

Initial assessment takes place before entering the programme. It is a holistic process, during which the training provider starts to build up a picture of an individual's achievements, skills, interests, previous learning experiences and goals, and the associated learning needs. This information is used as a basis for deciding the level of the course or programme.

Initial assessment is a crucial part of the learning journey as it provides the information needed to decide a learner's starting point. It is the benchmark from which learners' progress and achievement can be measured and includes assessment of Essential Skills including ICT.

⁶⁹ For the purposes of brevity, the term learner in all contexts used through the report assumes that the learner is or has been involved in the Youth Justice System.

⁷⁰ Mandatory Part of the Programme

Within the employment programme, learners must have achieved or work towards the requisite Essential Skills qualification.

- Application of Number at Entry Level, Level 1 or Level 2;
- Communication at Entry Level, Level 1 or Level 2; and
- ICT skills at Level 1 or Level 2

5.3 Diagnostic Assessment

Diagnostic Assessment happens upon commencing the programme and helps to identify specific learning strengths and needs. It determines learning targets and appropriate teaching and learning strategies to achieve these. This is important because many learners have higher-level skills in some areas than in others. Diagnostic assessment happens initially at the beginning of a learning programme and subsequently when the need arises. It is related to specific skills needed for tasks. Initial assessment and diagnostic assessment are closely linked. The diagnostic assessment adds to the information gathered from initial assessment and together they help the training provider map the learning pathway through:

- Personalised learning;
- Developing a Personal Training Plan;
- Beginning the process of assessment for learning that will continue throughout the learner's programme; and
- Making links to progression routes and preparing for the next steps.

5.4 Baseline Assessment

A baseline assessment is carried out with each learner between weeks 5 and 7. This provides an overview of the barriers faced to learning and attendance, with a focus on health and wellbeing, in particular behaviour patterns, and physical and mental wellbeing. At Springvale, many of these interventions are available through the Learning Support Coordinator. The impact of any involvement with the youth justice system will also be assessed at this

stage, with support services commissioned as appropriate. (Please refer to Appendix 4 for a list of the support services available to learners at Springvale) This will be recorded in the personal development plan so that all staff working with the learner will be aware of their particular needs and supports. Numeracy and literacy deficits will also be assessed with one-to-one support made available where needed

5.5 Skills Assessment

Learners will complete a skills assessment based around the following core components,

- Receiving instruction - listening, understanding and questioning;
- Ability – working on own initiative, software skills, ability to follow instruction, use of software tools, understanding IT concepts;
- Health and safety – uses computers safely; and
- Development – retains skills, self-assessment, continuous improvement

On completion of all the assessments by Week 12, the training provider will be able to determine the appropriate level of learning for each learner. A personal training plan will be agreed and forwarded to DEL. This plan is used as the template for monitoring progress moving forward.

5.6 Skills for your Life

Skills for your Life is designed to address the personal and development needs of learners who have disengaged from learning and/or have significant barriers to education, training or employment including Essential Skills needs. Training provided must include high levels of pastoral care, support, encouragement and concern for the holistic welfare and development of the learner. Skills for your Life is delivered alongside Skills for Work.

5.7 Skills for Work Level 1

This programme is designed to help learners gain skills and qualifications at Level 1, to be able to gain employment, to progress to Skills for Work Level 2 or ApprenticeshipsNI. Learners must be offered two pathways on this strand:

- work sampling for those learners who are unclear about a preferred occupational area which should involve undertaking a period of work sampling followed by professional and technical training in their chosen occupational area

- professional and technical training: for those who have already chosen an ICT occupational area or who do so after a period of job sampling

5.8 Skills for Work Level 2

This programme is designed to ensure that those learners who have been assessed as capable of achieving at Level 2, but who have not yet secured employment, are prepared for future progression to an apprenticeship. Under this programme, learners undertake the knowledge based requirements of the apprenticeship framework in their chosen occupational area.

5.8 ICT Vocational Areas

ICT learners are then aligned to their vocational area as illustrated in Table 2.

Subject	Accreditation	Skills
Business Administration		<ul style="list-style-type: none"> • Principles of business document production and information management • Collate and report data • Contributing to the development and implementation of an information system
ICT	Vocational Qualification at level 1 or 2 Units of vocational learning	<ul style="list-style-type: none"> • Spreadsheet Software • Improving Productivity Using IT • Data Management Software • IT Software Fundamentals • Database Software • Imaging Software • Video Software • Multimedia Software • Website Software
Digital Media		
Computer Technology (IT and Telecoms Professionals)		<ul style="list-style-type: none"> • Creating an event driven computer program • Working with ICT hardware and equipment • Security of ICT Systems • ICT System Operation

Table 2

The data analysis from initial, diagnostics, skills and baseline assessments are used to inform the employability and personal and social development curriculum to include practical activities, guest and motivational speakers, additional training opportunities, engagement

with external organisations, and activities organised specific to different vocational studies of the learners. This is a critical area for those YPIYJS who can be motivated in the short to medium term by accreditation and qualifications but can become demotivated

through lack of experience and confidence when seeking placement and employment opportunities.⁷²

5.9 Employability

Robinson (2000) described employability as “a basic set of skills necessary for getting, keeping and doing well in a job.” Employment programmes that achieve the best outcomes must distinguish between the vocational and employability elements. “We must make sure that the person has the qualifications and the vocational & employability skills to do the job, the Certificate in Employability provides learners with comprehensive underpinning knowledge in all aspects of employability”.

The increased emphasis on employability and upgrading skills is reflected in the SELFIE Life Long Learning Project.⁷³

The ever changing nature of the ICT employment landscape demands a high level of flexibility and adaptability in the workforce. “The dynamic knowledge economy has, for the most part, done away with the concept of “a job or a skill for life” The emphasis now is on employability and adaptability: on upgrading skill sets to keep pace with change: on changing pathways to respond to market conditions. In this new reality career planning and employment models can no longer be viewed as a linear process with more emphasis now being placed on chance, non-linear and unplanned influences.”

(SELFIE Project: Career Planning for Dynamic Economies)

Running concurrently with the vocational learning are units of learning on employability which are accredited.

Certificate in Employability Level 1 or 2

Units	Skills Obtained
• Personal Money Management	• Help learners develop the skills needed to become successful employees
• Developing Enterprise Skills	• Help learners develop and recognise general employability skills
• Interview Skills	• Support learners in overcoming barriers to entering work
• Oral Presentation Skills	• Enable learners to set their own goals
• Researching Employment Opportunities	• Help learners understand employers' expectations
• Applying for Work	
• Communication in the Workplace	

⁷² Paper 4: Factor 4 Keeping it Vocational

⁷³ European Commission Life Long Learning comprising partners from Ireland, Germany, Cyprus, Lithuania & Spain

5.9.1 Employer Engagement

The interface between learning programmes, work placement and employment opportunities should be occupied by pro-active employer engagement straddling Sector Skills Councils and Governing Bodies of Awarding Organisations in Northern Ireland. Membership of these bodies enables training providers to utilise labour market information and identify growth areas. Employer engagement staff require full knowledge of priority skills areas facilitating work with a wide range of employers within these sectors to maximise sustained employment opportunities for learners. Best-practice employer engagement models would include:

- Key Account Management of leading sector specialists;
- A working employer engagement forum, made up of key representatives identifying and supporting the training organisation in employment opportunities across a range of industries including social enterprises;
- Employability support from Company Directors in meeting the key needs of employers;
- Board Membership e.g., Confederation of British Industry (CBI) Employment and Skills Committee, Traders Forum, Construction Industry Training Board (CITB), Chambers of Commerce, Economic Development Committee;
- An extensive database of employers;
- Attendance at job and career events; and
- Employability programme for staff who have benefited from the delivery of bespoke training sessions

All learners benefit from opportunities to participate in work placements which are a mandatory component of Training for Success. Learners will have access to a work placement three days per week, once the twelve week assessment period is completed. Work placements must be of good quality and appropriate to the vocational area the learner is interested in pursuing. The learners are monitored whilst on work placements and assessed for vocational competence as part of this process.

5.10 Personal and Social Development

Building the capacity of the young person to sustain them throughout the journey of their learning and employment pathway is an integral part of a quality employment programme and must be reviewed in line with all other targets and milestones within the programme⁷⁴

Talking with a peer with similar experiences or a significant adult can be an effective motivational tool for sustaining a young person when they experience knockbacks in their personal and social development journey⁷⁵

We place significant emphasis on monitoring the learner's progress in every aspect of the learning programme through monthly review meetings with each learner and all of the staff who are involved in the programme. Learners involved in the youth justice system will require more resources and staff time than those who are not involved; there are more issues to address⁷⁶

Progress towards personal and social development goals for youth justice system learners should be reviewed monthly within a case conference environment with input from all learning and support⁷⁷ professionals involved with the individual learner using their progress towards certification in personal and social development as an indicator.

⁷⁴ Bytes Support Worker

⁷⁵ NIACRO Senior Practitioner

⁷⁶ Springvale Vocational Training Manager

⁷⁷ Including those from outside agencies

Certificate in Personal and Social Development Level 1 or 2:

Units	Skills Obtained in the Learner / Benefits to the Learner
• Exploring Cultural Diversity	• Enabled to gain knowledge and understanding of themselves, of others and of the world they live in,
• Using Interpersonal Communication Skills	• Developing skills for living
• Improving Confidence and Self Esteem	• Helped to understand and manage their emotions
• Understanding Drugs and Substance Misuse	• Supported in becoming morally and socially responsible
• Understanding Healthy Lifestyles	• Supported to take on a range of roles and relationships
• Understanding Sex and Relationships	• Encouraged to value themselves and respect others
• Exploring Relationships	• Supported to contribute to their community
• Understanding Peer Pressure	• Helped to appreciate difference and diversity
• Understanding Cyberbullying	• Assisted to participate actively in democracy
	• Encouraged to safeguard the environment

All the qualifications achieved by learners sit on the Qualifications Credits Framework (QCF), with the exception of Essential Skills. QCF recognises qualifications and units by awarding credits. Each unit has a credit value and the credits can be transferred. The system gives the learners the ability to achieve qualifications at their own pace. All learners have a Unique Learner Number (ULN) used to match a learner's achievement to their Personal Learning Record. This enables learners to bank units for future use which is important given the barriers faced by YPIYJS.

5.11 Ancillary Supports

Supports targeted at issues identified within the learning pathway of the young person must be accessible to enable achievement of milestone goals. Learner support services in best practice employment models will include:

- A Learner Support Co-coordinator to provide in-house support for personal and emotional difficulties and help to link young people into other sources of support relating to health, careers, financial advice etc.;
- An employability tutor to oversee support services including CV development, mock interviews, application form completion and other job search coaching;
- A Personal and Social Development tutor to assist in the development of other key transferable skills;
- Access for learners to employability hubs / drop in facilities to access live job information, job search material, computers etc.;
- Access to external agencies for specialist support;
- An individual who will support learners throughout their placement, also liaising with placement providers to ensure progress and skills development;

- Careers Information Advice and Guidance service to assist learners to move towards employment and provide post qualification support and progression to further education, apprenticeships etc.; and
- The opportunity for learners to develop their understanding of different industries at a local and regional level through participation in industrial visits across a variety of vocational areas.

Section 6:

Post Qualification Progression

Completing the learning pathway and achieving a qualification increases confidence and self-belief. However the employability element within the model will have re-iterated the challenges involved in progressing within the labour market, whilst the personal and social development aspects will have focused on building resilience and capacity to successfully negotiate a post qualification pathway to employment. Three possible and most likely post qualification scenarios are explored in this section:

6.1 Move Directly Into Employment

"There is always the temptation for the young person who has overcome significant barriers to gain a qualification to deviate from a career path and take the first employment opportunity available. This can be motivated by financial need or a desire to achieve status in the local community. Career guidance advice is essential in such a scenario"

Career Guidance Counsellor

The following statistics on employment opportunities in Greater Belfast, sourced from Springvale Learning, illustrate what may be available to a YPIYJS post qualification.

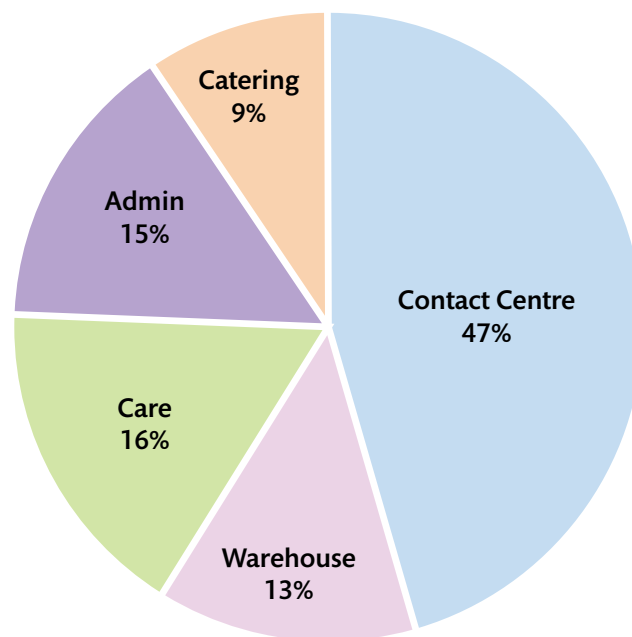


Fig 2: Employment Opportunities in Greater Belfast Area⁷⁸

Employment opportunities in call centres dominate the market with over 300 jobs available. There are an additional 115 jobs available for entry level administration work. Both areas require ICT qualification at Level 1 as a minimum requirement. There are approximately 100 jobs available in warehousing, 120 jobs in health and social care and 60 in catering with most jobs being advertised through recruitment agencies.

6.2 Social Enterprise

This section uses a number of primary and secondary sources to frame a contextual understanding of social enterprise within the broader framework of social innovation and examines how social enterprise can be integrated into the employment model for YPIYJS.

⁷⁸ As at 30th November 2014 – Springvale Learning

"Over the last number of years there has been a growing curiosity and focused interest on social innovation among public, private and non-profit sectors, including policy makers, leading academics and corporations across the UK, Europe and globally. Like most countries Northern Ireland has a range of intractable issues that the national government and regional devolved administrations are struggling to find solutions to. Examples of these intractable issues are social exclusion, youth unemployment, ageing population and chronic long-term illness as well as specific social issues associated with a post conflict environment."

"Social innovations are new solutions (products, services, models, markets, processes etc that simultaneously meet a social need (more effectively than existing solutions) and lead to new or improved capabilities and relationships and better use of assets and resources. In other words, social innovations are both good for society and enhance society's capacity to act."

Harnessing the Power of Social Innovation to Drive the Northern Ireland Economy – DETI Foresight Report 2014 Oathouse Consulting

Social Enterprise is a much bandied term in Northern Ireland leading to confusion regarding its precise definition. Martin and Osberg (2007) state that *"the social enterprise proposition targets the underserved, neglected or highly disadvantaged population that lacks the financial means or political clout to achieve the transformative benefit on its own... What distinguishes a social enterprise is the primacy of social benefit – the pursuit of mission related impact."*

There is a vibrant social enterprise sector in Northern Ireland with some of the United Kingdom's leading social enterprises based here (i.e. Bryson House, East Belfast Mission, Stepping Stones (NI) Ltd). PWC estimates that there are 473 social enterprises in Northern Ireland with an annual turnover in excess of £590 million⁷⁹. The sector currently employs 12,200 individuals with a further 13,400 volunteers. However only 17% of social enterprises employ over 16 staff and the majority (48%) employ less than 6 staff⁸⁰ which would suggest that many social enterprises are small in scale and many may not be able to scale up their operations to be socially innovative without additional support.

There is also evidence that many social enterprises only operate within the Northern Ireland marketplace and there is limited exporting of products and services which could prove to be a barrier for exploiting social innovation in the sector⁸¹.

Community Development is the largest single purpose of Northern Ireland's social enterprises, followed by education and training. 46% indicated that their main goal was enhancing communities whilst 27% intimated their main goal to be helping people into employment.

6.2.1 Entry Opportunities for YPIYJS

55% of social enterprises in Northern Ireland have been established for 20 years or more with 5% established since 2010. This would indicate a reasonable track record of sustainability, however what is not clear is the extent to which the parent organisation/charity contributes to their financial viability. With over 12,000 people employed and 13,000 volunteering within the sector, it has the potential to offer substantial employment opportunities for YPIYJS, especially if they are

⁷⁹ DETI/DSD Report (2013) "A Survey of Northern Ireland's Third Sector and its Potential to Become More Enterprise Driven" Belfast: PWC

⁸⁰ DETI/DSD Report (2013) "A Survey of Northern Ireland's Third Sector and its Potential to Become More Enterprise Driven" Belfast: PWC

⁸¹ Only 29% trade in ROI, 16% in the rest of UK and 11% internationally

involved with training organisations who place and potentially employ trainees within their own group of social enterprises.

Springvale Training has begun to place their trainees within their own social enterprises. Although none are ICT specific, the positions do require ICT skills. Springvale Construction & Property Development, a strategic partnership with a range of housing associations across Northern Ireland, is focused on creating sustained employment for Springvale's students within the construction and property development sector. The partnership continues to develop and is earmarked for further growth and investment over the next 3 to 5 years to deliver a signature affordable social housing project.

Springvale Heritage Skills and Riverways Enterprise is a social enterprise partnership with Lagan Canal Trust. Further plans for a riverways partnership within the next five years are aimed at delivering construction, engineering and heritage skills training for young unemployed people to create sustained employment opportunities.

Due to the innovative nature of many social enterprises, they require their workforce to have essential skills in ICT at a minimum. However, entry level employment opportunities within social enterprises tend not to be advertised and are often taken up by internal trainees. There is also a drive to optimise digital social innovation in Northern Ireland with (Warnock 2014) recommending the establishment of a Collaborative Network led by Invest Northern Ireland to focus on digital social innovation with an enhanced focus on identifying new ICT trends and incorporating these into the Northern Ireland Economic Strategy.

There are no defined pathways for YPIYJS to move into employment within ICT social enterprises. Progression tends to depend on the training provider, employment programme or work placement that the young person is attached to.

6.2.2 Social Entrepreneurship

Whilst social enterprises are very often linked to the service delivery aspects of charities, Warnock (2013) propagates the broader concept of social entrepreneurship which is relevant to this research in the context of social entrepreneurs driving employment opportunities for YPIYJS and YPIYJS building their capacity to become social entrepreneurs. Warnock defines social entrepreneurs as:

"Individuals with innovative solutions to society's most pressing social problems, tackling major social issues and offering new ideas for wide scale change. While business entrepreneurs create entire new industries, a social entrepreneur develops innovative solutions to social problems and then implements them on a large scale."

Warnock's Jumpstart NI proposal, outlined in his article, *Using Social Innovation to Drive Entrepreneurship Among Young Unemployed People*, 2013, is based on a vision of building "a community of socially minded entrepreneurs and a vision of economically independent individuals who are engaged citizens contributing to the improvement of their communities and society". Warnock's Jumpstart vision is for a two-year programme, working largely with other non-profit organisations to "engage with young adults (unemployed or interested in setting up their own business) and priority will be given to anyone who is an ex-offender."

Young entrepreneurs would be required to commit to a 'social contract' which would involve committing a minimum of ten hours per week to a local social enterprise or non-profit organisation. "The social contracts will give young entrepreneurs a different perspective on how non-profits and social enterprises are tackling social issues in their local communities and help Jumpstart NI achieve its vision of having economically independent individuals."

New entrepreneurs would be provided with the following support whilst establishing their business:

- Buddy support system with graduate interns and peer to peer support;
- Professional mentoring from experienced volunteer mentors;
- Online marketing and website support;
- Back office support and shared working space;
- Pro Bono financial, accountancy and legal support for entrepreneurs; and
- Microfinance.

Warnock hopes young entrepreneurs would be able to maintain access to benefits until they have established a sustainable business, although JumpstartNI would provide some out of pocket expenses. Once a young entrepreneur's business has become established, with an agreed turnover or profit, he or she will be required to make a financial contribution towards workspace and administrative support costs.

A shared working space would be available to social innovators and JumpstartNI entrepreneurs at the Jumpstart NI Hub (Lab-Belfast) so that they can "work alongside likeminded people with the overall objective of becoming a centre of excellence for social innovation in Northern Ireland, Ireland and the UK.")

6.3 Apprenticeships

The Apprenticeships NI programme offers training, across a wide range of apprenticeships, to 16 year olds and over. There is criteria applied if learners are 25 years and over. Apprentices are new or existing employees, in a Northern Ireland based company, working with experienced staff to learn and develop skills. An apprentice also receives 'off-the-job' training, usually on a day-release basis with a training provider. During the 'off-the-job' training, the apprentice works towards achieving vocational qualifications and

Essential Skills qualifications. Apprenticeships usually take between two to four years to complete, depending on the level of study. A Personal Training Plan is discussed and agreed between learner, employer and training provider at the beginning of the apprenticeship. Milestones and goals are clearly defined and dates for achievement are set. Specialist support services will be made available to apprentices requiring additional support, which will be an advantage for many YPICYJS. To take part in the Apprenticeships learners must:

- be the minimum school leaving age (16 years);
- be employed or be about to take up paid employment as an apprentice with a Northern Ireland based company;
- be working a minimum of 21 hours per week; and
- meet the entry requirements of their chosen apprenticeship (for example some apprenticeships will require the learner to have GCSEs).

Some of the main benefits to the learner of taking part in an apprenticeship programme include:

- earning whilst learning;
- working alongside experienced staff;
- receiving off-the-job training specific to their apprenticeship;
- the opportunity to gain qualifications;
- access to quality standard training in their chosen occupation in their employer's business; and
- the opportunity to develop specialist skills, using new technology, creating opportunities to learn and gain universally-recognised qualifications .

There are approximately 100 apprenticeships to choose from; each having a structure (or framework) to follow, designed by Sector Skills Councils (ESkills in the case of ICT) and Industry Representative Bodies to ensure that training is relevant and tailored to the needs of the industry sector.

There are currently four apprenticeship frameworks available in the ICT sector at levels 2 and 3

- IT and Telecoms Professional;
- IT User;
- Creative and Digital Media; and
- Information Security

A number of additional frameworks have elements of required ICT competence but are not classified as ICT. These include business administration, contact centre operations, and retail. The expansion of apprenticeships to reflect the needs of the Northern Ireland economy more comprehensively will provide greater opportunities for ICT Apprenticeships. As a priority skill area, ICT is being targeted as a growth area for high quality apprenticeships. This will enable training providers to develop employment vehicles for learners who are participating in vocational skills and training programmes, providing a pathway from Level 2 to Level 3 qualifications and consequently rendering trainees more competitive in the labour market.

6.4 Creative Media

The creative media industry is one of the fastest growing sectors in the UK. Higher and Further Education courses in creative arts and design are becoming increasingly popular but 12% of businesses report problems recruiting skilled staff. It is estimated that between 2014 and 2024, 562,000 people will be needed to join the media industry. Two thirds of the new jobs created in creative and cultural industries require higher level skills. In excess of 25% of people who work in creative industries are self-employed.

Learners can follow a digital media course in Springvale but complete a qualification in Using Information Technology.

This provides a flexible delivery model and enables learners to develop skills in a range of areas that will provide them with a wider variety of employment opportunities.

Whilst not all learners follow a specific course in creative media, course content will expose learners to the skills required to work in the continually evolving exciting creative industries of animation, gaming, photo imaging and multi-media production. Learners will have opportunities to delve into the world of designing games or producing for television and film.

They also have opportunities to use industry hardware and software such as, the Adobe Production Suite, Macro Media, Game Maker and the Microsoft Office suite. Some of this software is open source and therefore, free of charge.

When sourcing work placement opportunities, companies who can provide experience in all of the above are sought after. The work placement opportunity must develop the learner's employability and personal and social development skills and should assist learners in acquiring as many skills as they can to move them in to an apprenticeship at Level 3.

Getting into the creative industries can be difficult and competitive but an apprenticeship would provide learners with the opportunity to impress employers straight away and start to build up a network of contacts. An apprenticeship would help open doors to contacts in the Creative Industries, provide paid work and give learners the skills and experience employers are looking for.

For many YPIYS, creative media provides a platform to express themselves through music or film. For those who may find an apprenticeship inhibiting, self-employment is a viable option.

The essential skills of English & Maths are 'less essential' for entering the creative media industry.

New Directions has accessed training for YPIYJS on "becoming a DJay" and young people who are pursuing a vocational trade combine this passion for music with additional financial reward.

Some training providers tailor short, high impact programmes to the needs and profile of those with creative media skills.

The Prince's Trust's "Get Started with Film" is a five day course for unemployed young people aged 16-25, designed to improve filming skills including screening and producing a film with three months post programme support to assist with entry into the industry.

Quality work placements in creative media that Springvale have accessed for YPIYJS include:

- FabLab NI;
- Platinum Music Ireland;
- Salvage Yard (Architectural);
- Early Years (Cartoons & Animation);
- Shop Mobility; and
- Segway.

Section 7: Key Findings

1. Basic ICT required within all Employment Models.

With the classification of ICT as an essential skill alongside English and Maths, this research has found it challenging to differentiate between an employment model with an ICT focus for young people who are involved in the youth justice system and one which does not have an ICT focus as all vocational areas will require at least a Level 1 ICT qualification.

Some non ICT specific areas such as Business Administration, Electrical Engineering and General Construction & Joinery may require a Level 2 ICT qualification. Upskilling in ICT to Level 2 while not essential for some employment areas should be considered to make non ICT specific trainees more competitive in the Job Market.

2. Baseline Assessment & Personal Action Planning

Young people who have had contact with, or are at risk of being in contact with the youth justice are not a homogeneous group. Employment Models with an ICT focus for Youth at risk must include at point of entry rigorous assessment, of numeracy and literacy levels, work readiness in addition to a range of personal, social and development needs which should include stability of accommodation, alcohol and/or drugs issues, family relationships and access to benefits.

Should additional support be required in any of these areas it must be easily accessed and tailored to the needs of the individual. In the case of additional support for numeracy and literacy this should be offered on a one to one basis rather than in a group classroom environment. A personal action plan to include development needs and supports should be drafted for each individual. The baseline assessment should address offending history through sensitive and appropriate questioning providing a sound platform from which to plan training and employment interventions.

3. Resilient to the needs of Young People in the Youth Justice System (YPIYJS)

When considering employment models with an ICT focus, we must be cognisant that such models should be genuinely innovative and underpinned by good practice to be resilient to the needs and requirements of young people who are involved in the youth justice system in any way. Any such model must include incremental milestone outcomes and critical success factors which will enable positive progression to the next stage. The interviews with young people identified some important employment outcomes which must be achieved within the model:

- That participants are pursuing a role that is making best use of their skills and competencies and meets their aspirations;
- Indicators of personal capacity to progress from qualification to employment; and
- That the model holds the potential for long term stable employment.

4. Literature

Literature on innovative employment models with an ICT focus, whilst recognising that barriers do exist for young people to acquire ICT related skills or to benefit from ICT generated employment opportunities, does not tend to differentiate the barriers faced by young people who are involved in the youth justice system from other socio-economic barriers associated with young people who are not in education, employment or training (NEET).

5. NEETS

This research has identified a number of factors that compound the NEET problem. These include a lack of signposting for students who leave school early and do not wish to pursue further education, a poor understanding of jobs available in the labour market and a lack of emphasis on the importance of 'soft' skills like communications, team working and front facing engagement with customers and employers. It is the view

of this research that the interventions required for YPIYJS to progress within an employment model with an ICT focus can be integrated within more mainstream models catering for the wider needs of young people not in education, employment or training (NEETS).

6. Realistic Timelines

Demand for ICT new entrants and the specialist nature of the opportunities, presents significant challenges for employment models with an ICT focus for young people involved in the Youth Justice System in any way. ICT employment models for Youth at risk must include realistic timelines and interventions to reflect the length of time it may take to achieve long term stable and sustainable employment in the industry.

7. Strategic Relevance

Innovative Employment Models with an ICT focus for YPIYJS are strategically relevant to policies concerning:

- NEETS (DEL);
- Collaboration & Innovation (DEL);
- Reducing Offending (DOJ);
- Transition from Custody to the Community (DOJ);
- Multi-Agency Partnership Working;
- Delivering Social Change (OFMDFM); and
- Children & Young Person's Strategic Partnership.

8. Training for Success

Many Youth at aged 16-18 will sign up for the Training for Success Programme. From interviews already conducted with young people, it is clear some are initially attracted to this Programme due to the financial incentives attached to it. However many of those interviewed who initially expressed this as their primary motivation added that as they got involved in the programme, the desire to develop and flourish within the

programme replaced the financial incentives as their primary motivation for continuing. Many of those presenting to training providers as being in or at risk of the Youth Justice System will be placed on the Skills for Your life Programme⁸⁴. This programme includes a range of supports including numeracy and literacy to facilitate the trainee to achieve a minimum of a Level 1 qualification within a timeline of up to 156 weeks. We must also be mindful of the perils of following policy in other parts of the UK based around payment by results for organisations working with young offenders. This can only lead to a one dimensional commercial focus on achievement of qualifications and employment with much less attention paid to building the capacity of the individual to sustain employment.

"Should payment-by-results be applied to work with young people in custody, a drive for profits could lead to attempts to achieve results on a shoestring budget. 'You can't scrimp on rehabilitation,'

Penelope Gibbs, chair of the Standing Committee for Youth Justice⁸⁵

9. Work Placement

Quality work placements provide an opportunity for learners to gain valuable work experience. Training agencies should have a robust employer engagement strategy in place driving employment and placement opportunities with key account management in priority skills area of ICT. Progress towards qualification and work placement goals should be reviewed every 4-6 weeks with tutors, advocates, mentors and other supports that may be involved. Some of those interviewed for this research have already commenced work placements and are confident that they can achieve employment from this placement.

10. Disclosure of Convictions

For those who have offended, the employability units should include a unit on disclosure of criminal convictions to dovetail with researching employment opportunities, applying for work and interview skills. NIACRO as a specialist in the care and rehabilitation of offenders are well positioned to deliver these units.

11. Apprenticeships

The expansion of Apprentice opportunities to more comprehensively reflect the needs of the Northern Ireland economy will provide greater opportunities for ICT apprenticeships. This will enable training providers to develop innovative employment vehicles for learners who are participating in vocational skills and training programmes, providing a clear pathway from Level 2 to Level 3 qualifications and consequently rendering trainees more competitive in the ICT labour market.

12. Ancillary Supports & Pastoral Care

ICT Employment Programmes should include high levels of pastoral care, support, encouragement and concern for the holistic welfare and development of the learner. It is important that training is carried out in the context of careers advice & guidance and personal and social development supports. Learners must be encouraged to develop and take ownership of a progression pathway designed to suit their individual motivations and to address their needs.

⁸⁴ Springvale Training whose annual intake will include 29% of young people aged 16-18 who are in or have had contact with the Youth Justice System

⁸⁴ See more at: <http://www.cypnow.co.uk/cyp/news/1075071/government-warned-payment-results-youth-justice#sthash.ylCoppGZ.dpuf>

13. Employment Opportunities

YPIYJS will find competing for specialist ICT jobs upon achieving Level 2 qualifications challenging. They could however look to compete for jobs which would enable them to move into apprenticeships at Level 3 and from this they can access courses in further education which will eventually enable them to apply for some of the specialist jobs. Typical entry jobs would be in the Computer Repair Industry, IT office environments, Call Centres, Digital Media Companies, Social Enterprises and Creative Industries.

14. Demand versus Skills Shortages

The ICT workforce is expected to grow three times faster than the average over the next 10 years. 26% of employers are aware that skills gap exists within their ICT staff whilst 71% of ICT service providers expect their sales and profits to increase over the next 12 months.

There is a need for an average 2,300⁸⁶ entrants into ICT jobs in Northern Ireland per year. Based on current data from e-skills UK, the breakdown of this annual intake is as follows:

- 900 (39%) from occupations other than ICT or Telecoms. These are experienced workers who can be re-trained as ICT specialists.
- 400 (17%) from education predominantly graduate level and higher
- 1,000 (44%) from other sources e.g. re-entering the work force after a career break, early retirement or unemployment.

Section 8: Recommendations

Many of this Paper's recommendations are reflected within the twenty six proposals of DEL's Review of Youth Training Interim Report & Consultation⁸⁷, although a number of the proposals have been identified as having the potential to make a significant contribution to the advancement of the ICT employment model proposed.

8.1 Increasing the Effectiveness of Work Placements

Proposal 3 stipulates that *"Structured Work based learning, either through employment or work placement, will be a mandatory part of youth training system"*. This is to be endorsed, yet it is also important to highlight the on-going requirement to increase the effectiveness of work placements.

The proposals which hold the potential to facilitate positive experiences of work placements for YPIYJS are:

- Work place mentors will be provided by employers to assist young people to develop their employability skills and achieve their learning outcomes. (Proposal 9)
- A central service will facilitate the sourcing and advertising of work based learning opportunities. (Proposal 15)
- Industry consultants will source and manage work-based learning opportunities, and encourage employers to recruit young people from the youth training system. (Proposal 16)
- Funding mechanisms and a range of incentives, to promote participation by small and micro businesses. (Proposal 17). This proposal would be enhanced by making explicit reference to social enterprises.

⁸⁶ E-Skills UK Northern Ireland ICT Snapshot 2014

⁸⁷ This blueprint for Northern Ireland's future youth training system is currently out for consultation until the end of February 2015.

8.2 Work Placement Partnership

The work placement component has been identified as critical to the successful transition of the YPIYJS from the learning to the work environment.

Employability programmes provide a sound theoretical base on workplace issues, however entry into the working environment for perhaps the first time can be challenging for the young person. Employers need to be fully aware of all issues pertaining to the YPIYJS trainee and committed to ensuring that the appropriate supports are available to enable successful completion of the placement.

All stakeholders (training provider, placement provider, trainee and DEL) should work in partnership to plan and monitor placements to ensure trainees achieve successful outcomes. Proposal 21 of the Review of Youth Training Interim Report stipulates *“Work based learning will be underpinned by a clear contractual agreement between the young person, host employer and the training provider”*. This is welcomed, but it could go further, to include DEL as the statutory custodian of the Programme.

8.3 Reflect ICT as an Essential Skill

The report highlights *“less development in sectors likely to drive future growth such as ICT”* yet Proposal 5 stipulates that “Young People will be supported to achieve a minimum of full Level 1 (four GCSE’s) including English and Maths at Grades D-F before commencing Youth Training”. Whilst supportive of the concept of basic qualifications prior to commencing training, it is a concern that no reference is made to ICT as an Essential Skill alongside English & Mathematics within this proposal. Springvale Learning will highlight this in its response to the consultation.

8.4 Use of Technology

Using technology that young people are comfortable with in everyday life was lauded by the sample for this research as an effective pedagogical approach to learning. Proposal 12

which stipulates that “Youth training will make use of on-line technologies to prepare young people for the work place” is therefore to be welcomed.

8.5 Recognise That YPIYJS May Require Additional Support

Proposal 11 stipulates that “Support and flexibility will be provided to young people with additional requirements (individuals with a disability, caring commitments or those leaving care)” These listed factors present similar barriers to labour market progression to those experienced by YPIYJS. The principal behind this proposal is sound, yet explicit reference ought to be made to the training requirements of YPIYJS specifically.

8.6 Quality Delivery

To deliver the ICT employment model proposed in this Paper, training providers must have a robust quality assured model of delivery encompassing good practice in process and inputs and mechanisms to monitor outputs and outcomes. The following proposals, if implemented, will meet these requirements:

- Only those providers who achieve prescribed quality standards will be funded to deliver youth training;
- Tutors delivering the non-work-based elements of training will be required to have recent experience of their industry and relevant occupational and pedagogical qualifications;
- Workplace mentors delivering the work-based elements of training will be required to have appropriate experience of their industry, hold relevant occupational qualifications, and undertake training as mentors; and
- The youth training system will be underpinned by robust data collection, analysis and evaluation.

8.7 Social Enterprise

This research has highlighted the potential for social enterprises to contribute to the ICT employment model.

This includes both entry into direct employment and opportunities to grow as a social entrepreneur. To optimise this opportunity, it would be recommended that a social innovation organisation(s) explore the possibility of developing an ICT enterprise exclusively for YPIYJS. Training organisations catering for YPIYJS are best positioned to deliver this, given their knowledge and expertise.

It would provide mutual benefit as:

- The organisation would have more control over their training and employment outcomes;
- YPIYJS would have continuity of provision across the pathway journey from learning to work placement to employment.

With a high number of SMEs operating across Northern Ireland without the resources needed to employ staff for back office functions, there are gaps in the market for a social enterprise model delivering shared corporate services such as administration, digital marketing and general book keeping. This would provide YPIYJS learners with opportunities for skills development through work placement and sustainable employment upon completion of placement.

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Websites & Web links

<http://ec.europa.eu/digital-agenda/en/grand-coalition-digital-jobs>

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APPENDIX 1

FOCUS GROUP EXERTS

"I came to Springvale to do a Computer Course 'cause I get a few extra quid each week, now that I have been at it for a couple of weeks, I am enjoying it and will get a level 1 next year"

"The tutor is great, we can use the internet and stuff and we can do some bits of the course on our phones"

"I was good at Computers at school but I left school at 13 and then didn't use them as much, sometimes in Internet Cafés"

"I will be starting my placement soon with a community group up the road and I will be doing up flyers and leaflets for them. I like doing this" (Digital Media Level 1 Student)

"I don't know what I want to do after I finish, I think I might go on to do another qualification in Belfast Met or maybe an apprenticeship, the career guidance tutor tells me about all these options"

"I was in trouble last year with the law and got a youth conference, it made me see that I was doing wrong and I have changed, there is no way that I want to end up in Woodlands, some of my mates did time there"

"It's the way the tutor does it, he doesn't make it seem that you are back at school, he lets you get on with it and that's what makes the difference, I couldn't handle being told what to do when I was at school"

"I find the computer stuff easy, I have always liked them even at school it was the only thing that I was interested, I am always on the computer and my phone at home so doing the course here is the same as that"

"I want to be an ethical hacker, I am doing programming and I know that I could get a job in the hacking, I know the security stuff"

"I like making films and videos on the computer, the tutor lets us do that, I would like to get a job making films like Game of Thrones"

"I am doing Business Admin but I do a lot of computers in it, you need computers for everything nowadays"

"I can do the Digital bit but I am picking up things like doing CV's and applying for jobs through the internet, I look up jobs as well on the computer"

"I left school at 13 and was in trouble, I was a hood but I have wised up and am enjoying my computer course, I like learning about the inside of the computer and what makes them work, I could get a job in repairs."



APPENDIX 2

QUESTIONNAIRE SPRINGVALE

We are undertaking research into employment models with an ICT focus and would really appreciate it if you could take a few moments to complete this questionnaire. Your completion of the questionnaire will help us to build up a picture of good practice and innovative employment models with an ICT focus.

What motivated you to engage with Springvale?
How long have you been training with Springvale?
On average how many hours per week do you attend Springvale?

General ICT Skills	Very Good	Good	Average	Poor	Other
How would you rate your ICT skills					
What attracted you to the Digital Media Training					
Areas of ICT Interest	Programming	Software Development	Personal Computing	Web Development	Other
What other areas of ICT interest you					
What are your aspirations for when you have completed your training with Springvale <input type="checkbox"/> Further Training <input type="checkbox"/> Apprenticeship <input type="checkbox"/> Direct Employment <input type="checkbox"/> Start own business					
Any other comments					

Thank you for taking the time to complete this questionnaire.



APPENDIX 3

VULNERABLE YOUTH PROJECTS

Include Youth - Give and Take Scheme

Young people, who need education, employment or training (NEET), work through an induction programme that assesses their needs and interests and enables an individual action plan to be agreed covering the four main areas of support: training, personal development, mentoring and work experiences. Funded by European Social Fund, Department of Employment and Learning, Big Lottery Fund and the five Health and Social Care Trust, encourages training and employment training with a focus on a range of skills, including ICT.

Garda Youth Diversion Projects

Community based and supported youth development projects which seek to divert young people from becoming involved (or further involved) in anti-social or criminal behaviour. Funded through the European Social Fund, The objective of Sub Measure 1 is to enhance the employability of participants in Garda Youth Diversion Projects by providing them with key skills in the area of Personal Development and IT.

This Sub Measure will improve the prospects of sustainable employment by identifying pathways, including further and second chance education, for individual participants towards the labour market, combating discrimination in accessing and progressing in the labour market and promoting acceptance of diversity in the workplace. The objective of Sub Measure 2 is

to provide support for participants in accessing further education and training through the recruitment of ESF funded Youth Justice Workers, who will work with participants, relevant agencies and employers. The ESF funded Youth Justice Worker is additional to the existing Project Youth Justice Worker.

This programme recognising the need to bring those at risk into the labour market to prevent further reoffending. It has identified that using funding through the ESF, young at provided the opportunity to experience a working environment and utilise the IT Skills which they have acquired.

Entry to employment (e2e)

Entry to Employment (E2E) is an innovative learning programme which is part of the work-based learning route and funded by the Learning and Skills Council (LSC). It is designed to provide opportunities for young people aged 16 and over who are not yet ready or able to take up a Modern Apprenticeship, further education or move directly into employment. This learning programme was used for Young Offenders gain skills and experience. This included the training in ICT.



APPENDIX 4

HEALTH & WELL BEING SUPPORT INTERVENTIONS

Partner / Provider	Service	Focus
Lighthouse Ireland	<ul style="list-style-type: none"> Individual Support / Referrals Emotional Resilience Course 	Mental Health
Simon Community	<ul style="list-style-type: none"> Talks 	Mental Health
Samaritans	<ul style="list-style-type: none"> Workshops 	Mental Health
Aware Defeat	<ul style="list-style-type: none"> Courses 	Mental Health
Depression	<ul style="list-style-type: none"> Individual Support 	
Andersonstown	<ul style="list-style-type: none"> Courses 	Mental Health
Traditional Music Society	<ul style="list-style-type: none"> Workshops 	
GP Referral	<ul style="list-style-type: none"> Individuals referred 	Physical & Mental Health
Team Build Ireland	<ul style="list-style-type: none"> Outdoor Team Building 	Physical Health
Falls Leisure Centre	<ul style="list-style-type: none"> Fit4Work - Group classes 	Physical Health
Fasa	<ul style="list-style-type: none"> Individuals Referrals Group Talks 	Drugs & Alcohol
Falls Community Drugs Team	<ul style="list-style-type: none"> Individual referrals Drug Awareness Course 	Drugs & Alcohol
ACET NI	<ul style="list-style-type: none"> Accredited sexual Health Course 	Sexual Health
HYPE	<ul style="list-style-type: none"> Sexual Health Course Other programmes NURSE - Individual referrals 	Sexual Health
Pharmacy	<ul style="list-style-type: none"> Smoking Cessation Information requests 	Smoking Cessation Diet
Cook IT	<ul style="list-style-type: none"> Training the Trainer Courses 	Healthy Eating

Heart Project	<ul style="list-style-type: none"> • Individual referrals • Health Day input • Link in to Therapies 	General Health
Young Enterprise	<ul style="list-style-type: none"> • Courses on entrepreneurship • Money Management Training 	Money Management
Princes Trust	<ul style="list-style-type: none"> • Enterprise / Entrepreneurship • Fairbridge • Personal Development Awards 	Entrepreneurship
Children's Law Centre	<ul style="list-style-type: none"> • Group Talk 	Rights
Motivational Speakers	<ul style="list-style-type: none"> • Various 	Inspiration/Aspirations
Flax Foyer	<ul style="list-style-type: none"> • Homelessness 	Health & Well Being
Careers NI	<ul style="list-style-type: none"> • Training for Success Contract 	Training & Employment

PAPER 3

The logo for NIACRO, featuring a stylized white 'N' with a green arrow pointing upwards and to the right, set against a black circular background with a green border.

Delivering ICT programmes relevant to the job market in a secure institution with community connectivity post release; shifting the focus of the education system to responding to individual need.

.....

NIACRO & The Bytes Project Research:

.....

Walker & Fitzpatrick in Partnership with Springvale Learning

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EXECUTIVE SUMMARY

Walker & Fitzpatrick in partnership with Springvale Learning were commissioned by the New Directions⁸⁸ in September 2014 to carry out two research projects⁸⁹ to complement the work of New Directions and to improve overall understanding of the issues affecting young people in contact with the youth justice system or at risk of offending.

The first of the two research projects was Paper 2 in the 5 paper series: Developing good practice and innovative employment models with an ICT focus for young people who are involved in the youth justice system in any way.

This report sets out the findings from Paper 3 in the series: Delivering ICT Programmes relevant to the job market in a secure institution with community connectivity post release: shifting the focus of the education system to responding to individual need.

Where similarities exist with the findings from Paper 2, it is acknowledged but contextualised in the subject area of Paper 3.

Section 2: Youth Justice System

Explores the legislative base of the Youth Justice System, the legislation enshrined in the United Nations Convention on the Rights of the Child and how the use of 'custody as a last resort' has shaped custodial sentencing for young people.

Describes the custodial disposals supervised by the Youth Justice Agency, the nature and complexity of which has a significant influence on education provision within Woodlands Juvenile Justice Centre (JJC). Examines legislation in England and Wales (ASCL Act 2009 which brings all young people in custody under education legislation for the first time.

Section 3: Alignment with Public Policy Priorities

Explores the Northern Ireland policy context across the Department for Employment and Learning, (DEL) the Department of Justice (DOJ), Department of Health, Social Services & Public Safety (DHSSPS) and the Department of Enterprise, Trade and Investment (DETI) shaping the design and delivery of ICT programmes relevant to the job market in secure institutions.

⁸⁸ Partnership between NIACRO & The Bytes Project

⁸⁹ Five research papers were commissioned in total

Section 4: Delivery practice with young people in secure institutions

Examines principles for delivery that take into account: motivational factors; assessments of young people; one to one support; and emerging approaches to the delivery of vocational programmes and education in secure institutions.

It also appraises the Ministry of Justice's Transforming Youth Custody initiative (England and Wales), with its core aims of:

- Improving education engagement and attainment in youth custody by facilitating greater innovation in delivery;
- Contributing to reduced reoffending by young people leaving custody through an increased focus on education; and
- Reduction in the overall cost of youth custody, particularly driving down the cost of the most expensive provision.

Section 5: Woodlands Juvenile Justice Centre

Builds an understanding of the day to day operations of the Woodlands Juvenile Justice Centre (JJC) and the challenges that this environments presents for the education of the young people and in particular the delivery of ICT programmes relevant to the job market.

Addresses factors impacting on educational delivery, the on-going review of education provision, existing ICT infrastructure and concludes by highlighting the challenges involved in delivering ICT programmes in Woodlands JJC.

Section 6: The Employment Model with an ICT Focus

Describes the key components of an innovative delivery model for an ICT programme relevant to the job market in a secure institution with community connectivity post release.

The model requires effective collaborative working by all agencies with the required flow of resources and consistent practice between institution and the community to transition effectively from Woodlands JJC to the community with the ultimate aim of reducing re-offending.

Section 7: Key findings

Outlines the 11 key findings from the research

1. Starting Point
2. Community Connectivity
3. One to One Support
4. Woodlands Juvenile Justice Centre
5. Levels of Internet Access
6. Shifting the focus
7. Strategic Relevance
8. Permeability Model
9. Technology in the classroom
10. Legislation
11. Outsourcing

⁹⁰ In June 2013

Section 8: Recommendations

Statutory positioning of Woodlands JJC

The Working Group convened⁹⁰ by the Minister for Justice to examine current arrangements for the provision of education within Woodlands and bringing forward proposals to make appropriate connections to mainstream education and training providers has yet to deliver its findings.

This research has highlighted the significant barriers that being positioned within the Department of Justice presents for educational staff in Woodlands.

With education central to all provision of custody to young offenders, overall responsibility for its delivery should be placed with the relevant specialist statutory body.

This research would therefore recommend that responsibility for teaching staff at Woodlands be transferred to the Department of Education and further that: a robust service level agreement should be implemented within this transfer, with the Department of Justice to reflect the custodial responsibility of the Youth Justice Agency within JJC.

ICT Security

ICT Security and Internet access policies within JJC would not significantly impact on the delivery of any of the level 1 or 2 programmes presented in the proposed delivery model (Section 6 Figure 3). Courses or other units requiring wider internet access can be managed and controlled through the existing C2K firewall; however this research would recommend installing Net Control or similar classroom management software which would provide an additional layer of restriction and security without impacting on the delivery of the ICT programme.

We would further recommend that ICT security in Woodlands be appraised as part of the current review of ICT provision that is ongoing within the Youth Justice Agency.

Voluntary and Community Sector

The proposed delivery model in Section 6 designed around seamless transitioning from custody to the community requires the support of a strong and vibrant Community and Voluntary (C&V) sector input as exemplified by the work of the New Directions Programme.

Community connectivity, equality of access throughout Northern Ireland in both rural and urban areas and maintaining the young person's place in the community with the aim of reducing offending behaviour are key outcomes achieved by New Directions.

We would recommend that every effort is made to facilitate the work of the C&V projects within Woodlands JJC to enable projects to continue to demonstrate impact, deliver outcomes, share innovation and ensure sustainability

SECTION 1

Introduction and Methodology

NIACRO is a voluntary organisation with over 40 years' experiences of working to reduce crime and its impact on people and communities across Northern Ireland. NIACRO works with children and young people, adults in the community and in prison, and family members affected by imprisonment. It also works with those who may be at risk of becoming involved in offending or anti-social behaviour.

The Bytes Project aims to remove individual barriers to training and employment by assisting young people to overcome extreme social and educational disadvantage so they can make a difference to their lives, enabling them to become economically active and make a positive contribution to their communities.

New Directions is a partnership between NIACRO and the Bytes Project, funded by the Department for Employment and Learning (DEL) through the Collaboration and Innovation Fund (CIF). CIF is designed to support the implementation of DEL's Pathways to Success Strategy for Young People not in Education, Employment or Training (NEET).

New Directions strives to enhance education, training and employment opportunities of young people (16-18 years) who are in contact with the youth justice system or who are at risk of offending. This grouping is among the most disadvantaged in society, facing multiple barriers to participation. New Directions work with young people in the community and in Woodlands Juvenile Justice Centre.

To complement the work of New Directions and to improve the overall understanding of the issues affecting young people in contact with the youth justice system or at risk of offending, we have been commissioned to undertake research around Delivering ICT programmes relevant to the job market in a secure institution with community connectivity post release: shifting the focus of the education system to responding to individual need.

The remit of this research paper is to contribute to practitioners' and policy makers' understanding of the issues pertaining to the delivery of ICT programmes relevant to Northern Ireland's job market to young people whilst in a secure institution.

Achieving connections between what is achieved whilst in detention and what can be accessed upon release (referred to throughout the Paper as 'community connectivity post release') is a crucial factor in the young person's transition back into their community, as is the need for educational interventions to be sufficiently flexible to respond to each young person's needs.

The Paper's primary focus is with the practicalities associated with delivering ICT programmes relevant to the job market in a secure institution which includes discussion around how this should be managed to ensure that young people have the necessary support available to continue education or training upon release.

Detention in a secure institution for the vast majority of 16-18 year olds in Northern Ireland is short term, therefore the process of planning for re-integration back must commence at the time when they first enter the institution.

This research will address how this process needs to be managed flexibly with educational interventions that are responsive to each young person's circumstances and needs.

The concern that a young person has all the supports available to him or her to continue to pursue education or training upon release is a common theme throughout the paper which explores how these supports can help young people to maintain their place in the community, with the aim of desistance from offending.

The research has been informed by the practical experience in this sector of **Springvale Employment & Learning** (Springvale) which was established in 1992 as a not for Profit Company limited by guarantee.

Springvale has until recently operated exclusively from its centre on the Springfield Road. However this has been supplemented recently by new premises in Lisburn and East Belfast.

The company has a gross turnover in the region of £7 million per annum, employs 100 full time employees and delivers annually, to 2,500 learners annually achieving 1,700 qualifications and creating over 500 sustainable jobs. In addition, it provides innovative workforce development solutions to 1,500 employers per annum resulting in close working relationships with employers from across a number of key sectors. Springvale's core services include:

- Employment & back to work programmes;
- Skills & vocational training;
- Social enterprise initiatives;
- Corporate workforce development solutions;
- Schools link programme; and
- Delivery of Steps to Work, Apprenticeship NI and Training for Success (under contract for DEL).

Methodology

The methodology adopted for this research into delivering ICT Programmes relevant to the job market in a secure institution with community connectivity post release draws upon a number of approaches:

- Literature, legislative and policy review relating to ICT delivery models relevant to the job market for secure institutions including UK best practice;
- Mapping of outcomes within the ICT employment model against key strategic priorities of DEL and DETI;

- Two focus groups with six young people who were engaged in ICT programmes in Woodlands JJC were held. Themes and exerts from the focus groups are included in Appendix 1. The focus groups helped to identify ways in which young people in secure institutions can most effectively engage with ICT programmes, their motivations for pursuing ICT as a vocational area, employment aspirations and the personal challenges with which they are confronted. A questionnaire was used to guide the focus group discussions. (See Appendix 2); and
- One focus group with four young people recently released from custody. This discussion tested the effectiveness of community connectivity interventions delivered by New Directions in their work supporting young people in the transition from custody to the community.

⁹¹ http://www.youthjusticeagencyni.gov.uk/youth_justice_system/

SECTION 2

The Youth Justice System

The statutory aim of the Youth Justice System in Northern Ireland is to protect the public by preventing offending and re-offending by children. "A child is defined as being anyone under the age of 18, although unless they are over 10 years of age (the age of criminal

responsibility) they cannot be charged with an offence. If found guilty by a youth court (or sometimes for very serious offences, by the crown court), a child can be sentenced to any one of a range of options from conditional discharge or fines, through community sentences and even to custody"⁹¹. The Youth Justice Agency is the lead agency of the Youth Justice System in Northern Ireland.

2.1 Legislation

The UN Convention on the Rights of the Child (CRC) establishes rights for all children less than 18 years of age (Article 1), and includes special protections for children in conflict with the law. Through ratifying the Convention, the state has made a commitment 'to respect, to protect and to fulfil' the rights contained therein (Zermatten 2013). Of particular note, Article 3 of the Convention includes the fundamental principle that the best interests of the child must be a primary concern in decision-making processes that affect children. This principle, however, has not been incorporated into legislation governing the youth justice system and the Youth Justice Review Team has recommended legislative amendments to fully reflect the best interest principle.

Alongside the CRC, other international instruments for youth justice include the UN Standard Minimum Rules for the Administration of Juvenile Justice 1985 (the Beijing Rules); the UN Guidelines for the Prevention of Juvenile Delinquency 1990 (the Riyadh Guidelines), the UN Rules for the Protection of Juveniles Deprived of their Liberty 1990 (the Havana Rules) and the UN Standard Minimum Rules for Non-custodial Measures 1990 (the Tokyo Rules). Taken together these provide the basis for a youth justice system based on prevention of offending through early intervention to meet children's needs; diversion and alternatives to prosecution; fair trial and respect for children's privacy; restorative measures; minimal use of detention with provision of appropriate alternatives; rehabilitation and resettlement of the child into the community on release.

(Convery & Moore 2013)

2.1.1 UK Legislation

The Apprenticeships, Skills, Children and Learning (ASCL Act) 2009, has recently come into force in England and Wales bringing all young people in custody under education legislation for the first time and safeguarding the same entitlement to education as young people in the mainstream.

The legislation places responsibilities on statutory authorities, young offender's centres and schools to share information at the appropriate times such as a young person arrives in custody and when they are released into the community.

This piece of legislation ensures that regardless of the young person's situation, that they are entitled to the same opportunities as those in mainstream education.

2.2 Woodlands Juvenile Justice Centre

Custody for children is provided by **Woodlands Juvenile Justice Centre (JJC)**, located in Bangor and servicing the needs of all of Northern Ireland. "Woodlands has been designed as a centre of excellence within a secure environment, offering a wide range of services and support to help prevent young

people from re-offending. It provides a safe, secure and stimulating environment for up to 48 boys and girls between the ages of 10 and 17 who have been remanded or sentenced to custody by the courts⁹².

Upon reaching his or her 18th birthday, a young person is ordinarily moved to Hyde Bank Young Offenders' and Women's Prison⁹³. However, legislation allows for some flexibility; an individual due for release shortly after his or her 18th birthday may serve his or her full sentence at Woodlands. The Youth Justice Agency (YJA) has the overall responsibility for providing custodial facilities for children and young people referred to it by the court system in Northern Ireland.

2.3 Use of Custody as a 'Last Resort'

Convery & Moore (2013) interpret that compliance with the international children's rights standards results in "custody being used as a last resort and for the shortest possible time". Young People may be held in the Woodlands JJC on:

- **PACE** – These young people are held under the Police and Criminal Evidence (PACE) Order 1989 until they can be questioned by police or until a court date becomes available;
- **Remand** – These young people are remanded in custody either awaiting trial or sentence; and
- **Sentence** – These young people are held in custody as a result of a sentence passed down by a criminal court. Persons committed in default of a payment of a fine are normally included in this group.

2.4 Custodial disposals supervised by the Youth Justice Agency

2.4.1 Juvenile Justice Centre Order (JJCO)

Introduced in 1999 under the Criminal Justice (children) (Northern Ireland) Order 1998 to replace the training school order, the JJCO is for a six month period unless the court specifies a longer period not exceeding two years. The period of detention in JJC is for one half of the period of the order, with the remainder comprising a period of close supervision in the community. The majority of young people sentenced to the JJC have been given a Juvenile Justice Centre Order (JJCO). The period of supervision in the community is supervised by the Probation Board Northern Ireland within a working protocol with the Youth Justice Agency

2.4.2 YOC Order (Sentence of Detention in the Young Offenders Centre)

This disposal was introduced on 12th December 1968 as part of the Treatment of Offenders Act

(Northern Ireland) 1968. It can be applied to those over 16 but under 21 years of age who were convicted of an offence that would typically result in a custodial sentence if the individual was over 21 years of age. However, since 1st November 2012 Northern Ireland's Justice Minister has given an undertaking that no young person under 18 years of age will be held anywhere other than the Juvenile Justice Centre though this has yet to be fully implemented.

⁹² http://www.youthjusticeagencyni.gov.uk/custodial_services/introduction/

⁹³ Hydebank Wood Prison and Young Offenders Centre accommodates all young male offenders aged between 18 and 21 years on conviction, serving a period of 4 years or less in custody and all female prisoners including young offenders.

2.4.3 Fine Default

"On occasion, a fine can be seen by the courts as an appropriate disposal for some offences. If the individual fails to pay the fine this can result in their being admitted to custody for a short period (usually three or four days). Whilst this is not common, there have been a small number over recent years sentenced to the JJC for fine default". (Youth Justice Agency Annual Workload Statistics 2013/14)

2.4.4 Bail Support

The Youth Justice Agency also provides Bail Support services to young people. This is offered as an alternative to being remanded in custody, which means that the court can consider bail, even where there exists 'substantial grounds' for refusal.

SECTION 3

Alignment with Public Policy Priorities

Through mapping the impact of ICT Programmes relevant to the job market in secure institution against public policy priorities, evidence that such programmes are strategically relevant to the following policy areas has emerged:

- Transforming Youth Custody (Ministry of Justice, England and Wales);
- Reducing Offending (DOJ);
- Transition from Custody to the Community (DOJ);
- Multi-Agency Partnership Working (Cross Departmental); and
- Tackling Youth Unemployment (DEL).

Fig. 1

Departmental Strategy / Community Service	Implications for delivery of ICT models in secure institutions
Youth Justice Agency Corporate Plan 2013-16	
Strategic Aim 1: Reduce Offending by Young People and build community confidence in the services by <ul style="list-style-type: none">• Manage young people in custody safely and securely and promote their health, well-being and development• Support and supervise young people immediately following their release from custody when they are most vulnerable and at risk of re-offending.• Strengthen partnerships with local communities to encourage greater involvement and a better understanding of young people's needs	<ul style="list-style-type: none">• Actions concerned with supporting the transition from custody to the community and achieving enhanced connectivity with the community include:• Provide education, vocational training and a range of programmes in custody• Plan in advance for the supervision of young people immediately following their release from custody• Manage the transition into adult services• Identify education and employment opportunities for Young People• Support, influence and assist in the delivery of effective community based programmes.• Provide training opportunities for partner organisations• Develop a broader range of opportunities for young people to repair the damage they have caused within their community.

Youth Justice Agency Business Plan 2014-15	
Development Objective 3: Monitor & Evaluate the Education, Training & Employment (ETE) achievement of Young People in the Community and establish a process to ensure that all young children leaving custody are linked to ETE within 4 weeks of discharge	A progressive initiative which will test the permeability of equal access to education and skills training in custody and in the community. It will offer increased community connectivity post release but must also consider equality of access throughout Northern Ireland in both rural and urban areas
Northern Ireland Children and Young People's Offending Action Plan 2011-2014	
<p>Regional Sub Group on Children, Young People and Offending of the Children and Young People's Strategic Partnership.⁹⁴</p> <p>The sub group mapped the journey young people take through the youth justice system once they have come to the attention of the police, exploring each scenario including the key organisations and young people's routes out of the youth justice system. The map also identifies gaps in service provision that may be addressed by their Action Plan to help prevent (re) offending and offer support.</p>	ICT Employment programmes can deliver improved access to training and employment opportunities for young people immediately upon release into the community
Delivering Social Change	
An OFMDFM framework co-ordinating actions across the Executive on priority social policy areas, it works towards a reduction in poverty and associated issues across all ages and to secure improvements in children and young people's health, wellbeing and life opportunities - thereby breaking the long term cycle of multi-generational problems.	ICT Employment Programmes will offer marginalised young people excluded from fulfilling their employment potential as a consequence of their criminal records sustainable employment which will help break the inter-generational cycle of offending behaviour.

⁹⁴ The Children and Young People's Strategic Partnership (CYPSP) brings together a range of agencies, including voluntary and community sector organisations, that aim to improve the lives of children and young people in Northern Ireland.

Include Youth Give and Take Scheme (Health & Social Care)	
Young people, who need education, employment or training (NEET), work through an induction programme that assesses their needs and interests and enables an individual action plan to be agreed covering the four main areas of support: training, personal development, mentoring and work experiences	Funded by European Social Fund, Department of Employment and Learning, Big Lottery Fund and the five Health and Social Care Trust, encourages training and employment training with a focus on a range of skills, including ICT
Review of the Youth Justice System in Northern Ireland (2012)	
Critically assesses current arrangements for responding to Youth Crime	Greater priority should be accorded to the rehabilitation and re-integration of young offenders in custody. They should be prepared for release from the outset, through for example, day release for the purposes of education, training or employment and should have continuing access to support on a multi-agency basis. (Recommendation 21 Pg. 132)
Review of Youth Training Interim Report November (2012)	
Report sets out a range of interventions and supports that will comprise a system of learning for young people aged 16-24	Vocational Education Training (VET) has been found to support social inclusion and even to help reduce crime. As a preventative measure, it can play a central role in tackling the problem of poor motivation and alienation, retraining learners who are otherwise at risk of dropping out while contributing to young people's socialisation. Early intervention is crucial. VET targets those who have not thrived in a traditional school setting and provides a smooth transition into work or further education, thereby preventing them from potentially entering long-term unemployment.

3.1 Wider UK Policy Alignment

One wider UK policy area of particular relevance to this research is the UK's Ministry of Justice Transforming Youth Custody (England and Wales) initiative. The observations of the situation in England and Wales and plans for addressing these are summarised below, with relevant application to the delivery of ICT programmes within a secure institution in Northern Ireland.

The Ministry of Justice's Transforming Youth Custody: *Putting education at the heart of detention*, 2013 paints a picture of variable

education provision in custody, with many young people not receiving the required hours of education and needs assessments. An Ofsted report indicated that *"risk assessments of young offenders contained insufficient information on learning and attainment..."* and *"Overall, there is insufficient join-up between education services and systems both within custody and between custody and community, with the result that time is wasted and opportunities to make progress are lost."*

**"It is .. vital that what happens in custody is much more effectively linked to what is happening in the community, and in particular that we think again about the transition from custody to everyday life".
(Ministry of Justice, 2013)**

The Ministry of Justice (MOJ) recognised the place for "expertise and innovation" in improving outcomes for so that they continue "in the right direction on release" and was keen to engage new and existing providers of education and youth services.

Furthermore, it believes

- education must be tailored to individual need with literacy and numeracy at the heart;
- provision must reflect the "expectations and opportunities of mainstream provision" so that all 16-19 year old students in custody are offered provision which reflects their ability;
- A mix of qualification or non-qualification activity focussing on the student's employment and educational goals must be offered; and
- A focus on outcomes ought to give providers freedom and flexibility to develop approaches based on individual need to work towards improved outcomes for each young person.

The first of the education contracts under Transforming Youth Custody were awarded for four young offender institutions in December 2014 and will double the hours young people spend in class. The contracts will provide teaching and vocational education with routes into apprenticeships. Maths, English and computing will all be taught along with tailored learning packages, physical education and work experience.

The regime will better reflect a typical school day with tailored lessons for young people not attending class. Other non-education activities will be scheduled around learning.

"High-quality education and training in the youth estate is absolutely vital, which is why we are reforming the culture of YOIs to put learning at the centre and doubling the amount of time young offenders spend in the classroom."

3.2 Underpinning Literature

The learning journey for young people placed by the Youth Justice Board in Young Offender Institutions

(*For juveniles September 2008 YPLA*) describes the policy environment in which young offenders'

Learning and skills provision is set and describes the role that young offenders' learning and skills provision is expected to play in achieving the Government's policy objective. It sets out requirements on both the prison service and the learning provider operating within the establishment for the delivery of learning and skills services for juvenile offenders in Young Offender Institutions (YOIs). It sets out good practice and looks to promote consistent education and training experiences for young offenders between custody and the community, with provision based on meeting personal needs, and fostering young peoples' engagement, progression and achievement.

The Youth Justice Board for England and Wales National Specification for Learning and Skills (2002) sets out a curriculum matrix illustrating the major features of a curriculum proposed for Young Offenders Institutions and how these are related to the different assessed learning levels on entry to custody, the areas of learning and skills in which young people might participate, and the courses they might undertake.

The Matrix also illustrates the practical activities, taster courses, pre-vocational courses linked to intensive careers guidance and ICT.

"In recent years, there has been a growing emphasis on developing prisoners' employability. The context for this was an economic environment of high employment rates with employers struggling to fill vacancies.

This was underpinned by the UK Government's welfare to work policy which positioned employment as the optimum route out of poverty. In Scotland this was echoed in Workforce Plus⁴⁵ and, to a lesser extent, by More Choices More Chances⁴⁶, where the focus was supporting 16-19s to be in Education, Employment or Training.

The recent economic downturn has few benefits; however it does present an opportunity to review the purpose of learning and skills for offenders of all ages. (Page 56) A recent article released by the EU Commission has identified a "lack of digital skills in Europe and the thousands of unfilled ICT-related vacancies across all industry sectors".

This presents opportunities for Young Offenders to gain the relevant IT skills to fill these positions, as such laid out in the Young Offender Learning and Skills Work stream Report".

Improving outcomes for young offenders: An international perspective: Based upon international case studies, a number of key features of provision for young offenders in custody emerge which, within their own contexts, contribute to a successful approach.

These include:

- Education is placed at the heart of an institution's focus.
- Interventions are personalised and targeted.
- Staff are given multidisciplinary training, often to graduate level, and custodial staff are also involved in the education of offenders
- Institutions are relatively small, and are split into units which are even smaller.
- There are high ratios of staff to offenders.
- Offenders are assigned mentors who work with them up to 12 months after their release.
- Activities within the community are a key aspect of provision.
- Residential facilities are locally distributed, situated reasonably close to the homes of young offenders.

SECTION 4

Delivering Practice with Young People in Secure Institutions

4.1 Principles for Delivery

Paper 4 offers insight into the types of interventions and approaches that best capture young people's imagination and hence ensure they remain motivated to engage over the long-term. The seven key factors that emerge from Paper 4, helping to develop and sustain motivation over the long-term are:

1. Having a significant adult come alongside, bringing care and continuity
2. Experiencing empowerment through choice and flexibility
3. Building resilience for a lifetime
4. Keeping it vocational
5. Recognising progress within a personalised plan
6. Let me be a teenager and have some fun!
7. Money and payment

Whilst all seven are relevant to practice in and outside of custody in the context of building young people's ICT skills, some factors have particular resonance and have been highlighted for consideration within the context of ICT delivery in secure institutions:

4.1.1 Undertaking Assessments (Linked to Key Motivating Factor 5)

Each young person in custody does undergo an assessment with a Youth Justice Agency member of staff to inform the development of an individual pathway plan. This plan includes: training, education and employment needs; work readiness; stability of accommodation; alcohol and drug issues; family relationships; and access to benefits. Programmes must have embedded within them community

connectivity post release which will build the capacity of the young person to maintain their place in the community with the ultimate aim of desistance from offending.

During the young person's first three days in the JJC, comprehensive assessments take place which includes input from education, social and healthcare staff, to determine how the young person can be best supported while in the Centre and when they return to the community. Our findings would indicate that where such individual pathway plans are indeed in place, young people in custody are motivated by the recognition that they are making progress within their individual plans *"my tutor tells me how I am getting on and the units that I have completed. This is good as it keeps me going especially as the class get harder"*⁹⁵

One to One Support (Key Motivating Factor 1)

"A Mentor approach has emerged as one of the most effective tools and is where appropriately, the voluntary and community sector can make a substantial contribution"

**DEL's Pathway to Success Strategy 2012:
Re-engaging 16-18 year olds**

Tailored programmes of support including individual advocacy, mentoring, support for the transition from custody to the community and personal and social development must be included in the individual pathway plan of each young person in custody. Advocacy and mentoring support must continue when released into the community to such time as agreed outcomes have been achieved. The young person needs to be stable and well-grounded before this support can stop completely. New Directions has proved to be particularly effective in providing one to one support for young people referred by

⁹⁵ Focus Group discussions Woodlands

the YJA in the community and in custody. "New Directions were great when I was in Woodlands, they helped with everything and got me back on my ICT course after I was released, they are still supporting me which keeps me going when I am finding things tough."⁹⁶

4.2 Emerging Approaches to Delivery of Vocational Programmes and Education

(NIACE, 2013) Identified the main challenges associated with introducing vocational programmes into prison and young offender institutions as being:

- issues with staffing;
- poor progression routes; and
- establishing effective partnerships and links with employers

In overcoming these challenges, (NIACE, 2013) observes positive responses to the embedding of ⁹⁷ functional skills into vocational programmes, reporting that it has improved provision and helped learners to engage with English, Maths and ICT "which may not have been so successful, had Functional Skills been delivered separately".

NIACE goes on to argue that young offenders ought to have access to pre-vocational provision to give learners the skills necessary to take control of their lives. This includes digital technology as well as Maths, English, health, personal finance and civic participation.

The organisation calls for a mix of embedded Functional Skills, training for specific vocations and general employability and personal development courses to be delivered across institutions and recognises that learning and training opportunities can be enhanced through effective collaboration with partners in the community, including employers, voluntary sector organisations and learning providers.

The priority, "when given a comparably short amount of time to work with a young person who has a lot of ground to make up in relation to his or her educational achievements is to develop students' function skills, which includes ICT as well as English and Maths."

(Gralton, 2011)

The integration of functional skills was one of a number of themes picked up in (Centre for Education in the Criminal Justice System. Institute of Education, London, 2012). Below is a summary of its observations regarding best practice for vocational education with 18 to 24 year olds: It (along with the Ministry of Justice), observed a lack of consistency in delivery across institutions.

- Integrated functional skills gained more recognition and were more effective than separately taught functional skills;
- In prisons where education is seen as an institutional priority for everyone, it works far better;
- Attendance at school in youth offenders institutions needs to have priority and catch-up procedures should be in place for those not attending;
- Where teachers are given designated time to carry out tutorial work, this has a positive effect;
- Co-operation between staff from different sectors, such as Education and Careers and Resettlement, enhances the quality of the programme;
- Young people work best if the teachers can be positive role models;

⁹⁵ New Directions referral transitioned from JJC to the community

⁹⁷ Functional Skills are the essential skills required for English, maths and ICT, vital for anyone wanting to participate in life, learning and work. (<http://www.forskills.co.uk/index.php?page=what-are-fs>)

- Where the curriculum can be made to reflect the cultural background and future aspirations of learners, achievement is greater; and
- A wider view of what the curriculum should contain might enable the needs of learners to be more adequately met.

In addition, (Gralton, 2011) emphasises the need for flexibility, to take account of:

- prior learning;
- specific learning needs; and
- other needs and personal circumstances.

(Quality Improvement Agency, 2008) points out that most young offenders have been 'switched off' from mainstream education and conventional learning and that access to good-quality resources will help ensure that teachers are as creative and dynamic as possible when planning lessons. This serves to maximise the chances of young people remaining engaged with the learning.

"Materials may include a range of paper, electronic and audio resources. There must also be a good variety of learning materials at different levels of difficulty to meet the range of vocational needs and work areas in the institution."

(Quality Improvement Agency, 2008)

4.3 Secure Colleges

The Ministry of Justice's *Transforming Youth Custody: Putting education at the heart of detention*, 2013 places education at the centre of its vision for '**Secure Colleges**' "*providing education in a period of detention, rather than detention with education as an afterthought.*" It recognised that custody "*provides the chance to end the chaos*" of many young lives and that, through education they will gain qualifications and skills needed for employment, building responsibility and self-discipline and to desist from offending. MOJ's vision is for 'Secure

Colleges' with education at their heart to equip young offenders with skills and qualifications needed. It has the following key features:

- looks inwards to young people in custody and outwards to the community;
- provides all-round education, vocational training, healthcare and support;
- draws on the expertise of the private and voluntary sectors;
- increases continuity between custody and community;
- develops links with alternative or specialist education provision in the community;
- uses intensive and rapid learning techniques;
- achieves transferable qualifications tied to a place at a local college or an apprenticeship upon release; and
- Recognises that continuity in a structured environment as well as in education provision is crucial in helping young people to rebuild their lives after custody.

Legislation on Secure Colleges is included in the Criminal Justice and Courts Bill, which is currently going through Parliament and the first Secure College is due to open in 2017. The Ministry of Justice believes young people should have education, training or employment secured before leaving custody, recognising "*custodial establishments themselves need to contribute to this effort before release.*"

4.4 Resettlement

The resettlement of young offenders leaving custody has also become a focus of attention. Turn Around to Work is working with local and national employers in London and Greater Manchester to provide young people leaving custody with work placement and training opportunities. Launched in November 2014 by Catch22 partnering with the Youth Justice Board, 'Turn Around to Work' is the Transforming Youth Custody's Resettlement Consortia to help young people leaving custody access work experience

opportunities and help them to find suitable accommodation, education, training or employment and provide other support that helps to transform their lives and stop the cycle of offending.⁹⁹

Catch 22's approach is based on individualised support, for those subject to community sentences, and during and following release from short prison sentences. Services focus on:

- assessing individual risks and needs and establishing an action plan;
- building high-quality relationships with individuals;
- delivering and accessing interventions that meet different and complex needs;
- recruiting mentors to support our work, including ex-offender peer mentors;
- working closely with Probation, Police and a wide range of partners;
- developing skills;
- finding secure homes and jobs;
- tackling drug and alcohol problems;
- tackling debt problems; and
- having good relationships.

4.5 Outsourcing of Training & Education

Mike Livingstone, Director of Children's Services Manchester City Council, in his report Education, Training & Employment (ETE) and Support for Young Offenders leaving Custody examined ICT delivery in Her Majesty's Young Offenders Institution in Hindley where the majority (approximately 70%) of young offenders from Manchester who receive custodial sentences are sent.

In Section 2.0 ETE provision and support in custody he observed that within Hindley, the Offender Learning and Skills Service is delivered by Manchester College who provide a good range of accredited programmes including

- Functional Skills of Numeracy, Literacy and ICT;
- Vocational training skills;
- Employability skills;
- Personal and Social Development; and
- ICT vocational learning for employability of young offenders in the Greater Manchester area.

Outsourcing training and education provision in secure institutions in NI has been tested through the Northern Ireland Prison Service contract with Belfast Metropolitan College, to provide vocational and essential skills training in Hydebank Wood Young Offenders Centre. Woodlands JJC were able to avail of some of this provision in some test cases in the vocational areas of painting and decorating, pottery and the essential skills of numeracy and literacy.

Due to the small numbers involved, the economies of scale which can be accrued in Young Offenders Centres with higher populations were not available and the cost to Woodlands JJC was prohibitive.

⁹⁹ <https://www.gov.uk/government/news/>

SECTION 5

Woodlands Juvenile Justice Centre

It is important to consider the day to day operations of Woodlands JJC and the challenges that this environment presents for the education of young people and in particular the delivery of ICT programmes relevant to the job market.

5.1 Welfare

Welfare of young people is the responsibility of a team comprising residential care workers, healthcare staff, education staff, independent representative, bail support (if required) and family services. Each young person, upon entry, is assigned a Case Manager and a Key Worker who take responsibility for looking after their individual needs, including education and training.

5.2 Education

Whilst the focus of this research is not an appraisal of the current education provision in Woodlands, it is nonetheless important that some consideration is given to the current delivery environment in the context of how prevailing conditions can facilitate or inhibit the delivery of ICT programmes. Education within the institution is delivered by the Woodlands Education and Learning Centre through an ethos of providing a supportive environment in which young people can feel able to explore educational issues and challenges and to enable them to achieve their potential. The aims of the Educational Centre are to:

- Support young people to develop their educational skills;
- Provide an opportunity to gain essential skills qualifications;
- Develop a personal education plan appropriate to each young person's needs; and

- Enhance links with Further Education, training and employment.

Two recent factors have impacted significantly upon educational delivery:

1. The change in legislation emanating from the Youth Justice Review in 2012. The Minister for Justice confirmed that from November 1 2012, Woodlands Juvenile Justice Centre would be the sole justice location for the detention of young people under the age of 18 in Northern Ireland. The practical impact of this on Woodlands in the immediate term was that in 2012/13, 44% of all transactions in the Centre were for young people aged 17¹⁰⁰. When we consider that those 16 and over are beyond compulsory school-going age, 63% of the total custody population in Woodlands in 2013/14 were over compulsory school going age.¹⁰¹
2. Whilst the staffing model has remained in place with three managers, five qualified teachers and three instructors, the JJC directive that "young people should engage in Education & Training appropriate to their needs" is placing unrealistic expectations on this staff resource. The Woodlands Education Department School Development Plan recommends

"With fewer staff, we need to prioritise what we deliver and to whom. The current model which tries to facilitate all young people in education for 25 hours per week is no longer practical. The one size fits all timetable places little emphasis on individual needs, despite the fact that our young people come from a wide range of education backgrounds and in most cases will have had a negative experience in previous education placements"

¹⁰⁰ Youth Justice Agency Annual Workload Statistics 2013/14 – Statistics & Research Branch 8th August 2014

¹⁰¹ Youth Justice Agency Annual Workload Statistics 2013/14 – Statistics & Research Branch 8th August 2014

JJC Education and Learning Centre serve four distinct learner groups:

1. **School aged young people:** The current drop-out from education upon reaching the age of 16 in Woodlands is 80%¹⁰², similar to drop-out levels for young people in the youth justice system in the community. When we consider that 63% of the 2013/14 JJC population were 16 or over, the transition to a Further Education model of education provision which is subject rather than class led is indeed necessary and could free up the use of ICT facilities for more employment based programmes. (See Recommendations)
2. **Young people newly admitted to JJC who are disengaged:** A significant number of young people entering custody will have had negative experiences of education. Woodlands staff are committed to providing this group with an opportunity to experience education and, through their assessment and time in school; both parties will be able to determine an education pathway.
3. **Currently Engaged:** Young people who enter JJC and are currently engaged in education and training with outside agencies.
4. **Over School Age with Special Needs:** Young people in JJC who have specific needs. This may range from young people with learning to those engaged in occupational studies in essential skills

The Education & Learning Centre in Woodlands has been involved in a comprehensive review of provision over the past year and some clear outcomes from that process are beginning to emerge. The current school development plan is specific in terms of the delivery model they must adopt.

"We feel that a move towards a Further Education model of education provision would best meet our needs. The significant change would be that the timetable would be subject rather than class led. Young people will have an assessment of need carried out by their tutor which will determine their Personal Education Plan. In essence, over school-aged young people will only attend accredited classes appropriate to their needs. This will lead to increased accreditation as pupils attending each lesson should be fully engaged in that subject"

(Woodlands Education Department School Development Plan)

5.3 ICT Infrastructure at Woodlands

A study visit to Woodlands JJC assessed the suitability of its current ICT infrastructure for the task of delivering ICT Programmes relevant to the job market. The Head of ICT, Springvale Employment & Learning Solutions was included in this study visit. The key factors for consideration were:

- Current ICT security and internet access policies and how these could impact upon the delivery of any of the Level 1 or 2 ICT programmes offered by Springvale (and deemed to be relevant to preparation for the job market);
- The type and number of rooms with ICT provision and the extent to which they are suited to the ICT needs of the institution including the size of the rooms (for student capacity); and
- Factors related to cable security, fire resistance, noise, heating, electrical fields, conduit paths, equipment transport, floor loads and any extrinsic general building structures.

The outcome of the visit was a consensus that Woodlands JJC is well resourced with an ICT suite which is fit for purpose to deliver accredited ICT Programmes.

¹⁰² NIACRO Senior Practitioner

The teaching facilities and ICT resources are on par with many other training organisations delivering ICT training, albeit on a smaller scale. Woodlands have two rooms with ICT/multimedia resources:

- I.T. Suite with seven internet-enabled PCs. The PCs are all running windows and have standard application software installed; Word; Excel; PowerPoint etc. making them suitable for most ICT courses at Levels 1 and 2.
- Multimedia Room which includes video and audio editing tools and hardware such as a mixing desk and turntable.

Security

All the machines in Woodlands are managed on the C2k network which is managed externally on the main education network mainframe. This is protected via an extensive firewall facility and monitored regularly. By way of contract Springvale currently have a Unified Threat Management System (Sonic Wall) that can manage access issues, access rights, net control and Springvale has full control of this system. The C2K network in Woodlands provides additional security is controlled externally and is more restrictive than the Sonic Wall implemented by Springvale.

Current ICT security or internet access policies within Woodlands would not impact on the delivery of any of the ICT Level 1 or 2 programmes presently being offered by Springvale and which are being proposed as being relevant to delivery within Woodlands to prepare young people for the job market. Courses or other units requiring wider internet access could be managed and controlled through the existing C2K firewall. However, installing Net Control or similar classroom management software would provide an additional layer of restriction and security.

5.4 Challenges for Woodlands

5.4.1 Hours of Access

The ICT suite and multi-media room cannot be accessed outside of normal school hours for supervision and security reasons. For those taking ICT courses, classes are delivered during the normal school hours which can be a barrier to participation for young people who already have ICT essential skills and wish to pursue a more employment based ICT programme. In some circumstances, learners are given access to lap tops and mac books¹⁰³ which they can take to their residential units to further progress their learning and skills development.

5.4.2 Mixed Ability Classes

Classes are mixed ability, made up of young people at different skills levels: Class sizes are restricted to a maximum of four to ensure appropriate supervision. With only one ICT instructor, this presents significant challenges and can in itself be a barrier to learning, especially for students pursuing an employment based ICT programme. In such a case the ICT instructor makes every effort to ensure that the student can remotely access college learning networks to access up to date course work material

5.4.3 Internet Access

"The more advances that there are in ICT, the greater restrictions we have to place on it for the young people."

This is the dichotomy to be addressed by ICT security specialists in JJC. While acknowledging the very challenging issue of levels of internet access afforded to young people within Woodlands, we must recognise the very significant achievements New

¹⁰³ Internet access is blocked

¹⁰⁴ ICT Policy Officer – Business Improvement Directorate Youth Justice Agency

Directions have made in successfully delivering a truly innovative OCN ICT Level 1 programme using tablet devices during the evening in the individual residential units. This has been achieved without internet access. While supervised access to the internet is preferable, New Directions has demonstrated that ICT programmes can be delivered without internet access.

5.4.4 Delivering Essential Skills

The ICT employment model outlined in Paper 2 was underpinned by the achievement of essential skills qualifications to enable progression to the next stage of the model. To complete level 1 essential skill qualification in ICT, JJC candidates will need to complete a portfolio of evidence including the following:

- Word Processing
- Spreadsheets
- Desk Top Publishing
- Power Point Presentation
- Use of Internet & Email

With 100 guided learning hours recommended by the exam board¹⁰⁵ "Level 1 & 2 in Essential Skills could be delivered with supervised internet access over a period of 12-16 weeks with buy-in from the learner". (ICT Instructor JJC) It is the view of this research¹⁰⁶ that this qualification could be achieved at Levels 1 & 2 without access to the internet with some improvisation by, for example, the creation of virtual websites and email accounts.

Due to the short nature of much of the sentencing in JJC (in 2010 the average sentence was six months with a range of 2-30¹⁰⁷ months) ICT learning time can be limited. Where a young person is pursuing an ICT programme in the community, every effort should be made to continue with elements of the programme

whilst in custody. Where a young person on a longer sentence commences an ICT Programme in custody, consideration should be given to how this programme can be continued when the young person is released into the community. These scenarios are embedded within the transitional delivery model depicted in Figure 2 Section 6.

Concerns regarding ICT security are not unique to JJC. (Centre for Education in the Criminal Justice System. Institute of Education, London, 2012) observed great differences between institutions in London, in terms of what they were willing to offer and how (or whether) they were willing to overcome practical constraints linked to security. Their research found that some were able to offer a wide range of vocational skills with an excellent range of modern resources at or above Level 2 (although always still a narrower provision than FE colleges). Others had a narrower range and seemed to stumble over issues surrounding security.

5.4.5 Being truly vocational with ICT

Woodlands JJC has begun to shift the focus of its education to become more vocational, based on a Further Education model of provision. It is successfully delivering programmes in car mechanics, woodwork, horticulture and painting and decorating with good employment outcomes for participants when released into the community. These courses are workshop based with Woodlands staff available to supervise. However, this is still not the case for ICT where further development is needed if this provision is to become truly vocational. This is especially the case in the areas of digital and creative media where access to the internet and flexible learning outside of normal school hours would considerably enhance learning and progression. The New Directions model of residential unit based ICT learning in

¹⁰⁵ CCEA

¹⁰⁶ ICT Specialist Springvale Learning

¹⁰⁷ Announced Inspection of Woodlands Juvenile Justice Centre 2011, Criminal Justice Inspection Northern Ireland

the evenings has proved to be effective in engaging young learners who had negative experiences of classroom learning and should be offered as an alternative to school timetable delivery

5.4.6 Permeability

Reducing re-offending and ensuring that young people in Woodlands JJC do not reappear within the Criminal Justice System as they get older is the ultimate goal of the educational supports. The link between training and employment and reduction in offending was amplified by a 1998 study from the University of Oxford's Centre for Criminological Research¹⁰⁶, finding that employment reduces the likelihood of prisoners reoffending by between 30% and 50%.

Paper 2 devised an employment model with an ICT focus for young people involved in the youth justice system. Central to this research is devising a pathway for a young person in Woodlands to seamlessly transition to the Paper 2 pathway upon release into the community. This aspiration generates a series of questions relating to permeability:

1. Has a young person in the youth justice system equal access to ICT skills training in custody and in the community?
2. Can a young person progress at the same pace with an ICT Programme in custody as they would in the community?
3. Can a young person resume an ICT programme in the community upon release at the same stage that they were at within the programme when in custody?

Resource constraints, mixed-ability and mixed-age learning groups and the nature and duration of sentencing all place significant pressures on permeability (equal access to education and skills training in custody and the community). The depth of skills and training opportunities available in Woodlands cannot

compare with the opportunities available in the community. However, we are clear that a young person can access ICT skills training both in custody and the community. It seems therefore that the fundamental concern is not equal access but rather to ensure that access in custody and the community is integrated within a flexible model that can deliver good employment outcomes.

5.4.7 Flow of resources and consistent practice between institutions and the community

The ASCL Act (2009) England & Wales described in section 2.1.1 places responsibilities on statutory authorities, young offenders centres and schools to share information at the appropriate times such as a young person arrives in custody and when they are released into the community. No such legislation exists in Northern Ireland which can present considerable barriers to the assessment and progression of young people in education and training in JJC. The flow of information and resources and consistency in practice is largely dependent on good professional working relationships between the agencies supporting the young person.

It must be acknowledged that the interface between the responsibilities of the Youth Justice Agency, (DOJ), the Department of Education (DE) and the Department of Employment and Learning is complex and has the capacity to further accentuate the difficulties around this issue. Teaching staff within JJC come under the responsibility of the Department of Justice and do not have access to the full range of professional development opportunities provided by local Education & Library Boards to their counterparts within mainstream education.

This arrangement can result in delays in the provision of information on young people in custody who attended a mainstream school. Delays in making available information on basic information such as "Statement of Special

¹⁰⁶ 'Bridges, A. (1998) Increasing the employability of offenders. Probation Studies Unit report no 6, University of Oxford Centre for Criminological Research.

Needs” can impact on access to training programmes creating additional barriers for JJC in their work to provide a stable environment for the young people.

Complex statutory reporting requirements do not enhance community connectivity, in response to an assembly question on this issue in November 2014

“To ask the Minister of Justice what consideration has been given to transferring responsibility for teaching staff at Woodlands Juvenile Justice Centre, Bangor to the Department of Education ”?

The Minister for Justice replied

“The Minister of Education and I have established a cross-Departmental Working Group, tasked with examining current arrangements for the provision of Education within Woodlands and bringing forward proposals for making appropriate connections to mainstream and other specialist Education and Training services. As the age range of young people in Woodlands extends beyond compulsory school age, the Department for Employment and Learning have also participated in the Review. The Working Group has met on a number of occasions and my Department will continue to engage with DEL and DE, as appropriate, pending formal receipt of the Working Group’s proposals”.

At the time of writing, the working group have not yet delivered their findings. (See Recommendations)

SECTION 6

ICT delivery model in a secure institution

The model proposed (and outlined in Figure 2) has many similarities with the community based model in Paper 2, these are necessary to ensure a seamless transition to the community based approach when released from custody. We would like to highlight the following stipulations

- The model is flexible in that it can accommodate a young person in custody who is already engaged in ICT skills training with a training provider or FE College and a young person who is not;
- The model requires significant input from the JJC staff at all stages when the young person is in custody;
- Community Connectivity is provided through New Directions which offers an excellent model of supporting young people in the transition from custody to the community;
- Learners will require access to the particular virtual learning environment used by the training provider;
- The model requires effective collaborative working by all agencies with the required flow of resources and consistent practice between the institution and the community to transition effectively from Woodlands JJC to the community;
- The model incorporates community connectivity post release, and is designed around the needs of the individual rather than the education system within the secure institution;
- New Directions will support the transition from custody to the community building the capacity of the young person to maintain their place in the community, ensuring equality of access throughout Northern Ireland in both rural and urban areas with the overall aim of reducing offending behaviour;

- Meets Development Objective 3 (Youth Justice Agency Business Plan 2014/15): Monitor & Evaluate the Education, Training & Employment (ETE) achievement of Young People in the Community and establish a process to ensure that all young children leaving custody are linked to ETE within 4 weeks of discharge; and

- The content of the vocational elements, sourcing of work placements and post progression employment opportunities are described in detail in Paper 2 and for the purposes of brevity are referenced in Fig 2.

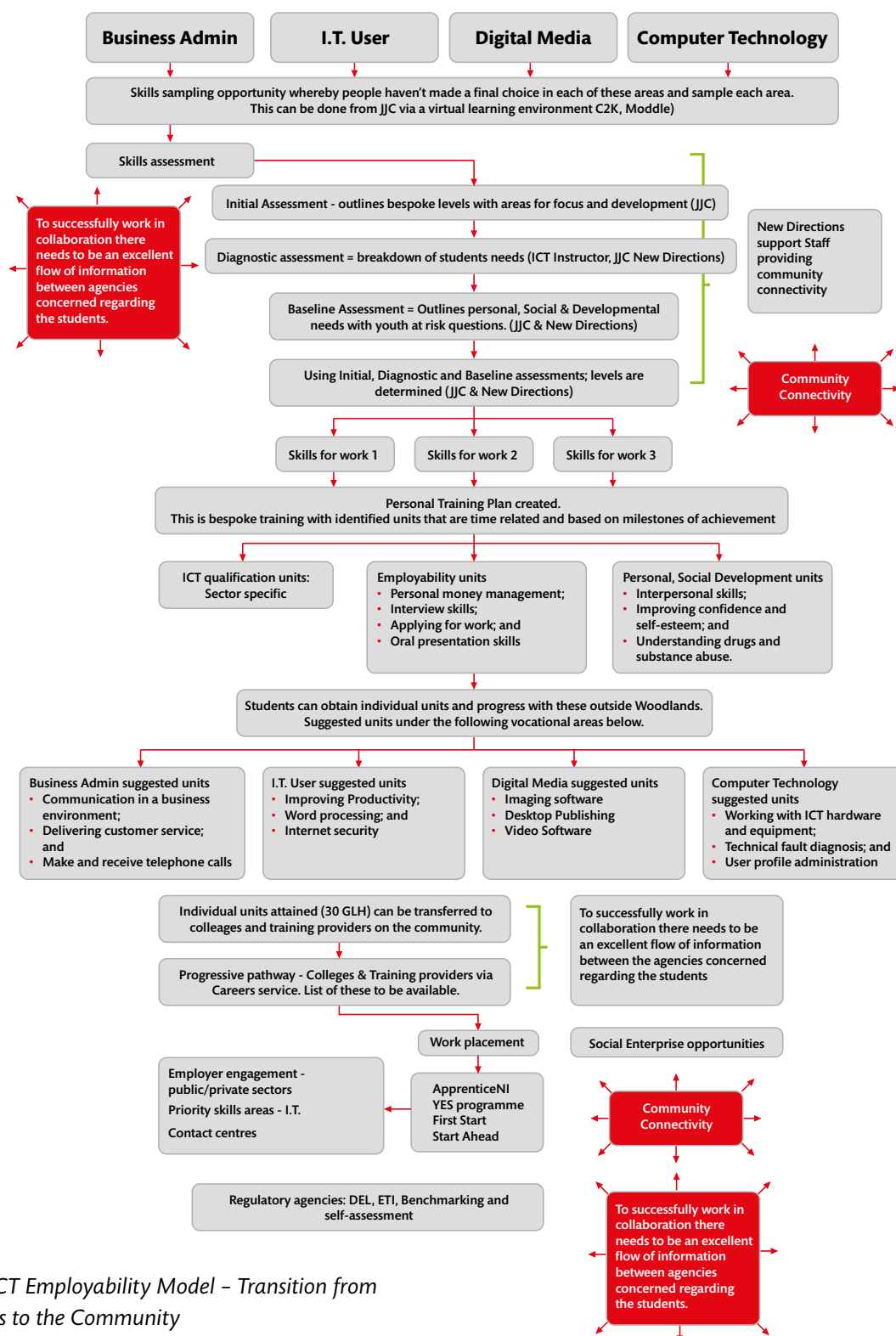


Figure 2: ICT Employability Model – Transition from Woodlands to the Community

SECTION 7

Key Findings

1. Starting Point

"A report for NICCY (Martynowicz et al 2012) documented the range of difficulties facing young people in conflict with the law including mental health issues, family break-down, violence and abuse, accommodation problems, poverty, unemployment and difficulties in accessing appropriate training and education. All of these present problems for young people leaving custody, and provision of appropriate support is vital in promoting desistance."

The Custodial Detention of Children and the Youth Justice Review, Una Convery & Linda Moore, University of Ulster

Give the complexities of problems young people will face, the assessment to inform the development of an individual pathway plan is absolutely critical. This should include training, education and employment needs, work readiness, stability of accommodation, alcohol and drug issues, family relationships and access to benefits. This research has discussed pathway plans with both the Youth Justice Agency and the New Directions programme and would acknowledge that both agencies include all of these elements within their individual pathway plans.

2. Community Connectivity

The Youth Justice Review (2010) concluded that the high rate of re-offending for young people leaving custody was *"a reflection in part of the lack of adequate preparation for release from day one of entry and continuity of support post-release"*. Programmes must have embedded within them, community connectivity post release to help build the capacity of the young person to maintain their place in the community with the ultimate aim of desistance from offending. This research has found that Woodlands staff welcome interventions from innovative projects such as New Directions. Good working relationships need to be in

place between the institution and any other agency or organisation that is offering support to ensure the efficient flow of information, resources and a consistent practice between institutions and communities. Equality of access to a chosen course for any young person upon released, regardless of where they live in Northern Ireland, is vital. Any undue time delay in re-engaging can have a detrimental effect on the young person's propensity to re-offend.

3. One to One Support

Tailored programmes of support including individual advocacy, mentoring, support for the transition from custody to the community and personal and social development must be included in the individual pathway plan of a young person in custody. Advocacy and mentoring support must continue when released into the community to such a time as agreed outcomes have been achieved. Such support can be difficult to sustain especially within statutory provision.

The New Directions Programme which has funding for pre and post release provision has been particularly effective in providing one to one support for young people referred by the Youth Justice Agency whilst in custody and when released back into the community.

"A Mentor approach has emerged as one of the most effective tools and is where appropriately, the voluntary and community sector can make a substantial contribution" DEL's Pathway to Success Strategy 2012: Re-engaging 16-18 year olds.

4. Woodlands Juvenile Justice Centre

Woodlands JJC is well resourced with an ICT suite fit for purpose for the delivery of ICT Programmes although only available to young people during the school timetable day (9.30am to 3.30pm).

The research has found JJC to be well positioned to deliver ICT essential skills at Levels 1 & 2; the cornerstone of any ICT employability model.

The research has also found evidence of good practice in the flow of resources and consistent practice between JJC and external training agencies¹¹⁰ with some flexibility in granting learners access to lap tops in their residential units outside of school hours to accelerate learning. However, mixed ability and mixed age learning groups can be a barrier to students developing their ICT skills, particularly those who wish to pursue more employment based ICT programmes.

5. Levels of Internet Access

Levels of internet access afforded to their young people is a challenging issue for Woodlands JJC. New Directions have been successful in delivering a truly innovative OCN ICT Level 1 programme using tablet devices during the evening in the individual house units, although no internet access was available for this. Whilst access to the internet to effectively deliver digital based ICT programmes beyond essential skills levels is recommended, this may present challenges to JJC in terms of resourcing such supervision. Alternative contingencies to obviate the absolute requirement of internet access have been implemented by New Directions support staff and should continue to be used to facilitate ICT programme delivery outside of school hours.

6. Shifting the focus

Woodlands JJC has begun to shift the focus of its education to become more vocational, based on a Further Education model of provision. It is successfully delivering programmes in car mechanics, woodwork, horticulture and painting and decorating with good employment outcomes for participants when released into the community. These courses are workshop based with Woodlands staff available to supervise. However, this is still not the case for ICT where further development is needed if this provision is to

become truly vocational. This is especially the case in the areas of digital and creative media where access to the internet outside of normal school hours would considerably enhance learning and progression. The New Directions model of residential unit based ICT learning in the evenings has proved to be effective in engaging young learners who had negative experiences of classroom learning and should be offered as an alternative to school timetable delivery.

7. Strategic Relevance

ICT Programmes relevant to the job market in a secure institution are strategically relevant to the following policy areas:

- Transforming Youth Custody and Multi-Agency Partnership Working;
- Reducing Offending (DOJ);
- Transition from Custody to the Community (DOJ); and
- Tackling Youth Unemployment (DEL)

8. Permeability Model

Resource constraints, mixed group learning environments and the nature and duration of sentencing place significant pressures on permeability (equal access to education and skills training in custody and the community). The depth of skills and training opportunities available in Woodlands cannot compare with the opportunities available in the community. However, it is evident that a YPIYJS can access ICT skills training both in custody and the community and this research would assert that the concern is not absolute equal access in both environments but rather to ensure that access in custody and the community is integrated within a flexible model that can deliver good employment outcomes.

¹¹⁰ Facilitating access to an FE College's Virtual Learning Network enabling a young person to continue their ICT course

9. Technology in the classroom

Focus Group discussions with young people in Woodlands JJC indicate that the use of technologies in the classroom can help young people in custody to re-engage with education and training, using tools that they are comfortable using with in everyday life. Given this familiarity with ICT and mobile technologies, they are more likely to engage with learning and skills development in these

10. Legislation

Legislation for the education and training of young people in custody is governed under the Juvenile Justice Centre Order which adjudicates that all young people in Woodlands JJC should be attending education and training appropriate to their needs. As a result of this, the teaching staff in the JJC are managed under DOJ while all of their counterparts in mainstream provision are managed under DE. This can lead to a feeling of isolation among teaching staff in Woodlands JJC from mainstream education provision in accessing, professional development and information from mainstream schools about young people arriving in custody.

11. Outsourcing

Outsourcing training and education provision in secure institutions is commonplace across the UK and this approach has been tested through the Northern Ireland Prison Service Contract with Belfast Metropolitan College, to provide vocational and essential skills training in Hydebank Wood Young Offenders Centre. Woodlands JJC were able to avail of some of this provision in some test cases in the vocational areas of painting and decorating, pottery and the essential skills of numeracy and literacy. Due to the small numbers involved, the economies of scale which can be accrued in Young Offenders Centres with higher populations were not available and the cost to Woodlands JJC was prohibitive.

SECTION 8

Recommendations

Based upon the key findings and themes within this research, there are a number of recommendations which can be made in the context of the future of youth custody in Northern Ireland to facilitate the delivery of ICT programmes relevant to the job market in a secure institution.

Statutory positioning of Woodlands JJC

The Working Group convened by the Minister for Justice to examine current arrangements for the provision of education within Woodlands and bringing forward proposals to make appropriate connections to mainstream education and training providers has yet to deliver its findings.

This research has highlighted the significant barriers that being positioned within the Department of Justice presents for educational staff in Woodlands. With education central to all provision of custody to young offenders, overall responsibility for its delivery should be placed with the relevant specialist statutory body.

This research would therefore recommend that responsibility for teaching staff at Woodlands be transferred to the Department of Education and further that: a robust service level agreement should be implemented within this transfer, with the Department of Justice to reflect the custodial responsibility of the Youth Justice Agency within JJC.

ICT Security

ICT Security or Internet access policies within JJC would not significantly impact on the delivery of any of the level 1 or 2 programmes presented in the proposed delivery model (Section 6 Figure 3). Courses or other units requiring wider internet access can be managed and controlled through the existing C2K firewall; however this research would recommend installing Net Control or similar

classroom management software which would provide an additional layer of restriction and security without impacting on the delivery of the ICT programme. We would further recommend that ICT security in Woodlands be appraised as part of the current review of ICT provision that is ongoing within the Youth Justice Agency.

Voluntary and Community Sector

The proposed delivery model in Section 6 designed around seamless transitioning from custody to the community requires the support of a strong and vibrant Community and Voluntary (C&V) sector as exemplified by the work of the New Directions Programme.

Community connectivity, equality of access throughout Northern Ireland in both rural and urban areas and maintaining the young person's place in the community with the aim of reducing offending behaviour are key outcomes that have been achieved by New Directions in it's work over the past year in Woodlands and the community.

We would recommend that every effort is made to facilitate the work of the C&V projects within Woodlands JJC to enable projects to continue to demonstrate impact, deliver outcomes, share innovation and ensure sustainability.



APPENDIX 1

FOCUS GROUP SUMMARY

Focus Group Summary:
Woodlands JJC December 9
2014

GROUP 1

3 young offenders, all on remand for 3 weeks, 2 months, 1 month, aged 17, 17, 16, the indications are that none of them will receive a long custodial sentence.

"I think that I will get a couple of months, I am on remand and am due to be sentenced next week"

1 of them have been in Woodlands before whilst the other 2 are in for the first time

2 were particularly interested in ICT and do digital media 3 times per week they like animation, DJing and burning CDs. Music is their passion.

"Everything is about computers in the world so if I can get a qualification I might be able to get a good job"

"I like computers, I find it and I am used to doing stuff on my phone. I am doing a course in here and I enjoy it like I never enjoyed school, I will carry it on when I get out as they are keeping a place for me" (Belfast Met)

"Everything is about computers in the world so if I can get a qualification I might be able to get a good job"

"I like making music, I think I have a talent for it, the New Directions people are going to get me on a course when I get out"

The other is hoping to become a mechanic and has been doing classes in this in Woodlands

Finished school at aged 14, 14, 13 and went to alternative education but did not attend there either, eventually their Education Welfare Officer gave up. Drifted into crime out of boredom and because their friends were doing it.

"I didn't really go to school after my first two years; I got drawn into stuff with my mates and lost all interest in school. The education officer kept at me but he had to give up"

Family situation is problematic, one has just mum who panders to his every need, one lives with his dad who is a drug dealer and this is what he aspires to become, the other appears to have a more settled family environment.

All have drugs and alcohol issues, they are hopeful that they can pursue their chosen vocational area when they are released though they did admit that they have drifted in and out of pathways to work schemes in the past.

"I was on a retail course and got an interview with Marks and Spencer's but I didn't turn up"

"I was on a training programme but I was getting blocked every night and I gave it up, too much going on with my mates"

They would like to get jobs to earn money and increase their status in the community; they may get involved in voluntary work if their friends did so.

"I would like to have my own car and have money to go out. I am 17 now and I will resume my course when I get out and am determined to finish it.

"I dunno about voluntary work, I would not get paid for it, maybe would do it if some of my mates did it, it could be a good experience

GROUP 2

3 young offenders 16, 17, 17 who have been in Woodlands for 5, 3 and 1 month. This is the first time in for all three of them, 2 are on sentences of less than 1 year while the other is awaiting sentence for a serious crime and suspects that he will be sentenced to at least 2 years, he is 18 in March which will mean that he will be transferred to Hydebank to serve the remainder of his sentence.

"I will get a long sentence for what I done and will be 18 soon so I will spend most of it in Hydebank"

"I will be getting out in a couple of months and am going to get back in on my course and finish it and try getting a job.

2 interested in ICT, Digital Media and Computer Hardware, the other is pursuing English A Level and uses ICT in his studies. They feel positive when working with ICT.

"I am able to continue some of my computer course in here which keeps me going. The teacher keeps encouraging me and that keeps me going"

"I want to be an ethical hacker, I like this and governments give jobs to people who are good at hacking"

2 were expelled from school at 13, the other left at 14, they were focused in their first year at secondary school but became disengaged after that year, they admitted to taking drugs and alcohol from aged 11. They could not cope with the structure and routine in school

None with stable families, 1 dad is in jail, the other don't see their dad whilst the other has been in care

All admitted that that peer pressure and their community has been instrumental in them moving into crime, everybody does it and the people that

they look up to in their community encourage them to participate in crime.

"All my mates have been in trouble with the law some have been in here, everybody is involved in it in our area and they get paid for it"

They all struggle with focus and sustaining motivation, one feels disenchanted and even if he finishes his course he does not feel that there are any jobs out there for him.

"I dunno if there will be a job if I finish my computer course. New Directions keep telling me that there will; I need that type of help all the time as I worry that I might give up"

They would like to have a role model or an inspirational figure in their lives but the closest that they have to that at the moment is the drug dealers and paramilitaries in their communities. "The big men in our street all have nice cars and good clothes, I would like that too" "drugs are easy money"



APPENDIX 2

FOCUS GROUP QUESTIONS

(Q) What types of things do you enjoy?

(Q) What turned your off learning / school in the past?

Examples:

- » Couldn't cope with the structure
- » Wasn't given a second chance when I made a mistake
- » Wasn't getting on with the people
- » Didn't see the point in it

(Q) Have you had any good experiences of learning ICT?

If YES – what made these experiences different to previous, bad experiences?

If NO – can you imagine any kind of learning or anything that would help to build your skills that you might enjoy and be willing to stick at? What would it be like?

Examples:

- » Hands on / practical
- » Not too formal
- » Fun - maybe using art / sport / leisure -
- » Are there any particular skills it could help you with?

(Q) Has anyone ever had a job which involved ICT?

- » How did working make you feel?
- » Did you need more support in the job than you realised beforehand, or than you got?

(Q) Have you been part of any training or employability programmes, for example with Princes Trust or New Directions?

- » How did you feel before you started?
- » How did you feel during and after?
- » Would you do something like that again?

(Q) What about Action Plans? Have you ever had an action plans maybe with particular goals or targets?

(Q) Have any of the difficult things you've had to cope with in your life helped you to build any skills? Do you feel that you have the resilience to work through an ICT Programme

(Q) Have you met anyone who makes you feel safe and who has inspired or motivated you?

- » What was it about them that made you feel that way?

(Q) Have you ever had someone encourage you to have a go at ICT training you thought you wouldn't be able to do? How did that make you feel?

Looking for evidence of whether any feel they have ever (or want to be) pushed / encouraged to move beyond "comfort zone"

(Q) What kind of ICT programmes or training do you think you might stick with in the future? What would be most important about it?

- » Money – earning while you are learning – how important is that to you?
- » Work experience
- » Flexibility to not have to be there all day every day / chance to have your say in how it shapes up
- » One to one help / support through it
- » The relationship with the staff – what is important about them / their approach?

(Q) What else would need to be able to stick with the programme?

Examples:

- » Housing / Stable benefits payments
- » Personal support – eg to help with confidence etc.
- » Getting on with other people

(Q) Do you feel prepared for the future when you leave Woodlands?

Explore whether any sense of anyone owning a sense of responsibility for what comes next – and if not, what they may hold onto. Eg continuity of New Directions staff / family members etc. that may be supportive.



APPENDIX 3

INTERVIEWS CONDUCTED

Position	Organisation
2 Practitioners from New Directions	NIACRO
Director & Project Manager	Bytes Project
Deputy Head of School	Woodlands Education Department
Assistant Director for Business Improvement	Youth Justice Agency
Policy Officer, Business. Improvement Directorate	Youth Justice Agency
ICT Instructor	Youth Justice Agency
Vocational Training Manager	Springvale Employment & Learning Solutions
Head of Development	Springvale Employment & Learning Solutions
Young People's Focus Group (11 in attendance)	Springvale Employment & Learning Solutions
Young People's Focus Group (13 in attendance)	Springvale Employment & Learning Solutions
Young People's Focus Group (14 in attendance)	Springvale Employment & Learning Solutions
Young People's Focus Group (14 in attendance)	BYTES (held in Flax Hostel, Ardoyne)
New Directions Focus Group (3 in attendance)	New Directions

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<https://www.gov.uk/government/news/>

Young people in custody
www.gov.uk

PAPER 4



Sustaining and developing the motivation of young people involved, or at risk of becoming involved, in the youth justice system within the context of accessing the labour market: developing a voice for young people within decision making processes.

.....
NIACRO & The Bytes Project Research:
.....

Walker & Fitzpatrick

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Introduction and Methodology

Seven Key Motivating Factors have the potential to develop and sustain the motivation of young people involved, or at risk of becoming involved, in the youth justice system within the context of accessing the labour market.

These are:

1. Having an adult come alongside, bringing care and continuity
2. Experiencing empowerment through exercising choice and experiencing flexibility
3. Building resilience for a lifetime
4. Keeping it vocational
5. Recognising progress within a personalised plan
6. Let me be a teenager and have some fun!
7. Money and payment

The research has been compiled using the principles of Grounded Theory. That is, rather than beginning with one particular hypothesis, the research has gathered a range of literature and reflections on practice (from practitioners and young people) from which emergent themes have been identified and developed.

Appendix 2 lists interviews that have taken place, with practitioners and young people, and the Bibliography the literature reviewed in undertaking the research. Thank you to all practitioners and policy makers who contributed to this Paper.

Paper 4 Overview

Section 1

Contextual Introduction

Why ought we be concerned that young people involved, or at risk of becoming involved, in the youth justice system develop motivation for accessing the labour market? What is it about employability that is so important? And what might one regard as a 'successful' outcome for such a young person?

This section sets the scene, reminding us that the subjects of this research are not one homogeneous group with the same aspirations and that their journeys towards employability may not be linear or predictable.

Section 2

The Northern Ireland Context

Northern Ireland's socio-economic and political landscape has potential to influence the young people. The particularities of the Northern Ireland context must be taken into account when identifying how motivation may be developed and sustained.

Section 3 - The Young People

An overview of the circumstances and the complexities that characterise many young people relevant to this research (whilst not going into the detail of the barriers faced; the concern of Paper 2). Of particular note are the difficulties faced by those coming out of custody and the need for continuity to help sustain motivation; a theme developed in Paper 3.

Section 4 Approaches to Developing & Sustaining Motivation

What approaches hold the most potential for motivating? What are the relative merits of short-term versus long-term programmes? The following themes are explored:

- Differing needs of young people, requiring differing approaches, from
 - » Youth work approaches for those least prepared to engage, through to
 - » Supported Employment models for those ready for employment
- Short term interventions versus long-term interventions
- Whether and how restorative justice can contribute to motivation
- Emerging practices, including:
 - » Individualised, holistic approaches
 - » Assessment Tools
 - » Collaboration

Section 5

Seven Key Motivating Factors

8. Having a significant adult come alongside, offering care and continuity
9. Experiencing empowerment through exercising choice and experiencing flexibility
10. Building resilience for a lifetime
11. Keeping it vocational
12. Recognising progress within a personalised plan
13. Let me be a teenager and have some fun!
14. Money and payment

Section 6

Young People's Decision Making

An overview of the importance of and principles that lie behind supporting young people to have their voices heard in decision-making processes that affect them.

Section 7

Implications & Recommendations

Implications of the findings for practitioners and policy makers, summarised as follows:

1. A whole family approach
2. Avoiding false motivators and false promises
3. Understanding what works and why
4. Investing in the quality of interventions
5. Investing in the practitioners' relationship building skills
 - a. Hearing young people's stories
 - b. Modelling vulnerability
 - c. The role of conflict
 - d. The environment
6. Challenging societal factors that tend to de-motivate

Key Principles Emerging from the Research.

The following key principles, enshrined throughout literature and practice reviewed, appear in ***bold italics***, throughout the Paper and are summarised below.

- Approaches must not replicate that which caused disengagement with school;
- A spectrum of 'preparedness' means one pathway will not suit all needs;
- Exposing young people to experiences not appropriate to their level of preparedness or that are not of adequate quality have the potential to damage motivation;
- Barriers to work do not disappear when people secure employment, and lifestyle difficulties make job retention challenging;
- In-work support and one-to-one case worker input was more effective in keeping vulnerable younger people in sustained employment than education;
- Transition to continuous employment takes time and is not necessarily straightforward;
- Exit plans are critical, irrespective of programme length;
- Short-term programmes make collaboration between and co-ordination within organisations essential because an exit plan from an intervention is likely to involve referral onto another programme;
- Staff often go above and beyond what may be expected, building trust and addressing holistic needs;
- Organisations cannot serve the long-term motivational needs of young people and work in silos. Collaboration between and co-ordination within organisations is central;
- Clarity about the outcomes practitioners and policy makers are striving to achieve is necessary;
- Requirements for tools that measure the full story behind the change in a young person (including motivation levels);

- Supported employment, enabling young people to access support once in employment, would help facilitate long-term tracking;
- Feedback from young people emphasised the importance of quality characterising interventions;
- Young people readily recognise distinctions between consistent and inconsistent practice, inconsistency being synonymous with 'not caring'; and
- Need to optimise practitioners' skills to hear and respond to young people's voices and to build in-depth understanding of an individual's life story.

SECTION 1

Contextual Introduction

Why the particular interest in young people who have been involved with the youth justice system accessing the labour market? Why not developing family ties, becoming free from drug and alcohol abuse, or completing education? Employment has been identified as one of the most significant contributors to desistance from reoffending.¹¹²

Paid employment has the potential to achieve ...a reduction in 'unstructured' time and an increase in 'structured' time; an income, which enables 'home-leaving' and the establishment of 'significant' relationships; a 'legitimate' identity; an increase in self-esteem; use of an individual's energies; financial security; daily interaction with non-offenders; for men in particular, a reduction in the time spent in peer-aged groups... and ambition and goals, such as promotion at work.

Farrall, S. (2004)¹¹³

We may regard building employability as contributing to a journey that enables young people to desist from offending and build a meaningful life. This Paper returns time and again to the all-important context of complex needs that require joined-up and sustained interventions and building employability skills must be regarded within this broader context. However, as our concern lies with accessing the labour market specifically, we must ask 'What is a successful labour-market related outcome for a young person who has been in contact with youth justice?' Whilst some young people interviewed were in employment, all other life factors remaining equal, are they:

- Likely to sustain this long-term?
- In a job that could be stable, long-term?
- Utilising their skills and competencies?
- Meeting their aspirations and being challenged?

The answer in all or most cases is 'no'; securing 'any job' is not the employment outcome strived for. What, then is it, and how will we recognise it? We observe moves in England to adopt payment by results when working with young offenders, leading to a blinkered focus on employment, missing important information about the young person's journey and building of resilience and tenacity. Let us not fall into this trap in Northern Ireland.

Motivation must be approached with a realistic view of:

- complexities young people faced in early years and continue to face;
- society, with its social structure that judges whether you are advancing by its standards; and
- limited employment opportunities, alongside more innovative approaches such as social enterprises and sole traderships (as explored in Paper 2).

¹¹² Reducing Reoffending: The "What Works" Debate, House of Commons Research Paper, 2012

¹¹³ Social Capital and Offender Reintegration: Making Probation Desistance Focused.

"Looking solely at the 'job outcome' tells us nothing about how young people reach this point, and the journey they have to make to get there. Moreover, getting a job is not the end of this journey. Ideally, they will have productive and fulfilling careers in their chosen area."

(Inspiring Impact NI, 2014)

Young people who are at risk may exhibit similar traits and backgrounds, but it is incorrect to assume they are all the same. It is not possible to define a 'successful outcome' for one of these individuals any more than it is for anyone else. From interviews with young people, it was clear that some:

- Have high yet realistic goals, knowing what they need to do to realise them;
- Don't know what they want, but are trying to find out with small steps;
- Have some idea of the job they may want but lack the skills / experience required;
- Have adopted a "scatter gun" approach to trying to get any job;
- Are not yet able to consider employment as they face too many lifestyle barriers; and
- Do not have a realistic view of their capabilities.

"The journey is not linear and many of the factors interact with each other to contribute to employability. We know that everyone's journey is different and there is not a single factor that guarantees success in the labour market." (Inspiring Impact NI, 2014)

This Paper demonstrates how interventions can help many to cope with reality, and build confidence and skills required to move closer to significant employment-related outcomes.

SECTION 2

The Northern Ireland Context

Twenty years beyond the 1994 ceasefires, the conflict's legacy continues to define everyday life for many. This manifests itself in many damaging guises including: violence; continuing segregation of communities; intergenerational sectarianism; and the legacy of traumatic events experienced by families in the past that shape the present.¹¹⁴

Particularly relevant to this Paper is the ongoing impact of paramilitarism and vigilantism, controlling neighbourhoods. Some young people interviewed reported being unable to return to areas because of paramilitary threats. (NICCY, 2012) reported similar findings, along with (Barnardo's Northern Ireland, 2014).

In its study of 17 parents who face multiple adversities, Barnardo's found that more than one-third of the study participants had, at some point been 'put out' or compelled to move. *"The underlying issues included sectarianism and threats from paramilitaries"*. (Barnardo's Northern Ireland, 2014)

This inability to return to home has the potential to further complicate young lives and will be a barrier to young people who require the familiarity and stability of home to give them the confidence to pursue a constructive path. It may also lead to difficulties with stable housing. Fear of moving through different neighbourhoods to access employment is an additional barrier.

Tense relationships with police, with youths feeling that the police discriminate or are 'out to get them' continue to have an adverse affect. Around half of the young people sampled had experienced 'policing' by paramilitaries. (McAlister, S & Carr, N, 2014) including intimidation, threats and warnings, physical beatings and exilings.

¹¹⁴ McAlister, S., Scraton, P. and Haydon, D. 2010 Childhood in Transition: Experiencing Marginalisation and Conflict in Northern Ireland in (NICCY, 2012)

Young people involved in gangs or paramilitaries may be paid to carry out questionable if not illegal activities; another disincentive to look for legitimate work, and intimidation and threats may preclude them from leaving this lifestyle to seek employment or training. Hence, equipping young people to resist negative peer influences was identified in the Journey to Employment (JET) as an important outcome. (Inspiring Impact NI, 2014)

Lack of identity is prevalent amongst many, impacting on confidence and motivation and many are ignorant of Northern Ireland's political situation. Tides Training's Assistance Director, involved in delivering a Royal Mail work sampling training programme to young men from Sandy Row¹¹⁵ observed "The young people from Sandy Row involved in rioting over the flags protest didn't understand why they were rioting....they lack any sense of identity.

They define themselves by what they are not and they lack respect for themselves. In loyalist working class culture, there is a definite pecking order, and these young men see themselves at the bottom. This allows them to put up limitations and to lack any ambition to succeed at anything."

Young people in Northern Ireland experience higher levels of mental ill health than those in England and Scotland, linked, in part, to the experiences and legacy of the conflict¹¹⁶.

Taking a holistic view, mental wellbeing is one aspect that must be considered by any practitioner hoping to make an impact on a young person's journey towards securing stable employment.

Many of the adversities young people who have been or are at risk of being in contact with the justice system experience are shared by contemporaries across the UK and beyond. However, Northern Ireland's violence, lack of community safety and the implications for identity (or lack thereof) compound these. They impact families, reducing the capability of parents (and grandparents) to parent¹¹⁷.

We begin to gain some appreciation of the preparatory work to be undertaken with many young people, to build self worth and self esteem, before addressing employability.

Northern Ireland's socio-political difficulties are set alongside challenging economic circumstances. Unadjusted Labour Force Survey estimates for July - September 2014 show that 58.8% of those unemployed have been so for one year or more; up 8.1 percentage points from 2013.

They also record the unemployment rate for 18-24 year olds at 20.0%. The NI economic inactivity rate for those aged 16-64 was 27%; significantly higher than the UK average (22.2%) and highest of the 12 UK regions.¹¹⁸

¹¹⁵ In the autumn of 2014, Tides Training ran a ten-week work sampling with essential skills and training modules running alongside in partnership with Royal Mail. Ten young men aged between 17 and 24, predominantly from the Sandy Row area, and who had had encounters with the justice system including time in custody) participated in the programme.

¹¹⁶ (Harland, K. (2008) Key issues in promoting mental health: Masculinity and Mental Health in (NICCY, 2012)).

¹¹⁷ Haydon, D. McAlister, S. Scraton, P. (2009) Childhood in transition. Experiencing Marginalisation and Conflict in Northern Ireland in (Inspiring Impact NI, 2014)

¹¹⁸ http://www.detini.gov.uk/economic_overview___8211__november_2014__for_web_.pdf?rev=0

SECTION 3

Young People

One may ask of young people whose motivation to access the labour market must be developed and sustained ‘What has demotivated them, causing disengagement that bringing them to this place?’. (Barnardo’s, 2009) found that young people became disengaged during school years, with poor relationships with teachers, boredom, bullying and escalating cycles of poor behaviour.

Disengagement was cumulative, starting in primary school and becoming entrenched by secondary school where difficulties were often ignored or left unaddressed and there was no parity of esteem between vocational and academic routes, leaving many convinced they were failures and lacking confidence in their abilities as learners.

All six young people interviewed at Woodlands Juvenile Justice Centre left school at or before 14. Some attended alternative education providers, but did not engage there either, finding their Education Welfare Officer eventually gave up on following them up. They started with taking drugs and alcohol from 11 and drifted into crime out of boredom and peer influences “everybody does it and even the people I look up at home like they encourage you to do it.” They struggle to focus, and to sustain any motivation. They feel disenchanting and even if they finish a course, do not believe there are jobs for them.

An important first principle for whatever interventions may help to develop and sustain motivation is that **they must not replicate the factors that caused disengagement with school.**

Children in care account for less than 1% of the population, yet 27% of young men and 55% of girls in custody have spent time in care. Whilst the relationship between care experiences and offending is complex, some contributing

factors can be identified as: unstable housing and frequent moves, a lack of support networks, institutionalisation, lack of emotional wellbeing, poor social skills, poor education, a sense of abandonment, loneliness and a lack of aspiration.¹¹⁹

“Teachers and professionals around me didn’t seem to grasp the fact that I may need more moral support than other young people around me, because of my family circumstances.” (NIACE)

Young people interviewed by Phoenix and Kelly indicated that offending gave them something to do and somewhere to go; ‘a buzz’. In the face of boredom, poverty and social marginalisation, lawbreaking offered status and high-value objects. “Offending, quite simply, gave them the means to drive cars, have money to buy things, acquire alcohol and cigarettes, and alleviate the boredom of their lives.”

“The isolation they felt because they were different (because of abuse, caring responsibilities or being in care) or because there was no one to help them when they needed it. All of this combined into a dominant narrative in which young people talked about their lives as a series of politically, economically and socially induced deprivations, debilitations and punishments—within the family, at school, in public and then latterly in the court.” (Kelly, L & Phoenix, J, 2013)

Living in poverty affects the physical and emotional health of parents and children and children’s educational experiences, aspirations and future life chances and is linked to social exclusion and experiences of violence in the community and the family.¹²⁰ 30% of 11 year olds in schools with the highest proportion of children entitled to free school meals (a measure of economic deprivation) do not

¹¹⁹ <http://www.careleavers.com/criminal-justice-project>

¹²⁰ Horgan, G. and Monteith, M. (2009) What Can We Do to Tackle Child Poverty in Northern Ireland. York: Joseph Rowntree Foundation in (NICCY, 2012)

reach level 4 at Key Stage 2 and 17% leave post-primary education with fewer than five GCSEs. (NICCY, 2012)

82% of children (10 to 17 years) detained at Woodlands Juvenile Justice Centre in November 2011 were from single parent families. 80% had experienced exclusion or had absconded from school and 92% had misused drugs or alcohol. 34% had experienced domestic violence; 38% had a statement of educational needs, with 14% having a recognised learning disability¹²¹.

Those exposed to adversities in childhood are at increased and cumulative risk of negative psychological, emotional and health related outcomes in later life¹²². (Barnardo's Northern Ireland, 2014)¹²³, *highlights a concerning trend, that "as a generation, participants' children are more likely to be exposed to multiple adversities than their parents in childhood."*

Furthermore, participants were more likely to have a parent in work, suggesting that young people have fewer working role models than the previous generation.

- In 15 out of the 17 cases, at least one child was involved with social services regarding alleged or actual child abuse, neglect being most common; and
- In 13 out of the 17 cases, at least one child had experienced parental substance misuse.¹²⁴

Whilst lack of confidence and low self esteem characterise these young lives, this is often hidden behind defiance or aggression. Afraid of vulnerability, young people may be reluctant to ask for help or 'let people in'.

This has important implications for practitioners i.e. that time is taken to understand what is going on beneath the facade and apparent self-sufficiency is not taken at face value.

Research indicates that many children and young people in conflict with the law have been affected by a myriad of issues, including poverty and social exclusion, family breakdown, mental health problems, drugs and alcohol and domestic violence. Significant proportions of children and young people are also care-experienced and have been or remain on the child protection register. Young people in Northern Ireland who come into contact with the criminal justice system share a range of difficulties experienced by young people in other jurisdictions, but added to this are issues related to the legacy of the Northern Ireland conflict, including experiences of violence and a lack of safety in communities. Many of these children and young people are therefore extremely vulnerable and the potential impact of contact with different adults on their lives can be very significant. (NICCY, 2012)

¹²¹ Criminal Justice Inspection Northern Ireland (2012) Early Youth Interventions. An inspection of the contribution the criminal justice agencies in Northern Ireland make to preventing children and young people from entering the criminal justice system in (NICCY, 2012).

¹²² Davidson, G., Bunting, L., Webb, M.A. (2012) Families Experiencing Multiple Adversities: A Review of the International Literature in (Barnardo's Northern Ireland, 2014)

¹²³ The qualitative study selected 17 participants based on 8 key adversity categories that had been identified in a literature review. All participants were parents and were aged between 18 and 49 years.

¹²⁴ Substance misuse was a coping mechanism to escape from the painful reality of everyday life, increasing gradually over time before spiralling out of control.

Most young people interviewed want to work, and believe they are ready. However, one practitioner offered a note of caution in the face of this seeming optimism:

“Many of our (and similar) young people want a job (or they think they do) but the reality is that they don’t understand the implications of working and holding down a job.

They think they are more capable, in lots of areas of life, than they really are. Part of our job is to work with them to expose where they are not ready.”¹²⁵

Young People Leaving Custody

Engaging young people in custody can be particularly challenging because of the short-term nature of many sentences. Recognising difficulties experienced by those who have been in custody, and the challenges associated with re-entering community, many practitioners and researchers from around the world (including Mission Australia) conclude great emphasis must be placed on pre and post-release support. Include Youth’s experience is that young people coming out of Woodlands find lack of structure, long days, and reduced practical support too much for many. Hence purposeful re-offending amongst particularly institutionalised young people. Include Youth’s recommendations to the review of the Youth Justice System was that an “overriding emphasis from committal to release should be geared towards the re-integration of young people into their communities and into society.”

New Directions helps prepare young people to leave Woodlands, with a three-to-four month action plan geared towards supporting re-integration. This is critical and is recognised as such by the Youth Justice Agency, although details of New Direction’s work (and its impact longer-term) remain largely unknown by the Agency staff interviewed for this research.

“There must be a seamless transition from custody back into the community, with a key worker to support the young person in terms of accessing appropriate accommodation, health services, education, training, and employability schemes, for example”.

(Include Youth, 2011)

When the child is in custody, key relationships must be established with those who will be supporting them afterwards in the community to facilitate their reintegration.”

(Review of Youth Justice in NI)

The Youth Justice Agency (YJA) has a pre-release plan for those preparing to leave custody, of which employability is an “important element”¹²⁶.

The Assistant Director reflected the key aspects of pre-release support being:

- Relationship-building over a period of time leading up to release. *“The practitioner can’t turn up a week before release; that just won’t work”;*
- Helping individuals compile a thorough plan that will challenge yet be realistic with manageable goals, helping to facilitate the making of good choices upon release;
- Immediate follow up upon release; preferably on that day and no longer than two days;
- Good, sustained twice-weekly contact, with a co-ordinated multi-agency approach to avoid a large number of professionals working in isolation with one person. *“The support has to be good and to help capitalise on intentions young people have upon release. It is incredibly important that this support is there and there*

¹²⁵ Chair of Impact Training Board

¹²⁶ Assistant Director, Youth Justice Agency

quickly, before old behaviours can be re-established”¹²⁷; and

- The YJA will strive for visits to be with the same practitioner, linking with other agencies as appropriate.

Under the YJA's Business Plan (2013-14), an Intensive Support & Supervision Programme was formalised in June 2014. 58 young people (10% of YJA's caseload) have engaged with it (the most prolific/serious offenders, and those with the most complex needs and circumstances). Programme participation is voluntary and provides:

- Minimum of three contacts with YJA practitioner per week, with one being at the weekend;
- Minimum of 15 contact hours per week, though this may be with a combination of interventions and professionals.

Whilst the Probation Board for Northern Ireland (PBNI) have legislative responsibility for juvenile justice orders (and the supervision of young people leaving Woodlands), in recent times the YJA staff have taken the lead with such case, although PBNI retain involvement.

YJA staff find that they have much preparatory work to do before young people can be encouraged to engage with other programmes. There is “*very little awareness of what is ‘out there.’*”¹²⁸

Furthermore, most have low abilities to sustain engagement, often because of drug use. Practitioners must strike a balance between helping young people to set goals and find challenges, but avoid being over-ambitious, exposing young people to fall at the first hurdle.

Building evidence of the impact of motivational interventions is a vital component for fulsome research. It is important that New Directions

and YJA make every attempt to undertake longitudinal studies that build a picture of their impact on young people's long-term motivation.

SECTION 4

Approaches To Developing And Sustaining Motivation

Guiding principles for developing and sustaining motivation have emerged from the research:

- Positive outlooks that offer optimism, yet are realistic;
- Respectful towards the young people; something many have lacked throughout their lives;
- Modelling attitudes that will support positive change throughout the young people's lives;
- Offering hope for future; and
- Motivating young people to have direction and purpose (equipped with personal skills and resilience) throughout life, not just until the first job is secured.

Turning attention approaches towards developing and sustaining motivation, each of the following themes will be explored.

- **Differing support needs of young people**, requiring differing approaches, from
 - » Youth work, for those least prepared to engage, to
 - » Supported Employment, for those most ready for employment

¹²⁷ Assistant Director, Youth Justice Agency

¹²⁸ Assistant Director, Youth Justice Agency

- **Short term versus long-term interventions**
- The extent to which **restorative justice approaches have the potential to assist with motivation**
- A summary of **emerging practices within Northern Ireland's voluntary & community and statutory sectors:**
 - » **Individualised, holistic approaches**
 - » **The use of Assessment Tools and Reviews**
 - » **Collaborative Approaches**

4.1 Differing Support Needs Requiring Differing Approaches

(Inspiring Impact NI, 2014) reminds us of **a spectrum of 'preparedness' that means there cannot be one particular pathway to suit all needs.** Recognising a spectrum of needs (and the need for a spectrum of interventions) will take into consideration the fact that young people will be at differing stages of their journeys and will recognise differing learning styles, aspirations, interests and past experiences.

At the early stages of, youth work led approaches, concentrating on self esteem, life skills and interpersonal skills seem crucial for developing motivation. At the latter stages, most young people will be more able to cope with more structure. Some practitioners point to a growing chasm between youth work-led approaches, built around the individual's needs, and structured statutory training provision, which leads to *"increased anxiety amongst young people who have been in contact with youth justice, about what will happen if they cannot keep up the hours and the requirements of the more formal statutory programmes."*¹²⁹

However, there are organisations that straddle the divide between less and more structured approaches. Impact Training was formed in 1979, and has a long-established community presence. *"We see ourselves as a community organisation although we have the contract to deliver a Government training programme."* It takes young people aged between 16 and 18, irrespective of interests or skills level and offers as flexible an experience as necessary, within the constraints of Training for Success (TfS) although it has found it *"increasingly difficult to adhere to the structure of Training for Success."*¹³⁰ Students can trial different vocational options, and the approach to work placements is flexible for those young people not ready for the TfS standard model of a three-day per week placement.

Whatever approach is adopted, **exposing a young person to experiences not appropriate to their level of preparedness or that are not of adequate quality have the potential to damage motivation.**

4.1.1 Youth Work Methodology

Whilst employment is an important objective, young people can also maintain positive engagement and add to their experience and confidence through participating in community life. Youth work programme evaluations regularly report examples of young people using their own initiative to take forward projects that have a broader social benefit as active citizens. (Youthnet, 2013)

Whilst youth work may offer essential skills and accredited courses, (Youthnet, 2013) argues that additionally, it enables practitioners to work towards broader outcomes, related to personal and interpersonal skills and is best placed to help build social and emotional intelligence that builds resilience and self-belief,

¹²⁹ Senior Practitioner, NIACRO

¹³⁰ Manager, Impact Training

alongside essential skills and qualifications.¹³¹ In Ireland youth work approaches emphasise participation, empowerment and personal and social development; attributes shared by international research literature. (Department of Children & Youth Affairs, Ireland, 2013)

Youth work is concerned with equipping young people with the personal skills and wellbeing required when facing the challenge of finding a job.¹³²

Youthnet further argues that it helps build the outcomes being sought out by modern employers including; a 'can do' attitude, an innovative approach, creativity, being prepared to take risks; interpersonal skills, and emotional and moral intelligence. "Teaching these skills often doesn't appear until much later in the formal educational process, if at all, and so must be currently addressed by businesses themselves ... they are however, intrinsic to youth work." (Youthnet, 2013)

Various means are used in pursuit of youth work's aims including leisure, arts, drama, sports, outdoor activities, volunteering, and informal learning.

An emphasis on early 'hand holding' can be "key to establishing some form of responsibility or structure in their lives and creating a hunger in their belly for work"¹³³.

It is also concerned with ensuring that the initial engagement with the young person is at a pace that is appropriate to them and their needs.

4.1.2 Supported Employment

At the other end of the spectrum, the UK's Employment Retention and Advancement (ERA) Programme¹³⁴ recognises that difficulties are likely to carry on (or re-emerge) once a young person is in employment.

Whilst ERA was designed to support unemployed lone parents, many of the difficulties associated with sustaining employment would be similar to those of our young people. (Dorsett, R. and Robins, P., 2013) analysis of ERA suggests "impacts were greater in offices that emphasized in-work advancement, support while working and financial bonuses for sustained employment, and also in those offices that assigned more caseworkers to ERA participants.

Offices that encouraged further education had smaller employment impacts." ***In-work support and one-to-one case worker input was more effective in keeping vulnerable younger people in sustained employment than further education.***

¹³¹ In a recent survey of NEET young people carried out by the Bytes Project, 48% of 90 respondents stated that they would go to a youth worker for support (with 44% saying family as second)

¹³² (Department of Children & Youth Affairs, Ireland, 2013) cites the outcomes of youth work to be: relationship with others; sense of self; community and society; health and well-being; values and beliefs; and formal education and training.

¹³³ Regional Project Manager (NEET), Bryson Charitable Group

¹³⁴ The United Kingdom Employment Retention and Advancement (ERA) programme was a large demonstration project testing the extent to which a combination of postemployment advisory support and financial incentives could help lone parents on welfare to find sustained employment with prospects for advancement. ERA was the largest social experiment conducted in the United Kingdom.

(Hoggart, 2006), focusing on factors significant to work retention and advancement found:

- **Barriers to work did not go away when people secured employment, and lifestyle difficulties make job retention challenging;**
- ERA participants demonstrated wide-ranging views towards job advancement; those keen to advance, those just happy to have a job, those who showed little care;
- Many lacked confidence about advancing, citing limited experience and/or qualifications;
- Attitudes towards advancement were sensitive to changes in lifestyle and homelife; and
- Participants were more often focused on job security than advancement, requiring significant time to 'settle' and grow accustomed to the new way of life a job represented.

Work dissatisfaction impacted greatly on job retention, centring on conditions, working environment, and relationships with employers and colleagues – illuminating the difficulties employees lacking in resilience, emotional intelligence and social capital will encounter when they (inevitably) face challenging situations. For those with little work experience, **the transition to continuous employment takes time and is not necessarily straightforward.** (Hoggart, 2006) concluded that advisers must account of individuals' complex orientations towards work and "how these shape their goals, choices and the obstacles".

Similar to ERA, the (European Union of Supported Employment, 2012) believes Supported Employment, developed initially for people with disabilities, has the potential to help other groups further from the labour market, including young offenders and young people who are NEET, to maintain the motivation required for long-term employment and is adapting to meet the needs of young people at risk throughout Europe (particularly in Spain, Portugal and Norway).

Although the concept of applying Supported Employment to young people at risk is in its infancy in Northern Ireland, the Northern Ireland Union for Supported Employment (NIUSE) has worked with several organisations (including NIACRO) to explore how the model might be applied to young offenders.

The features of Supported Employment that have potential to contribute to young people's long-term motivation are:

- A personal Job Coach, who will maintain contact for as long as necessary, once employment has been secured. The Job Coach may undertake the role in advance of the young person, to help prepare them for the expectations of the employer, and the daily routine of the work environment. (NIUSE is not aware of any such programmes in Northern Ireland to date);
- A person-centred approach; recognising some young people will not need support once in employment, and those who do may need contact for differing periods of time (and intensity);
- An emphasis on continuing to build the young person's skills and resilience once in post so that, whilst avoiding dependence upon the coach, the young person can be helped to further their skills and become fully integrated into the workplace;
- Flexibility; offering young people the opportunity to come back again and again, if things do not work out with the first employer; and
- Building relationships and helping to educate and support employers. Because a young person's disadvantage may not be distinguishable, employers may become frustrated when a young person seems incapable of 'basics' such as following instruction or time keeping. Whilst NIUSE observe that "employers are generally game to give someone an opportunity", the employer needs to be educated about what to expect and how to offer support that represents the best opportunity of a successful outcome.

The Department of Employment & Learning's LEMIS (Local Employment Intermediary Service) is a community employment initiative to help the 'hardest to reach' find employment. Between 2011 and 2014, LEMIS received £7.7million and helped 7,400 people, with 1,300 gaining permanent employment. Employment mentors are assigned to participants, helping to build confidence and job-searching skills to enable them to access training, education and work-placements. Support is available for up to 13 weeks after entering employment. However, NIUSE believe that 13 weeks is not sufficient to meet all needs.

4.2 Short-term versus Long-Term Interventions

"Short-term programmes largely concerned with generic skills, CVs and 'employability' cannot give NEET young people a labour market advantage"

Wolf, A. (2011). Review of Vocational Education. The Wolf Report. London, Department for Education

"I have always struggled with the "short termism" of the majority of this support across organisations in the United Kingdom, mostly a few days of classroom teaching and then sporadic mentoring from a wide range of volunteer mentors (many with questionable capability.)" (Warnock, R, 2013)

"It is vital ... to ensure that a young person has the capacity to remain positively and actively engaged over extended periods of time when the right job opportunity has not yet arrived" (Youthnet, 2013)

Given what has been established about the complexity of many young people's needs, is there a place for short-term interventions, lasting a matter of weeks or months? Particularly in the context of high

unemployment, when interventions must prepare young people to pursue more creative opportunities (such as social entrepreneurship explored in Paper 2) or prepare them for the 'long haul' before employment (or meaningful employment) opportunities may become available.

Those attending European Social Network events relevant to young people were of the belief that Youth Guarantee schemes placing young people into short-term training or internships should be avoided. "Long-term integration is the goal sought to avoid the long-term problems (social isolation, health problems etc.) young people face as a result of long-term unemployment."¹³⁷

However, several organisations included in the interviews offer short-term interventions, believing they have a role for some young people. Start 360's Switch onto Employment and GRIT programmes run from two to twelve weeks, although participants may re-engage after completion and mentoring may elongate the programme.

Start 360 regards these as 'stepping stones', helping to 'kick start' motivation and equipping young people to move on. Whilst Start 360 finds that some 'drop in and out', much emphasis is placed on building individuals' personal responsibility from the outset, ensuring that as much ground as possible is covered in a short time.

The Prince's Trust too offers short programmes including the week-long Get Started, although often refers participants onto alternatives within the organisation upon completion, and mentoring options can also extend their lifetime.

The best short-term programmes build in an 'exit plan', aware of the pressures young people inevitably encounter as soon as the programme ends (no matter what progress was made at the time).

¹³⁷ <http://www.esn-eu.org/news/tag-172/297/index.html>

New Directions advocates that participants leaving short courses are “quickly moved into something else with more longevity.”¹³⁸

Impact Training finds that two years (the maximum allowance for TfS) does not allow sufficient time. “The two-year restriction is proving very difficult to meet any level of need.” It takes many students 12 to 18 months to be ready for a work placement, leaving perhaps a six-month window; only just long enough for meaningful insight, and not long enough for many to acquire the experience and confidence required to be ‘job ready’. **Exit plans are critical, irrespective of programme length.** Impact Training begin exit preparation six to seven months in advance, involving opportunities to meet other training providers, organisations that offer further (perhaps specialised) programmes and employers. Although 65-70% of Impact Training’s students leave for a positive outcome, it fears that the implications of shorter TfS timeframe will negatively impact on outcome rates in coming years.

Short-term programmes make collaboration between and co-ordination within organisations essential because a critical element of an exit plan from a short-term intervention will be referral onto another programme. Section 4.4.3 explores the requirement for and implications of a growing awareness of the importance of collaborative approaches.

4.3 Building Bridges with Restorative Justice Practices

*“...practices of restorative justice responsabilised young offenders by ‘making them responsible’ they ‘challenged their attitudes and moral reasoning, held them accountable for their crimes and confronted them with the consequences of their actions on victim’.”*¹³⁹

Can restorative justice contribute to developing and sustaining motivation towards employability, holding the tension between the welfare agenda and the requirements of justice? Youth conferencing was heralded as an exemplar of “outstanding creativity, good practice and care”, providing the facility for young people to account for their behaviour (often to their victims).

(Department of Justice, 2012) The Conference Plan, the output of the conference, typically requires young people to engage with constructive interventions and perhaps write a letter of apology to a victim. 1,556 referrals for a conference were made to the YJA in 2012–2013 compared to 172 in 2005.¹⁴⁰

YJA believes that restorative practices “if done properly, with good, skilful preparation of the young person, gives the young person the opportunity to build a sense of self responsibility.”¹⁴¹

Voice of Young People in Care (VOYPIC) advocates “the use of restorative justice to help reduce offending” within the context of rehabilitation of youths coming out of custody. (Voice of Young People in Care, 2013). Evidence suggests youth conferences have the potential to create (or to strengthen) personal responsibility, with preparing for conferences and the resulting plan giving young people purposeful activity; preferable to court appearances.

“It just got me off the streets really. So they gave me something stable so they did, ‘cos I was going in and out of there (YJA) 4 or 5 days a week like so I was. And if I hadn’t been doing it, I would have been just lying awake getting stoned like.”
From (McAlister, S & Carr, N, 2014).

¹³⁸ Project Manager, The Bytes Project

¹³⁹ Gray, P. (2005), ‘The Politics of Risk and Young Offenders’ Experiences of Social Exclusion and Restorative Justice in (Kelly, L & Phoenix, J, 2013)

¹⁴⁰ DeCodts M and O’Neill N (2014) Youth Justice Agency Annual Workload Statistics 2012/13 Statistical Bulletin 1/2014. Belfast: Department of Justice in (McAlister, S & Carr, N, 2014)

Yet young people's experiences of restorative justice can be mixed, and the literature reviewed indicates that regard commentators have for it can also be mixed. However, the YJA will always strive to 'restoratively challenge'¹⁴² young people who they perceive to be denying or minimising the gravity of the experience, working with resistance but ultimately terminating the process, where denial is sustained.

*"While some research demonstrates relatively high levels of 'engagement' and participation by young people, this engagement and the levels of understanding of some has been questioned. Whether young people feel they have a choice about engaging in the process, accepting responsibility and the resulting outcome is also debated."*¹⁴³

(McAlister, S & Carr, N, 2014)

Concern too has been raised about the proportionality of multiple conferences young people with multiple convictions may face, with young people experiencing the "stress" of managing multiple conferences. (McAlister, S & Carr, N, 2014).

"Young people who felt that there were others at the conference who could stand up for them and defend their reputation were most likely to find the experience positive and memorable. Those without such supporters harboured resentments and negative memories".

"It is crucial then, to seek to recruit and involve conference supporters who can be 'champions' of the young person in the conference. Ideally, this role can be played by family members."

(Maruna, S, 2007)

If restorative justice is to impact on motivation, young people must be treated with respect and not stigmatised and the value of 'peer mentors' who have been through the process previously is discussed in (Maruna, S, 2007). It would be useful to chart the long-term employability of young people who have been through restorative justice, to draw conclusions regarding its impact upon long-term motivation.

4.4 Emerging Practices within the Voluntary & Community and Statutory Sectors

4.4.1 An Individualised and Holistic Approach

It is apparent that many young people rely heavily upon practitioners, particularly within voluntary and community interventions, and **staff members often go above and beyond what may be formally expected of them, spending considerable time building trust and addressing holistic needs.** Practitioners used the term 'hand-holding' to illustrate the intense support young people require – and they are prepared to give. This included going to houses in the morning to make sure young people were ready to leave home on time for placements, accompanying them on bus journeys for the first few times etc. However, further into engagement with a programme, the Prince's Trust believes young people must 'step up' and take on more responsibility for themselves.

"We strive to provide a safe environment "inside" (i.e. within the programme) and help them to create a supportive environment outside too, so that they don't get overwhelmed on the outside."
Start 360 Project Staff Member

¹⁴² Assistant Director, YJA

¹⁴³ O'Mahony D and Campbell C (2006) Mainstreaming restorative justice for young offenders through youth conferencing: The experience of Northern Ireland and Hudson B (2003) Understanding Justice: An Introduction to Ideas, Perspectives and Controversies in Modern Penal Theory

Whilst individualised approaches were particularly apparent in the voluntary sector, YJA is undoubtedly aware that practitioners must establish the young person's trust, and take a holistic view. The Agency has developed an increasingly clear understanding of its role in respect to:

- Being an advocate; helping other services to which they refer a young person to understand his or her circumstances in a period of 'hand-over';
- Working in collaboration with other agencies, from social services through to voluntary employability and drugs and alcohol support services; and
- 'Hand holding'; young people who face the greatest needs; doing whatever may be required to get facilitate engagement, establishing trust and building relationship.

The Youth Justice Review Team stressed that measures and initiatives which attempt to prevent offending by children and young people in isolation from addressing children's and families' and communities' social and economic needs, have poor results.

"[Services] need to target areas of deprivation, successfully engage those most at risk, strengthen family and community capacity and be sufficiently joined up to impact holistically on a wide range of inter-connected risk factors"
(Department of Justice, 2011)

YJA practitioners strive to achieve 'transferrable trust'; something "very precious, helping to overcome resistance to engaging with other agencies."¹⁴⁴ The time and work required means it is vital that each agency involved with a young person does not let down that young

person; in so doing, they jeopardise the young person's trust for the next referral and the work invested to date.

The YJA's remit is reducing reoffending. As such, whenever it becomes primarily an 'educator' or 'social worker', it is time to step back and allow other organisations and agencies, whose remit is education, training etc. to take the lead role. *"We can make part of the journey, but we can't make all of the journey with a young person."*¹⁴⁵

YJA require other services and agencies to acknowledge responsibility for the young person at this critical stage and evidence from this research indicates that voluntary and community agencies are capable of and willing to take on this responsibility in full.

Holistic approaches may mean encouraging young people to seek help for a particular difficulty such as housing, substance abuse or behaviour. But it can also mean taking care of even more basic needs. Tide Training's working sampling training, for example, provided a hot meal each lunchtime. *"Their first priority for spending is smoking and alcohol so they don't eat well. We noticed a real difference in energy levels once the young men got a lunch each day. A decent meal made a real impact on motivation."*¹⁴⁶

4.4.2 Collaborative and Co-ordinated Approaches

Organisations cannot serve the long-term motivational needs of young people at risk and continue to work in silos. Collaboration between and co-ordination within organisations is therefore becoming more central. Initially, integrating services within an organisation was recognised as important in shaping young people's experiences and YJA restructured its services

¹⁴⁴ Policy Officer, Business. Improvement Directorate, Youth Justice Agency

¹⁴⁵ Policy Officer, Business. Improvement Directorate, Youth Justice Agency

¹⁴⁶ Tides Training Assistant Director

to ensure greater integration. Through time, however, it has become apparent that co-ordination within is not sufficient. The Prince's Trust programmes including Get Started and Fairbridge have an outreach team, focusing on working with partners including Jobs & Benefits Offices and social work teams.

Organisations may be tied to criteria, restricting their ability to work with young people who may benefit greatly. NIACRO, for example, cannot take young people over the age of 18 onto Choose 2 Change or New Directions. And Jobtrack, its 18+ programme, has a referral criteria of medium to high-risk offenders, which many 18 year olds may not meet. As NIACRO cannot work with them, it becomes critical that NIACRO be able to refer onto other agencies with confidence.

Collaboration is embodied within the NEETS Forum and the *Children and Young People Offending Sub Group of Northern Ireland's Children and Young People's Strategic Partnership*. Barnardo's, for example, received referrals from a number of organisations for its BUp4Work programme, but "particularly through the NEETS Forum".

The Forum goes beyond information-sharing. It shares aspirations and effective approaches. The European Social Fund's emphasis on collaborative delivery has also contributed to the practice in Northern Ireland. Mapping tools, developed by the NEETS Forum and the Offending Sub-Group are helpful contributions to ensuring a young person progresses along one seamless journey rather than feeling 'lost' when one intervention comes to an end.

The YJA co-ordinates circles of support and accountability for young people who have a number of professionals involved in their life. The circle meets six-weekly with all professionals (and the young person) holding each other to account and sharing practical information about appointments etc. as well as expectations. However, the reality is that young people do continue to report 'drifting' from programme to programme, without co-ordination or focus.

The (Department of Children & Youth Affairs, Ireland, 2011) highlights key barriers to and factors that facilitate collaboration.

Key Barriers to Collaboration:	Factors That Facilitate Collaboration
lack of senior management commitment and buy-in	a coherent long-term vision;
a climate of constant organisational change;	clarity of roles and responsibilities
differences between agencies in priorities, systems, culture and professional beliefs	commitment to joint working at all levels;
difficulties with information sharing	strong leadership
financial complexities associated with funding programmes that may be delivered jointly (Researcher's addition)	time for strong personal relationships and trust to develop between partners
	dedicated posts for developing capacity

"...there is promising evidence from many countries on the benefits of a more joined-up approach in improving professional practice and providing better support at an earlier stage for children and families who need it." (Department of Children & Youth Affairs, Ireland, 2011)

4.4.3 Tools To Measure Progress & Celebrate Success

All organisations included in the research use assessment, planning, goal setting and review tools, helping young people to:

- build a realistic picture of self;
- process their thoughts and formalise plans;
- recognise their strengths and interests as well as their challenges and risks;
- recognise where and how things have changed for them (progression and regression) and celebrate achievements;
- maintain a sense of realism;
- build essential skills for life including planning, goal setting and reviewing; and
- empower the young person by giving them the opportunity to plan – new to many.

The YJA's assessment process strives to be holistic, incorporating background, interests and achievements to date, with more recent emphases on strengths and interests, as well as risks, support needs and concerns such as drug and alcohol misuse. Information compiled during the assessment helps inform the young person's Youth Conference Plan.

In the past, courts were keen on quantifiable goals (such as attending six anger management sessions). However moves towards less quantifiable goals, with more flexibility and potential intensity, holds greater potential for long-term positive impact. International adoption of the Risk-Need-Responsivity (RNR) framework has been based on substantial research.

It provides a “systematic, evidence-based approach for evaluating an individual’s risk of future offending and identifying the specific factors (criminogenic needs) that must be addressed to reduce risk...” It too has “expanded from a focus on risk prediction and offender classification to a more comprehensive approach that views assessment and classification as the basis for the development of a case management plan.” (Peterson-Badali, 2014).

Inspiring Impact NI is working towards a universal measurement tool (what to measure and how to measure it) for young people across Northern Ireland.

This would this help ensure young people experience a consistent approach, whatever organisation they engage with, and help organisations to build co-ordinated evidence about what motivates young people to stay engaged. (Peterson-Badali, 2014) point to a dearth in research regarding how risk-needs assessments are used in practice, and “*whether their use is associated with relevant outcomes*”, reminding us that **practitioners and young people must know and understand the outcome(s) being worked towards within the assessment process.**

Obvious, perhaps, but there has been insufficient understanding of what practitioners, policy makers (and young people themselves) understand by positive outcomes; the structural and attitudinal changes they hope to encourage that will making lasting change.

4.5 Destination Outcomes of Interventions Featured in Research

The table offers insight into the immediate outcomes of several shorter and longer-term interventions featuring in the research.

Intervention	Organisation	Employment	Training	Education	Volunteering	*Other
BU4Work	Barnardo's	-	69%	-	1%	30%
Fairbridge	The Prince's Trust	25%	-	38%	13%	24%
Get Started	The Prince's Trust	21%	-	41%	15.5%	22.5%
Give and Take	Impact Youth	4%	50%	6%	2%	38%
The Start Programme	Impact Youth	29%	20%	14%	9%	28%
New Directions	NIACRO & The Bytes Project	12%	47%	6%	Unknown	35%

Whilst it is apparent that all interventions represent good opportunities for young people to move into further training, employment, education or volunteering, there are significant inadequacies with the data:

1. Direct comparisons between the 'positive outcomes' of each intervention are not helpful as programmes deal with differing profiles of young person. Choose 2 Change, for example, works with higher-risk young offenders than New Directions, so one would not expect immediate quantifiable outcomes to be as 'positive'.
2. Destination outcomes do not 'tell the story' of the change in motivation and engagement a young person may have experienced. Some who do not secure a positive outcome may have made much more significant long-term change, for example in building resilience, social skills and a sense of civic responsibility.
3. Immediate destination outcomes do not tell us how long that outcome lasted. Did one young person secure a job that lasted three months before they quit? Did another secure a job three months after the programme which they sustained for longer (but that would be absent from the statistics)?

Data inadequacies highlight the **need for tools that can measure the full story behind the change in a young person (including their motivation levels)**; the type of measurement Inspiring Impact advocate.

The inadequacies also highlight the need for longer-term tracking; to establish whether interventions build motivation and resilience over the long-term, especially once difficulties (inevitably) arise. **A supported employment approach, in which young people access support once in employment for as long as necessary, would help to facilitate long-term tracking.**

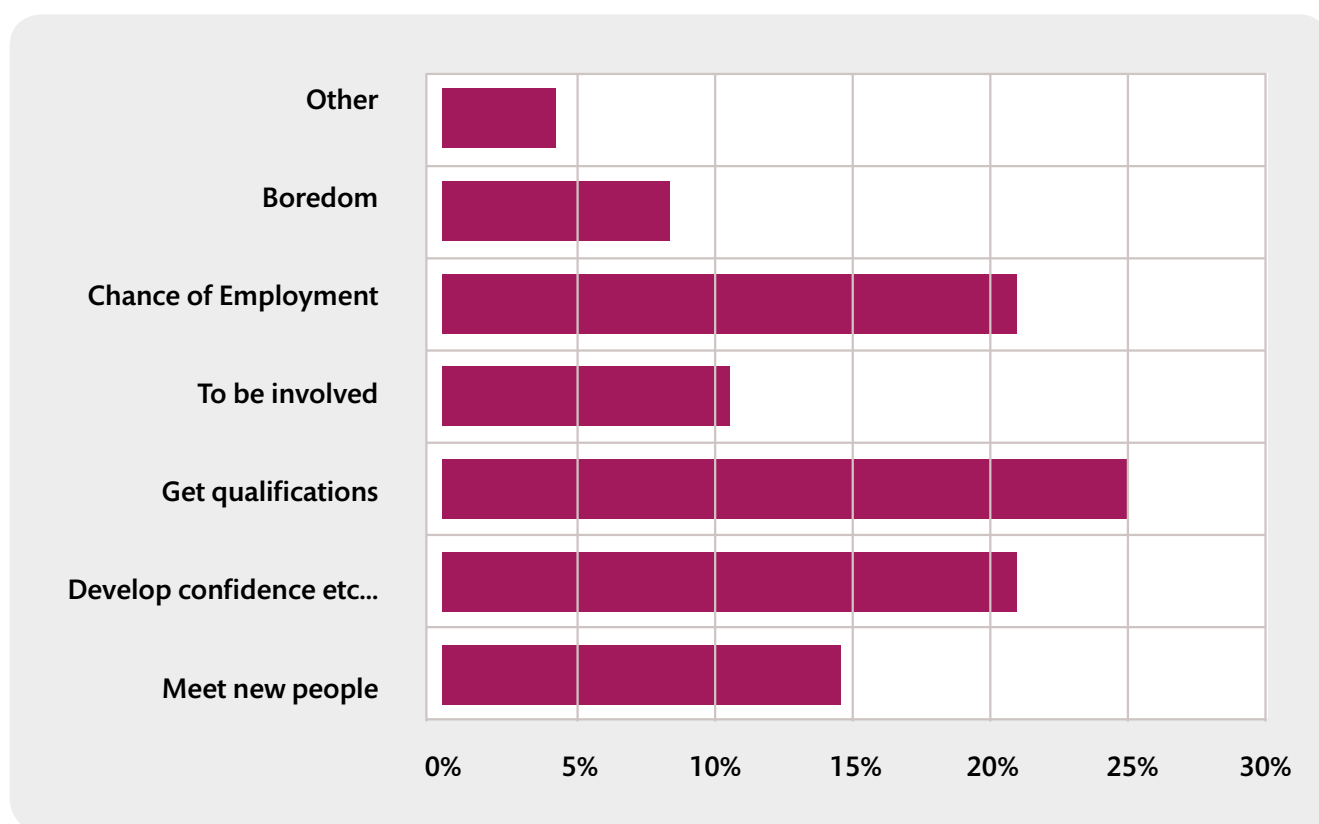
SECTION 5

Key Motivating Factors for Young People

In a recent survey of NEET young people participating on The Bytes Project programmes, 90 responded in the following way to the question “Why did you decide to take part in your project?” These responses indicate that young people who are NEET (many of whom have been or may be at risk of contact with youth justice) are motivated to get qualifications, develop confidence and secure employment.

Seven Key Motivating Factors:

1. Having a significant adult come alongside, offering care and continuity
2. Experiencing empowerment through choice and flexibility
3. Building resilience for a lifetime
4. Keeping it vocational
5. Recognising progress within a personalised plan
6. Let me be a teenager and have some fun!
7. Money and payment



FACTOR 1. HAVING A SIGNIFICANT ADULT COME ALONGSIDE, OFFERING CARE & CONTINUITY

Significant adults coming alongside, demonstrating concern and empathy over an extended period emerged as the most significant factor helping to develop and

sustain motivation. The Prince's Trust observes “The most successful transitions across the board tend to be with those [young people] who have informal support. Without it, decision making is much harder.” The Care Inquiry's findings, April 2013¹⁴⁷ concluded that vulnerable children and young people need one key relationship.

¹⁴⁷ Making not Breaking; Building Relationships for our most Vulnerable Children

Considering the adversities faced throughout their young lives, with perhaps little or no supportive relationships at home or elsewhere, it is unsurprising that having someone demonstrate concern can be powerfully motivating. Yet the legacy of neglect can make it difficult to form relationships and trust. The adults must be patient, persistent and demonstrate trustworthiness. And they must care. *"I need staff members who are passionate. Who care about the young people...Our young people's motivation comes from our staff."*¹⁴⁸

Impact Training's teaching staff often provide the role of significant adult, such is the connection students feel with the organisation. In addition to encouraging frank and open relationships with tutors, Impact Training employs three mentors, available to the young people to talk through whatever is necessary.

Family relationships can motivate; practitioners and researchers agree that family relationships should be nurtured and encouraged, yet recognising the sad reality that not all families will be loving and supportive, and some family members' influence will pull youths back into offending.

The significant adult may be a mentor, one of a number of professionals in a young person's life, a family member or community member. The one who seems less important than the nature of the relationship which can be instrumental in helping young people, particularly those lacking supportive families, to transition to adulthood by supporting making choices and building skills and competencies. It can also help with setting and achieving goals, no matter how small they may seem. (NICCY, 2012) points out that, because steps taken may be small, it can be difficult to measure the outcomes of relationships. The relationship may be:

1. Naturally-occurring or 'Engineered'

Many researchers observe the most effective relationships developing naturally. However, because of the complex circumstances many young people face, more and more researchers are of the view that 'engineered' supportive relationships may assist as much as naturally-occurring ones, although 'engineered' relationships can make young people feel pressurised to bond, and so to feel that they are failing to meet expectations where this does not occur.¹⁴⁹

2. Mentoring

Mentoring comes in many guises and has almost become a 'catch all' phrase for a range of interventions cutting across professional boundaries. Much research has been undertaken on its nature and impact. Some young people (and adults) regard the term as too formal "it's like he's teaching me or better than me" (NICCY, 2012). Mentoring may focus on changing behaviour or attitude which can be off-putting to young people who simply want to be listened to and accepted on their terms. It may also be associated with a 'quick fix', losing sight of the need for long-term relationship building. However, in its favour, mentoring has the potential to be flexible and is often linked into a programme. Although this can make isolating the impact of the mentoring problematic, combining mentoring with programmes is "viewed as more helpful rather than any one of the two components in isolation." (Spratt, 2007) Barnardo's Northern Ireland's BUp4Work work-based mentoring programme matches young people to a work-based mentor. Barnardo's NI has found that within BUp4Work and other similar programmes across the UK *"the young people responded very well to a range of mentoring supports, and particularly to an older mentor"*.¹⁵⁰

¹⁴⁸ Director, Impact training

¹⁴⁹ Greeson, J. K. P., Grinstein-Weiss, M., and Usher, L. (2010) 'One adult who is crazy about you: Can natural mentoring relationships increase assets among young adults with and without foster care experience?' in (NICCY, 2012)

¹⁵⁰ Barnardo's NI

Young people may shy away from challenges and difficulties at work, but a work-based mentor gets to know the young person and can help ensure that difficulties are picked up on before they escalate.

Research cited (Spratt, 2007) concluded that mentoring appeared to have most value when optional and concerned with training, education and work outcomes, even though “findings do not support a widespread use of mentor programmes as a means of preventing or tackling youth crime.”

In (Spratt, 2007) research, young people who sustained mentoring relationships increased their social confidence and skills. Relationships must have carefully defined purposes with clarity regarding boundaries, consistency, expectations etc.

3. Key Characteristics of Relationships

Young people are more inclined to engage with adults who respect their autonomy. “It was important that those adults who were significant to them believed in their positive qualities, recognised their potential and were consistent in their support.” (Spratt, 2007). Whilst establishing trust is fundamental, relationship-building is a ‘fragile process’ requiring time.

A variety of adults may bring much-needed continuity into lives that have experienced much flux. Continuity and stability to youths who are homeless or are at risk of being homeless is particularly key; young people can be remanded in custody because they do not have stable accommodation although young people will not be released from Woodlands without stable accommodation.

Responsibility for securing accommodation lies with the Health Trust and designated homeless social workers. Housing providers have a key role to play in supporting young people who have left custody, and are a key partner for other youth support services. (Audit Commission, 2010)

“It is vital that organisations which give children and young people individual adult support are provided with sustainable, long-term statutory funding, particularly in times of austerity...” (NICCY, 2012)

In addition to continuity and stability, the importance of familiarity is exemplified at Impact Training. Young people find it natural to attend, aged 16, as many parents, family members and those known to them in the community were there years before. It is almost a ‘home from home’. Impact is concerned that if the ability to attend interventions within the local community was taken away, this would become a significant barrier to many. “My family – my ma and uncles and cousins – have been here [Impact Training] and I guess that made it easier for me to come.”

Most mentoring is tied into programmes or interventions. Once they come to an end, so does the relationship. Can Northern Ireland’s statutory and voluntary organisations offer continuity of personal support beyond the lifetime of a particular programme? Even with increased acceptance of the need for co-ordinated and multi-agency approaches, this is a challenging concept.

FACTOR 2. EXPERIENCING EMPOWERMENT THROUGH CHOICE AND FLEXIBILITY

Choosing to engage is empowering and enabling, as young people experience increased confidence in their ability to affect their circumstances. Organisations included in interviews highlighted the importance of “being here because they choose to be here and want to be here.” Whilst New Directions and Choose 2 Change receive referrals from YJA, engagement remains outside of enforceable plans. And NIACRO find that 90% choose to engage. Why? “Because it’s empowering for them to have someone take time to listen and not be told what to do.”¹⁵¹

Encouraging self-determination may lead to unpredictable outcomes. Practitioners must ask whether they are prepared to encourage self-determination. Respecting young people's choices is vital and empowering, yet it can be difficult to get the balance right. Does one hold back from advising against activities which are or may be harmful?

Does one watch inadvisable choices unfolding without intervening, yet be there to pick up the pieces? Personal fitness training, for example, which many young men are keen on, requires more qualifications and study than most realise, and can be complicated by criminal records. Choose 2 Change is careful not to encourage young people to pursue inappropriate options, likely to de-motivate eventually, although has, on occasion, offered intense support to young men on the difficult path of pursuing the qualification.

Alongside the importance of choice is the requirement for flexibility. Flexible interventions (structure, content and approach) are responsive to individual needs, circumstances and preparedness to engage. Structured programmes can be counter-productive for those not ready. However, some practitioners, including YJA, strive to achieve a balance between giving young people something to aspire to, with some challenge, without having them 'fail'.

Whilst many may not have the stamina to engage 35 hours per week, the alternative for many is boredom, with some interviewees claiming "I'd rather be in bed than here" and others (perhaps more honestly) saying "*I'd rather be here. On the short days here, I go home and go to bed or sit around in the afternoons. I am at home on my own. Some afternoons I ask if I can stay here even if I haven't got a class. Sometimes I think I'd rather just stick around 'cause like at least you're doing something.*"

Whilst the Prince's Trust's Fairbridge offers flexibility over an average 3-6 months, participants must complete an access week, including a two-night residential, before they can proceed. It can take participants several attempts to complete the week as they must stay clean of alcohol and drugs throughout the residential. One young man started the week again and again over a year. Finally approaching his 25th birthday, he realised the need to stay clear of drugs, complete the week and give himself the opportunity to move on. An example of how individuals must come to a realisation that they must 'do it for themselves'. (Linking with Factor 3).

The access week complete, Fairbridge offers flexibility with a menu of options and workers sending texts to remind participants the sessions for which they have signed up. They find the flexible, choice-led, open-ended, holistic approach effective in building confidence, enabling young people to attain some stability and sustained engagement.

Even within more 'structured' interventions such as Supported Employment, flexibility remains central: "It is important that the Supported Employment five stage process is flexible and not time limited. There is the potential that this client group may not fulfil all five stages of Supported Employment at the one time. Consideration needs to be given to the provision and possibility of entry / re-entry when the individual is in a personal position to proceed." (European Union of Supported Employment, 2012)

¹⁵¹ Senior Practitioner, Choose 2 Change, NIACRO

FACTOR 3. BUILDING RESILIENCE FOR A LIFETIME

Resilience may be understood as *“the capacity to face, overcome and ultimately be strengthened and even transformed by life’s adversities and challenges.”* (Design for Living Partnership)

The outcome is a young person who can continue to strive to realise their own potential, drawing purposefully on opportunities for training, volunteering, employment or enterprise whilst dealing with challenges or disappointments along the way. (Design for Living Partnership).

That ‘responsibilization’ comes *“at a point at which these young offenders come to know the absence of support in their lives ...and make choices based on that.... the young people interviewed have taken responsibility and have judged that there is no-one there to help them: that only they can do it for themselves.”* (Kelly, L & Phoenix, J, 2013, p. 433)

Young people’s capacity to draw on personal skills, values, self-belief and vision must be developed over time. Yet, for those who have faced multiple adversities, this will not be easy.

Creating the right environment for building self esteem, managing emotions, and building resilience, helping to secure positive attitudes towards themselves, others, work and the world in general requires holistic approaches. Because many are not ready for work, or able to secure the right job, opportunities to spend time building skills and interests over prolonged periods are critical as young people will have to dig deep into personal resources to maintain motivation and positivity.

*Having a positive attitude to work is linked to improved employment outcomes. More than 43% of 14 year olds who disagree strongly that having a job or career is important are NEET four years later....other studies endorse this with employers reporting that they place more value on a good attitude than on basic skills when hiring low-skilled workers.”*¹⁵²

Some resilience comes from the individual, determined to ‘make something’ of their lives, and some from the support of interventions and individuals. *“Through their own resilience and determination coupled with the support of the various projects, young people did express hopes and aspirations for the future.”* (NICCY, 2012)

It is not difficult to understand why young people who lack resilience may struggle to form trusting relationships. The link between building resilience and self belief and the contribution of a significant adult is demonstrated. *“She got the best out of you and she made you want to get the best out of yourself.”* (NICCY, 2012) (Linking with Factor 1).

Resilience is referred to in (Inspiring Impact NI, 2014) as ‘grit’, *‘...perseverance and passion for long-term goals’* and is aligned to *“successful education and career outcomes”* more than cognitive ability.

Volunteering, community work and civic participation can be important for young people who recognise that they are not ready for employment or who cannot secure the right job. It has the potential to alleviate boredom, build stamina, skills, self-esteem and confidence. *“Qualitative research suggests that volunteering can increase employability among jobseekers, but that this increase depends on the quality of support and training available.”* (Inspiring Impact NI, 2014). Volunteering can be de-motivating if it is of low quality; much effort is required to ensure it remains fresh, challenging and constructive.

Volunteering can help build a sense of ownership over community issues (taking young people outside the limitations of their own problems, circumstances and journey). However, this requires intentionality. Tides Training and New Directions achieve this by incorporating citizenship and conflict resolution into programmes. Outcomes of citizenship learning are most effective when they offer opportunities to explore and acquire

¹⁵² H. Holzer and D. Wissoker (2000) Non-Cognitive Skills and Employer Hiring Behavior in the Low-Wage Labor Market: in (Inspiring Impact NI, 2014)

skills through practical experiences. The NEETs Forum, equipping young people to influence policy decisions, has demonstrated how opportunities to participate in community life can build positive engagement and add to long-term motivation, confidence, purpose and self-worth.

FACTOR 4. KEEPING IT VOCATIONAL

The Bytes Project's survey reinforced the message that young people are motivated by vocational opportunities, specifically long-term, quality work experience, alongside practical teaching, least like school.

A realistic view of work is important and work placements may provide this, but they are only valuable and motivating when the young people are ready. Exposure too early may demotivate. Impact Training's Manager reflects *"there is a distinction between young people wanting vocational opportunities and being ready for them. Our difficulty is more often getting young people ready than getting the placements."*

Impact would rather send a young person to a placement one day per week (than the standard TfS three days) if they thought that the student was not ready. *"Going on placement is a big culture shock for many."* One girl interviewed admitted to being "scared" at her placement. *"I just had no idea how anything worked and felt wick. I didn't want to talk to anyone."* Yet work-based learning remains crucial and practitioners are concerned that young people requiring most support with personal and essential skills will find themselves 'at the bottom of the pile', not able for the considerable transition into structured programmes. The result will be an ever-growing gulf between those able to engage with structured programmes and those who are not..

Whilst 'quick wins' (gaining a qualification within the week of the Prince's Trust Get Started, for example) can be motivating,

qualifications must be aligned with employers' requirements so that young people are not falsely motivated by qualifications they later discover have little value in today's job market. *"Whilst qualifications are important, being qualified and being able to do the job are two separate things."*¹⁵³ The experience and associated confidence to acquire employment is what many young people lack.

FACTOR 5. RECOGNISING PROGRESS WITHIN A PERSONALISED PLAN

Whilst all organisations included in interviews use action plans, goal-setting and reviews, the extent to which these help to build young people's skills and resilience varies. And are the adults involved in the process the significant adults with whom the young person is building trust and rapport? Whilst there is a growing appreciation of the importance of this, it is not yet the reality for all. Some interviewed felt they were engaged in a variety different plans and with several different adults.

What does it take for action planning and reviewing to be co-ordinated, engaging and motivating? The answer must lie in joined-up approaches, involving smaller numbers of significant adults, requiring statutory and voluntary providers to join-up planning processes, and co-ordinate the involvement of personnel. Initiatives such as YJA's circles of support are helping.

Some practitioners and young people indicated that small, short-term goals are more appropriate than longer-term goals that seem abstract and remote. However, many several young people found larger, longer-term goals more motivating, capturing their imagination *"A bigger dream gives me more to live for."* Whilst we may assert that goals must be attainable, and that smaller goals may be more helpful, feedback from the young people is a helpful reminder that goal setting must be tailored to the individual.

¹⁵³ Senior Practitioner, Choose 2 Change, NIACRO

Goal-setting and reviewing are skills that, if 'taught' well, young people will have to draw upon through life and contribute to their resilience in the long-term. (Linking with Factor 3)

FACTOR 6. LET ME BE A TEENAGER AND HAVE SOME FUN!

Ought we be expecting young people who have had contact (or are at risk of having contact) with the justice system to be single-mindedly focused on the labour market, when more advantaged young people of the same age rarely are? Labour market preparedness ought not to negate opportunities for fun and leisure, which also has the potential to increase motivation. Many young people relevant to this research will have had little or no experience of fun, constructive leisure that one may associate with teenage years.

The Prince's Trust's Get Started uses DJing, arts and sports to engage young people. *"The sports in particular really motivate the boys to get involved."* Although week-long programmes, a support worker works with the participant for three months afterwards towards next steps such as accessing education. Participants also develop a personal action plan in advance of the week, articulating what they hope to achieve.

The Tides Training 2014 Work Sampling programme encouraged participants to engage in constructive recreation over lunchtimes, *"rather than just being on their phones"*.¹⁵⁴ Part of this was informally engaging in conversation, learning to interact. But participants also had the opportunity to use Royal Mail's gym which required courage, with "I'll go if you go" attitudes. They feared 'losing face' amongst peers if they appeared too keen but also lacked the inclination to take the risk to try something new, yet what an important skill the young men learnt from gradual encouragement to do just that.

Many researchers and practitioners point to sport for its value in promoting desistance, an alternative focus, the opportunity for "positive peer socialisation" and "immediate sporting outcomes, such as heightened self-esteem, positive identity, connectedness, empowerment, and acquisition of new skills—problem solving and decision-making skills, teamwork, goal setting, leadership, and discipline." (Van Hout, MC & Phelan, D, 2014) Furthermore, physical activity contributes to improved mental health, social functioning, physical fitness, recreational networks, and community integration and can reduce drug taking and criminal activity in youths. (Van Hout, MC & Phelan, D, 2014)

However, (Van Hout, MC & Phelan, D, 2014) believe that much qualitative research is required to develop a better understanding of how and why sports interventions affect young people's desistance and resettlement.

FACTOR 7. MONEY AND PAYMENT

There was some disagreement between practitioners about whether money or experience is a significant motivator, the majority being of the belief that young people are more concerned with building experience (in the short-term). However, several pointed to the importance that young people have the recognition / dignity of payment for engaging and particularly for engaging with placements. New Directions and Choose 2 Change participants, for example, are able to access the Educational Maintenance Allowance (EMA) (at varying rates, depending on the number of hours they engage per week). It is found to be a "big incentive" for the young people to stick at it.¹⁵⁵

¹⁵⁴ Tides Training Assistant Director involved in programme delivery

¹⁵⁵ NIACRO Senior Practitioner

Springvale Learning too find the EMA to be a big incentive for many of their students who may otherwise be at risk of dropping out of vocational courses such as plumbing or catering.

However, others observe that the training allowance is so low that young people struggle to survive on it, *"It is more of a demotivator to young people when they make the effort to participate in employment or training, and yet can't afford to eat."*¹⁵⁶

SECTION 6

Section 6. Young People's Decision-Making

"Children and young people in Northern Ireland repeatedly report being excluded from decision-making in all aspects of their lives."

Kilkelly et al, 2004 in (NICCY, 2012).

Young people and adults feel that relationships and projects are more successful when young people play an active part in the decision-making process about what type of support they need and how it is to be provided. (NICCY, 2012).

From the interviews conducted for this Paper, it is clear from approaches adopted by practitioners that most appreciate the importance of giving young people an opportunity to become involved in the decisions that will affect the direction of their lives.

"When measuring the effectiveness of projects ... children and young people's views should be central to determining how 'success' is measured and indicators should accurately capture the significant steps young people take over time. This should include their perceptions of the steps they have taken and how their progress has been facilitated by projects and adults who support them."
(NICCY, 2012)

Widespread adoption of assessment and planning tools is the primary way in which young people are being engaged in decision-making. This is new to many and the learning curve associated with the practice is steep for most young people.

The legacy of low self-esteem and confidence and lack of role models are significant hurdles to be overcome when engaging young people in taking decisions. However, approaches ought to follow the same principles as those helping to develop and sustain motivation, namely establishing confidence and self-belief through building relationships based on trust, consistency, honesty and integrity.

Beyond young people's involvement in decisions affecting their personal journey are opportunities for young people to contribute to wider decision making, at public policy level. Northern Ireland's NEETS Forum has successfully engaged a youth work approach to such work. The Forum employed a Youth Participation Officer and created five hubs in locations where pre-existing youth work was strong, as well as identifying areas with less provision. Training and capacity building was provided to participating young people, who were encouraged to regard themselves as 'experienced experts', knowing from experience the particular set of difficulties NEET young people face in overcoming adversities and building the skills and competencies required of sustained employment.

The NEET Forum's model for engagement has become so successful that young participants have had opportunities to present their views and experiences to Stormont committees and MLAs, with notable results impact decision-making. In presenting, they are partly 'telling their own story', but wider than that, they have been trained to appreciate the privileged position they have of representing the body of young people facing a whole range of experiences, difficulties and barriers. This mandate of the young people to represent peers gives them the authority to speak and requires the participating young people to

¹⁵⁶ Barnardo's NI

think about how young people (other than themselves) experience life and difficulties – perhaps rural transport hurdles, mental or physical disabilities, child care, drugs, that might not be relevant to their experience. The investment put into the skills, competencies and confidence of participating young people, from the individual organisations and from the NEET Youth Participation Officer, has been very considerable.

SECTION 7

Implications and Recommendations

7.1 A Whole Family Approach

*“When they experienced service provision which actively engaged the whole family this was especially welcomed.”
(Barnardo’s Northern Ireland, 2014)*

2009 research¹⁵⁷ highlighted lack of family support as problematic for marginalised children and young people experiencing alcoholism, parental depression and dependency on prescription drugs, impacting on parents’ ability to parent and on children’s emotional wellbeing.

(Barnardo’s Northern Ireland, 2014) highlights the growing emphasis on early intervention, integrated services and whole family approaches nationally with the Troubled Families initiative. Integrated services and early intervention is evident in Northern Ireland through Children’s Services Planning and the development of Family Support Hubs so that families experiencing multiple adversities receive co-ordinated services that address

all of their needs. Many families targeted through the ‘Troubled Families’ programme, for example, are perceived as ‘anti-social’ with interventions aimed at reducing high levels of school truancy and youth offending.

A similar intensive family support service is being delivered by Extern. This will help to support a young person, especially upon release, if the support for building routine does not come from the family.

7.2 Avoiding ‘False Motivators’

‘False motivators’ may make young people feel they are making progress towards outcomes, but do not add value in the longer-term. Practitioners have a responsibility to ensure that they are not making young people feel good about themselves for the wrong reasons or are engaging individuals on courses and qualifications that are not likely to yield results.

*Large numbers of young people ‘churn’, moving between qualifications that provide little scope for progression, and unsatisfactory, often short-term employment or periods of unemployment.*¹⁵⁸

Some young people interviewed felt disillusioned by promises of jobs at the end of a programme, or felt that they were drifting from programme to programme with no sense of purpose or direction:

“You keep getting promised that there’ll be a job at the end of it”

*“I just did those programmes out of boredom”*¹⁵⁹

*“Young people often hear the promise of a job at the end of a programme. It may not have been what was said, but it was what the young person heard.”*¹⁶⁰

¹⁵⁷ Childhood in Transition: Experiencing Marginalisation and Conflict in Northern Ireland, 2009, McAllister, S., Scraton, P. & Haydon, D.

¹⁵⁸ Dolton, P.J., Makepeace, G.H. and Gannon, B.M. The Earnings & Employment Effects of Young People’s Vocational Training in Britain The Manchester School, 2001

¹⁵⁹ Young people interviewed at Flax Hostel, Ardoyne

¹⁶⁰ Assistant Director, Tides Training

Given difficulties with trusting people and institutions in the first instance, false hope and promises can be especially damaging. And given the potential for young people to believe what they want (or hope) to, practitioners cannot be too clear or frequent when establishing expectations with young people at the start (and throughout) interventions.

7.3 Understanding What Works and Why

Building understanding of the long-term impact motivational interventions having upon outcomes, in custody and the community is vital. However, the most important first step is **to ensure clarity about the outcomes practitioners and policy makers strive for** for young people who have been in contact with the justice system. Are the only outcomes to secure further training, education or employment? What does this tell us about whether a young person has acquired (or will continue to acquire) lifelong resilience and motivation? Will he or she fall when encountering difficulties several weeks or months into employment, or will he or she have the resilience to face challenges and not become demotivated?

Understanding the outcomes we strive for for young people and having the confidence to articulate these, with young people, practitioners, policy makers and the general public is vital.

“Outcomes based funding for training is only as good as the definition of the outcomes.”

UK Commission for Employment & Skills, 2009

This is why Inspiring Impact is building tools to articulate what interventions hope to change and then measure the story behind the change. Policy makers and practitioners must ask that,

whilst activity a young person is engaged in may be apparent, what does the practitioner hope to achieve at a deeper level? This Paper has highlighted seven motivating factors. Can they be put to the test by developing tools that can measure, and hence establish an evidence base for, the motivating influence of:

- significant adults;
- empowering influence of choice;
- building of resilience;
- motivation of vocational experiences;
- use of plans and reviews;
- influence of leisure and fun; and
- motivating impact of money?

7.4 Investing in the Quality of Interventions

Practitioners have a responsibility to provide quality; it was clear from young people interviewed that they are not motivated to be a part of something they perceive to be ill-equipped to deliver on its promises. “You can really tell when a worker cares about you and really can do stuff for you and when they couldn’t give a ****.”

Feedback from the young people interviewed made is very clear that quality must characterise every step, and this includes:

- ¹⁶¹ tools to assess individual need and establish a realistic action plan which ought to incorporate questions that help young people to consider what they find most motivating;
- ¹⁶² engaging teaching methods, emphasising skills and passion of teaching staff;

¹⁶¹ Northern Ireland’s NEET Forum is exploring the feasibility of introducing a universal assessment tool

¹⁶² Becoming more readily “checkable” with expansion in number of voluntary organisations subject to ETI Inspections

- professionals working with children and young people should be aware of, and receive training in, the United Nations Convention on the Rights of the Child (UNCRC);
- alignment of courses with realistic local labour market opportunities;
- the quality and set-up of work placements (preparation of employers and young people, and meaningful and challenging activity with opportunities for feedback);
- proactive communication with young people in ways they understand and respond to;
- consistency of approach; **young people interviewed recognised the distinctions between consistent and inconsistent practice, inconsistency being synonymous with 'not caring'**;
- a shared ethos and supportive organisational culture; this characterised many organisations included in the interviews;
- VOYPIC also find that frequency and regularity encourages engagement and maintains motivation; and
- International standards highlight the importance of education in detention facilities being provided by qualified teachers and *"integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty"*.¹⁶³ Furthermore, staff training must be exemplary with staff being carefully selected, possessing integrity, ability and professional capacity.

7.5 Investing in Practitioners' Relationship-Building Skills

"It was clear that a high degree of skill and experience was required for staff and mentors in working with challenging young people whose lives could be chaotic, unpredictable and violent, particularly in settings which were new to them."
(Phillip & Spratt)

Why are some relationships dynamic and others formulaic? There may not be a straightforward answer, but a dynamic relationship is critical.

"...facilitating replicable successes in redirecting the trajectories of young people means maximising the discretion of youth justice workers to hear and respond to young people's voices, and to 'rethink' aspects of practice that impair what can be heard and acted upon. We argue that the road to better outcomes will begin from enhanced confidence amongst policy makers and managers in the unique capability of the best practitioner-young person relations"

"..to understand how young people experience youth justice and access alternative futures (or fail to do so), a stronger evidence base is needed on the processes of mediation between the young person and practitioner"

"..little intensive study has been dedicated to analysis of the minutiae of successful working relationships identifying 'moments that matter' between young people and practitioners"

"....centralising the practitioner-young person relationship remains the key to successful practice and thus needs greater, more detailed research attention."

(Drake, D., Fergusson, R. & Briggs, D., 2014)

¹⁶³ United Nations Standard Minimum Rules for the Administration of Juvenile Justice

¹⁶² Becoming more readily "checkable" with expansion in number of voluntary organisations subject to ETI Inspections

Other material (including 'A Different Kind of Evidence? Looking for 'What Works' in Engaging Young Offenders', Paul Mason 2010) calls for further research into the nuances of the practitioner / young person relationship to ensure policy and practice help **optimise the practitioners' skills to hear and respond to young people's voices in meaningful and validating ways.**

Phoenix and Kelly (2013) believe only within the context of productive, mutual relationships can practitioners bring about effective action, inducing change. Phoenix and Kelly argue that young people regard the framework for the work in which they are engaged in the context of their relationship with the practitioner. One young person, when asked what keeps him attending his project, and how it differs from others, commented:

"It's because the people in Bytes are so dead on. Them sitting listening to us cheered us up, hanging out with us after class finishes is great. Better than sitting up in my room on my own."

Hearing the Young Person's Story

The need to develop an in-depth understanding of a young person's life story was highlighted by serious case reviews throughout the UK which consistently highlighted a lack of social and family history leading to superficial assessments, focussing on presenting issues only. The complexity and intergenerational impact of multiple adversities requires practitioners to acquire an in-depth understanding of young people's background and social history. *"To what extent do current assessment processes and models focus on presenting and past difficulties, the co-occurrence of multiple adversities, the impact of broader risk factors (such as homelessness) and the strengths of individuals and families as well as needs?"* (Barnardo's Northern Ireland, 2014)

Organisations incorporated into this research appear to be making efforts to understand young people and their needs. The Prince's

Trust assessment, for example, includes a section entitled 'my journey'. However, it would be wrong to suggest that organisations can remain content in their assessment procedures. Procedures require continual reflection and review, which can be strengthened by communicating with other professionals and seeking out new research. Could motivational interviewing, for example, be a useful tool, or does adult attachment provide a useful theoretical framework for identifying and working with parental needs?

Modelling vulnerability

*"We participate in everything with the young people at the residencies, and in classes. If they have to write a poem about a dark time in their lives, we write a poem about a dark time in our lives. If they have to jump in a river, we jump in a river."*¹⁶⁴ The more one party discloses within a relationship, the greater the likelihood that the other will reciprocate. Incremental steps in 'risk taking' regarding disclosure of information and vulnerabilities generate mutuality. This is seen in evidence in the approach of Start 360's GRIT and Switch onto Employment project staff.

The Role of Conflict

Several researchers highlight how conflict between young people and significant adults may be useful for building cohesion, implying as it does, engaged reciprocity; both parties care enough and the cause of the dispute can become a point of connection and not necessarily long-term alienation. Conflict may come before constructive dialogue, if handled correctly within the context of a durable relationship that can survive warnings or conflict because the young person is already secure that the relationship is built on mutual respect and trust.

¹⁶⁴ Becoming more readily "checkable" with expansion in number of voluntary organisations subject to ETI Inspections

The Environment

Ensuring the setting provides a sense of physical and emotional security, especially within the Northern Ireland context, where many young people do not feel safe – within their own or within other communities – is also important.

7.6 Challenging Societal Factors That Tend to De-motivate

Negative stereotyping was cited by several young people interviewed as de-motivating; “If people around me don’t expect me to make something of myself, why should I bother?”. Research identifies potential impacts of negative representations on young people as: depression; anger; escapism through alcohol misuse; self-fulfilling prophecy; and breakdown in inter-generational relationships. “Given the challenge involved in shifting both media and political debate away from the negative stereotyping of young people towards a serious and balanced discussion of the underlying causes of anti-social and offending behaviour.” (Include Youth, 2011).

“[There is a] need to challenge negative stereotyping of children and young people, including those in conflict with the law. Criminal justice agencies, the Northern Ireland Assembly and the media all have a responsibility to promote more positive images of children and young people...” (NICCY, 2012)

“Children and young people felt that they were negatively labelled by the media and politicians.” (NICCY, 2012).

85% of Northern Ireland’s 16 year olds believe they are being judged negatively because of age and 87% that they have been treated in a discriminatory way for the same reason.

Experiences of discrimination are more prevalent amongst those young people ‘not well off’ and include:

- being treated with suspicion, in shops etc;
- being forced to move on from areas by police, community representatives or paramilitaries; and
- feeling disrespected and judged. (NICCY, 2012)

This highlights the centrality of what the NEETS forum and VOYPIC are giving young people; opportunities to make representation directly within the Stormont Assembly, to policy makers and politicians.



APPENDIX 1

LITERATURE, PRACTITIONER'S AND YOUNG PEOPLE'S OBSERVATIONS ABOUT THE SEVEN KEY MOTIVATING FACTORS

KEY MOTIVATING FACTOR 1: HAVING A SIGNIFICANT ADULT COME ALONGSIDE OFFERING CARE AND CONTINUITY

Practitioners:

*"If five workers find themselves representing one young person at a conference meeting, it's important to recognise who should back off and who is the best person to develop and build meaningful relationship that will benefit the young person."*¹⁶⁵

One key recommendations with respect to education of looked after young people (Barnardo's) is that a greater emphasis should be placed on continuity of people and place.

London's Switchback are exploring the importance of linking significant adults and continuity. *"Switchback Mentors stick by the Trainees as they move through the prison gate, encouraging and challenging them across all areas of their lives. This is new territory for most Trainees - an honest, frank and unconditional relationship with someone who is there for them on a daily basis."*¹⁶⁶

*"I treat them [the young people] as if they're my own...it's more nurturing we do with them here."*¹⁶⁷

New Directions and Choose 2 Change recognise the importance of encouraging contact with family members where possible. *"It is appropriate to have parents or grandparents involved at times."*¹⁶⁸ Springvale and Impact Training contact parents when attendance or behaviour are problematic, and find mixed responses. Some parents seem unconcerned. *"It is good to have parents involved where possible. They can be a motivating factor and stabilising."*

Oasis Youthways Project in Antrim, working with young people who have disengaged with school, employs a befriender to work with parents and families, believing building bridges with family members is key; establishing trust where contact with statutory agencies has had less success.

Tides Training observes a "nomadic lifestyle" living off and on with a parent, friend or grandparent.

All organisations interviewed recognised the complex needs of many young people and offer (or signpost) towards support in relation to housing, benefits, family relationships etc. to help build stability and continuity.

¹⁶⁵ Start 360's Switch onto Employment project staff member

¹⁶⁶ <http://www.switchback.org.uk>

¹⁶⁷ Impact Training tutor

¹⁶⁸ Senior Practitioner, NIACRO

Young People:

"I would like to have had someone who could have inspired me, but the closest I get to that are the drug dealers and paramilitaries round our way."

"It would have been helpful to have had a teacher assigned to look out for me and just be a compassionate person who listened to my troubles and supported me". (NIACE)

"He's really helped me with my behaviour. He's the only person I can speak to about my problems – I couldn't have made these changes on my own. I wouldn't let anyone else help me – they always let me down. I trust my mentor and he respects me. I don't even know how to pay him back for what he's done. He's done more for me than anyone. He's given me my soul back."

¹⁶⁹

"Good practitioners are those who CARE (as opposed to rubbish ones) that is the basis on which I decide to engage with this person – I can tell the difference of those for whom it's just a job and who couldn't care less"

"There has to be some fun in the relationship too, for it to work best"

"Mentoring is more like talking to a friend. It's been much better for me than counselling. The counselling just made me angry afterwards"

"She didn't give up on me and I was amazed because I was doing all I could to pushing her away. No-one has ever stuck around like that, and I'm thinking, like she's really not going to give up on me!"

Young people want the adult to be trustworthy, reliable, straight-talking and honest; they value the adult's commitment to the relationship. They also like the adult to be 'fun to be with.' (NICCY, 2012)

Young people who had been in care reported that fewer changes in social workers and moves in care and school played a part in how well they did in education. (Barnardo's)

Some young people interviewed have little or no contact with family. Others live at home with supportive relationship. Still others had a good relationship with a parent, but that tended to pull them back into unhelpful patterns of behaviour. Grandparents or even older siblings can be significant influence where parents are not.

"I have to get myself out to my placement in the mornings. My mum stays in bed."

"I like to stay with my Granny more than with my mum. She gets up in the morning to see that I'm up. My mum never does that."

"I love my mummy and she loves me too but she could never sort of give me the support that I wanted." ¹⁷⁰

Literature:

"A lack of co-ordinated and integrated provision meant participants often struggled to engage with a multiplicity of professionals and services. They also highlighted a 'retelling' of their life story to different professionals as difficult"when there's one person involved dead on, but when there's five people involved it feels like twenty-five you know when every day you've got a different place to go..."

(Living with Adversity)

"Young offenders often face a combination of issues in accessing and sustaining work or learning. The most successful approaches draw on the expertise of a range of professionals, often co-ordinated by one person who is able to develop a trusting relationship with the young person." (Audit Commission, 2010)

¹⁶⁹ www.sova.org.uk/casestudy.php

¹⁷⁰ Young person interviewed for She's a Legend Research, NICCY

A study of 80 projects, sponsored by the Youth Justice Board found, the longer the relationship, the more likely young people were to “re-enter employment, training and education and to have improved skills in literacy and numeracy” as well as, involvement in wider community life and improved family relationships.

“...what young people really value ...is not so much programmes and content but a good supportive relationship with an adult who is not judgmental and is able to offer guidance and advocacy when needed.” (Drake, D., Fergusson, R. & Briggs, D., 2014)

A relationship with a caring adult can be the single most important protective factor in the lives of children who are considered ‘at risk’.¹⁷¹ Moreover, Greenberger et al¹⁷² found young people who stated that they had a significant adult in their lives were less likely to engage in misconduct and their behaviour was not influenced as much by unhelpful peers or family members.

“So far as is possible, and when it is in the child’s best interest, contact with family including extended family should be supported.” (NICCY, 2012)

“What struck me as a unique process at Saúde Criança¹⁷³ was their all encompassing Family Action Plan (PAF) and how the organisation views families they are involved with as partners in the process....” The mother is regarded as the key link in tackling poverty, ill health etc. (Warnock, R, 2013)

Frequent home and school moves was a significant factor inhibiting looked-after children doing better at school (Barnardo’s). Young people believed that fewer moves (location and social workers) would have helped them to do better, leading to recommendations regarding the importance of continuity of people and place in vulnerable young people’s lives.

KEY MOTIVATING FACTOR 2: EXPERIENCING EMPOWERMENT THROUGH CHOICE & FLEXIBILITY

Practitioners:

“Do I have to do it?”, a question Start 360’s GRIT residential staff hear frequently. The answer? “No!” This often surprises and liberates the young people.

Whilst young people may have no choice but to work with YJA, other interventions stressed the importance of young people choosing to engage, especially when many had rare (or no) experience of making choices.

Balanced with personal choice is a concern that young people have the information and support necessary to make “informed choices”. Pursuing a particular career route (such as personal fitness training, which many young men are keen to do) requires more qualifications and study than many realise, and can be complicated by criminal records. Choose 2 Change and New Directions are careful not to encourage young people to pursue inappropriate options, likely to demotivate eventually.

Practitioners also believed in the strength of individualised approaches, prioritising flexibility. Include Youth reflected that flexible approaches that do not adhere to the pattern of the academic year are vital, so a young person can be brought in when they need it, not having to wait for the start of a new term. Voices of Young People in Care also believe that it is important for young people to have the flexibility to move about within their organisation, between differing services that address differing needs. Flexibility also means allowing for ‘second chances’. Yet, the challenge is how to make the second chance count.

¹⁷¹ Scales, P. C. and Gibbons, J. L. (1996) ‘Extended family members and unrelated adults in the lives of young adolescents in (NICCY, 2012)

¹⁷² Greenberger, E., Chen, C. and Beam, M. (1998) ‘The role of ‘very important’ non-parental adults in adolescent development’

¹⁷³ Brazilian community project

Young People:

Struggle with relationships with “overbearing” people, look for independence and decision-making

Literature:

There is “particular need to enhance understanding of what it means to support young people in ways that treat their reasoning and decisions as resources to be harnessed and that recognise their autonomy and value their free will”. (Drake, D., Fergusson, R. & Briggs, D., 2014, p. 4)

Maintain a focus on the wish of the job seeker, whilst taking into consideration other stakeholders’ perspectives. (European Union of Supported Employment, 2012)

“Even at an early stage it is important that the young person can understand that their dreams and visions for their life will be taken seriously.”

KEY MOTIVATING FACTOR 3: BUILDING RESILIENCE FOR A LIFETIME

Practitioners:

Regarded as ‘emotional capabilities’ in the Journey to Employment model (Inspiring Impact NI, 2014); an individual’s ability to “manage their emotions and persevere when setbacks occur.”

The Prince’s Trust observes “the young people need to make decisions for themselves. Only then can we have the opportunity to help them.”
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The ‘responsibilisation’ concept is perhaps more readily recognised by practitioners as “coaching individuals to learn and develop simple problem solving skills, empowering them to solve problems themselves - with guidance - rather than simply advising or resolving their problems for them.” (National Offender Management Service, 2013, p. 6)

Restorative justice is concerned with building inter-personal problem solving skills and enabling access to resources that will help bring fulfilment outside of crime. YJA practitioners encourage young people to be honest about what has happened in the past, with the Youth Conferencing approach giving the young person the opportunity to face up to past actions and consequences.

Projects including Barnardo’s Dr B’s focus on confidence-building to help turn round attitudes to learning before going on to provide opportunities to obtain literacy and numeracy qualifications.

Volunteering opportunities are promoted by several organisations, including VOYPIC.

Young People:

One interviewee recognised it’s “up to me”. Another reflected “I think I have a bit more patience and perseverance than some of my mates who don’t seem to be bothered to try to do anything.” Yet one young man commented: “I know I don’t have the motivation to do things, I know I need to be pushed to do things. I just want to lie in bed and drink”

Still another young girl, who had been engaged on Externs programmes and had left school with no qualifications reflected “I’ve got to think about my future.” The sense that this was something she had to do for herself is important and key to developing and sustaining motivation.

Literature:

Researchers argue the realisation that they are ‘on their own’ and no-one else can ‘do it for them’ it is an important step in ensuring that young people who have not experienced stability in their early years, develop a sense of personal responsibility.

¹⁷⁴ Project Worker, The Prince’s Trust

"Alongside skills development, volunteering has been an important part of youthwork. It supports young leaders to be involved in collective action, community development..."
(Youthnet, 2013)

Fight for Peace's (Rio de Janeiro) strategy of action is based on a methodology of Five Pillars; holistic and integrated within the association's approach. The Pillars are underlined by Fight for Peace's values of Embracing, Champion, Solidarity, Inspiring and Fearless and are delivered through various projects, whose objective is to allow young people to reach the greatest potential of their personal development.

Fight for Peace's approach assumes that behavioural changes are dependent on changes in perspective; their perception of themselves and of others, their motivation, and how they make decisions.

(National Offender Management Service, 2013) believe it is possible to support care leavers by being positive, respectful and model the attitudes and behaviour that will support positive change. *"In particular, it is important to show optimism that the individual can turn their life around, to provide motivation, and to offer hope for the future".*

KEY MOTIVATING FACTOR 4: KEEPING IT VOCATIONAL

Practitioners:

Building essential skills (literacy, numeracy and ICT) will be critical for many to make progress towards the labour market. But practitioners find many struggle. *"Most struggled with essential skills, finding the tutors too formal. Whilst 10 started the programme, 5 reached Level 2 with Essential Skills. Tutors found they really needed the 1 to 5 ratio to make progress, such was their lack of confidence in a larger group and the degree of support they needed with literacy and numeracy."*¹⁷⁵

Of particular note for (National Offender Management Service, 2013) is that working towards qualifications ought to be part of an integrated plan.

Practical projects and activities young people can focus on together help build camaraderie and interpersonal skills. New Directions' Dragon's Den exercise and Start 360's practical interactions, from cooking together at residencies to jewellery making and outdoor activities, illustrate how participatory learning can break down barriers, helping young people to engage. Capitalising on the young person's interests, generating and celebrating creativity (away from "conventional" learning) is often found to be motivating.

Bytes Project emphasises the importance of programmes being as little like school as possible; the right environment in the early days holds the greatest potential for young people to stick at it.

Include Youth's Give & Take Scheme makes significant efforts to ensure the learning experience is as little like school as possible – small groups (one-to-one if necessary) alongside an emphasis on building relationships with the tutor or project staff.

*"Feeling comfortable and making friends and connections within the group is a very significant skill for life."*¹⁷⁶

¹⁷⁵ Tides Training Assistant Director

¹⁷⁶ Start 360's Switch onto Employment staff member

Young People:

"You get treated better here than at school. With more respect. More like a grown up."

"They're [the tutors] not even like teachers!"

"There's more one-to-one time on what you want and what you need here and things are better explained."

*"I think that anything courses or programmes should have more time for real work experience. Things I have done in the past haven't had that much but I think it's the best bit."*¹⁷⁷

"I just want to get as much proper work experience as I can."

"I am out in the town giving my CV into every shop I can think of. I just want to get a job."

"I am doing 40 hours in a food store in Belfast, but that still isn't meeting my aspirations and I still don't feel I am being fulfilled."

Young people at Springvale Training found the work placement motivating; "to get to see what work is like".

Literature:

The quality of work experience is crucial "poor quality experience can reinforce low aspirations, particularly for young people from disadvantaged backgrounds" and a young person's perception of the value of work experience can be a good indicator of its quality. (Inspiring Impact NI, 2014)

Year Up¹⁷⁸ (USA), a one-year, intensive training programme provides low-income young adults with hands-on skill development, college credits, and corporate internships. The programme is rigorous, setting high expectations for quality of work and professional behaviour and a strong structure guides students through the steps necessary for achieving success in the classroom and

the workplace. Students spend six months in the classroom, developing technical and professional skills before moving onto a six-month internship with one of Year Up's 250+ corporate or government partners. Students earn college credits, a weekly stipend, and are supported by staff advisors, professional mentors, social services staff, and a network of community-based partners. That 75% of participants are referred by previous participants indicates its success. (Warnock, R, 2013)

¹⁷⁹ More than Words (USA) also featured in Warnock (2013) goes further, believing "the best job training must include an actual paid job, one which provides developmentally appropriate feedback and hands-on, real-world training for youth to equip themselves with marketable skills critical for the workforce, college and life."

The Havana Rules emphasise the rights of young people in detention to access vocational training to advance their chances of gaining employment on release. "Alongside vocational training young people should also have the opportunity to engage in remunerated work, which is located within the local community where possible and which will provide them with the appropriate training that will be of benefit to them post release."¹⁸⁰

European Union of Supported Employment believe that, within supported employment, "work experience placements hold the key to enable NEETS to get the job, despite being less well educated, motivated and with accompanying background problems that other job seekers will not experience. "

¹⁷⁷ Young person interviewed at Flax Hostel

¹⁷⁸ www.yearup.org

¹⁷⁹ More Than Words is a nonprofit social enterprise that empowers youth who are in the foster care system, court involved, homeless, or out of school to take charge of their lives by taking charge of a business

¹⁸⁰ Havana Rules (1990) paragraph 45 in (Children's Law Centre, 2011)

Furthermore, opportunities to reflect on their work experience, are “integral as it assists the young person to understand their capacities more easily than that obtained through theoretical discussion.” (European Union of Supported Employment, 2012)

“being able to work well in a team includes having respect for others, having skills in co-operating, listening, asking relevant questions, negotiating and persuading, and an awareness of interdependence with others” (Youthnet, 2013)

KEY MOTIVATING FACTOR 5: RECOGNISING PROGRESS WITHIN A PERSONALISED PLAN

Practitioners:

One main recommendation for schools / care authorities with respect to the education of looked after children and young people in Barnardo's Failed by the System is that agencies ought to be working together on **shared plans that emphasise experiences and outcomes**. The final recommendation is for better consultation with children, “who are often just told what is going to be happening next.”

Integrated plans with relevant objectives with associated actions and activities that address areas of need are an important aspect of (National Offender Management Service, 2013) guidance for working with care leavers in custody and the community.

Start 360's Switch onto Employment Programme takes young people through a Rickter Scale assessment and other programmes use a variety of other assessments. “We ask them where they want to be and what they need to do to get there”

C'mon 17 in Australia uses personalised case management for each young person, “holding the best potential for helping young people to be employed in long-term jobs”. Of critical importance, whatever the tool, is that young people are encouraged to see progression which will not come naturally to young people who have little experience of being encouraged in the past.

Young People:

Young people who had been in care indicated they would have been more encouraged to engage with education if they had been “praised for small achievements” and also if those around them had acknowledged their achievements and had had higher expectations, expecting them to do well.” (Barnardo's)

Literature:

Development of long-term individual employment strategies with the young person that take into consideration their interests and wishes, is vital for long-term success, according to the European Social Network. Furthermore, the European Union of Supported Employment recognise “The vocational profile is always seen as a living document and for [NEET young people] that is particularly prevalent as their ideas and ambitions tend to change more quickly as they experience job tasters etc.”

“young people regularly tell us that it is important for staff and social workers to listen to what they have to say. [They] have a mix of experiences when it comes to being involved in their care and pathway planning.” (Voice of Young People in Care, 2013)

According to (Inspiring Impact NI, 2014) action planning must have demonstrable purpose, covering the young person's capabilities, qualifications, resilience, experience and life skills, and be implemented in the context of a trusting relationship. (Inspiring Impact NI, 2014)

Furthermore, to be effective (and least confusing for the young people), action plans must be co-ordinated. “Research conducted on behalf of the Youth Justice Board showed that offending rates were significantly influenced by the quality of relationships, the availability of key support services and by purposeful and co-ordinated resettlement”. (Foyer Federation)

KEY MOTIVATING FACTOR 6: LET ME BE A TEENAGER AND HAVE SOME FUN!

Practitioners:

Bytes Project staff commented on the importance of being able to have fun together – that it's not all as serious as school.

Project Hero is a creative reader and writer development course, using graphic novels and artefacts for young offenders who were disaffected with education. The Museum of Reading and Reading's Prison Library worked with young men at HM Young Offenders Institute, Reading. External evaluation suggests that the pilot project *'raised the young men's self esteem and enhanced their key skills in literacy, creativity, communication and social interaction'*.

Young People:

That being unable to access leisure and consumerism and being moved on from public spaces added to boredom and encouraged offending behaviour.

Difference in their life, often led to isolation from peers and society generally with few opportunities for fun (which may seem surprising – perhaps not matching the social stereotypes of many of these young people).

What the literature says:

"While basic skills in numeracy and literacy are important, they are perhaps not the most inviting entry into education for someone who has had a negative experience with them in school."

Examining young offenders' motivation for attending a music programme (within prison), Wilson & Logan (2006) found that prisoners *"reported the course to be more appealing than mathematics or reading."* (Anderson, K & Overy, K University of Edinburgh, 2010) Anderson goes on to argue that the opportunities for building self esteem through arts and sports can be valuable, and importantly, offer opportunities for young people to develop an identity that is

independent from that of a "young offender". Andrew Parker's 2013 paper Sport in a Youth Prison: male young offenders' experiences of a sporting intervention concludes that physical activity can have significant psychosocial benefits and promote the rehabilitation of young people leaving custody, particularly when integrated into wider programmes of support and provision.

Where sport is used, programmes must be considerate of the participants' needs and *"provide choice, purposeful activities and feedback, open access, and lack of organisational rigidity."* (Van Hout, MC & Phelan, D, 2014) suggests, for example, that young men may reject organised, competitive mainstream sports because it *"contains similar elements to those with which they are struggling in reality, namely conformity and acceptance of rules and regulations, competitive atmospheres and achievement of externally dictated goals"*.

KEY MOTIVATING FACTOR 7: MONEY AND PAYMENT

Practitioners:

There was some debate about whether money or experience is a more significant motivator. The majority of practitioners interviewed are of the belief that young people are more concerned with building experience (in the short-term).

However, practitioners did point to the importance that young people have the recognition / dignity of payment for engaging and particularly for engaging with placements – as it would be to anyone when they have done a good job.

New Directions and Choose 2 Change participants, for example, are able to access the Educational Maintenance Allowance (EMA) (at varying rates, depending on the number of hours they engage per week). It is found to be a "big incentive" for the young people to stick at it.

Springvale too find the EMA to be a big incentive for many of their students who may otherwise be at risk of dropping out of vocational courses such as plumbing or catering.

However, other practitioners have found that young people report to them that they struggle to survive on the training allowance, *“It can be a demotivator to young people who experience this financial struggle, when they make the effort to participate in employment or training, and yet can’t afford to eat.”*¹⁸¹

Young People:

“It’s got to be worth my while, getting into work.”

“The EMA money keeps me coming into college on the days that I think I can’t be bothered.”

The immediate reply from many interviewees who are engaging with programmes, when asked what keeps you coming was “the money”.

¹⁸¹ Barnardo’s NI

APPENDIX 2



INTERVIEWS CONDUCTED

Position	Organisation
Regional Project Manager (NEET)	Bryson Charitable Group
Policy Manager	Voice of Young People in Care
GRIT Residential Project Staff Member	Start 360
Switch onto Employment Project Staff Member	Start 360
Practice Manager	Include Youth
Policy Manager	Include Youth
Practitioner, Choose 2 Change & New Directions	NIACRO
Director & Project Manager	The Bytes Project
Lecturer (Education)	School of Nursing, QUB
Policy Officer	Children's Law Centre
Vocational Training Manager	Springvale Employment & Learning Solutions
Teacher	Clarawood Special School
Assistant Director	Tides Training
Regional Manager	Northern Ireland Union for Supported Employment
Assistant Director for Business Improvement	Youth Justice Agency
Assistant Director	Youth Justice Agency
Policy Officer, Business. Improvement Directorate.	Youth Justice Agency
Director, Manager, Chair of Board & several tutors	Impact Training
Project Worker	Prince's Trust
Senior Research & Policy Officer	Barnardo's Northern Ireland
Young People's Focus Groups	
Impact Training	4 in attendance
Impact Training	6 in attendance
Woodlands Juvenile Justice Centre	3 in attendance
Woodlands Juvenile Justice Centre	3 in attendance
Springvale Employment & Learning Solutions	3 in attendance
Springvale Employment & Learning Solutions	14 in attendance
Springvale Employment & Learning Solutions	11 in attendance
The Bytes Project (held in Flax Hostel, Ardoyne)	14 in attendance

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**Developing a Desistance Model for Young People,
with an Emphasis on Education, Training and
Employment Pathways in the Context of Northern
Ireland**

.....
NIACRO & The Bytes Project Research:
.....

Edgar Jardine
Independent Consultant

Summary

Around 10,000 children and young people enter the Northern Ireland justice system each year. Recent data on recidivism shows that around one quarter will be reconvicted within a year of being released from custody, being given a non-custodial order or receiving a discretionary disposal. While most people who commit criminal offences cease to do so or at least do so much less frequently as they become older, desistance is not a straightforward process.

Rather the evidence suggests that, while historic factors in an offender's background can help predict patterns of criminal behaviour in adulthood, the trajectory towards desistance is characterised by relapses and reversals in which contemporary circumstances play a significant part.

The paper discusses the individual, family and neighbourhood risk factors in relation to criminal offending and summarises three paradigms which attempt to explain the process of desistance – maturational (ontogenic), social bonding (sociogenic), and agency theories which emphasise the importance of offenders developing new identities inconsistent with continued offending.

The role of situational prevention is also noted as a way in which offenders can act to avoid situations which were previously associated with opportunities and temptations to engage in criminal activity. The implications for professional practice are discussed in terms of McNeill's (2006) "Desistance paradigm", the "Resource Needs Responsivity" model and the emerging "Good Lives Model" (Ward and Maruna 2007).

The paper also reviews the literature on the relationship between education, employment, unemployment and desistance drawing on a range of sources including meta-analyses, longitudinal studies, individual evaluations and the recent data emerging from the Ministry of Justice Data Lab (2014a) on employment services initiatives in England and Wales.

While there is a general consensus that employment is a protective factor in relation to recidivism, the evidence on the impact of employment services in preparing offenders for work is more equivocal.

The paper draws a number of themes from the desistance literature and proposes a Theory of Change to illustrate how interventions, focussing on motivation, building capacity and addressing opportunity, might be designed to encourage desistance among offenders and those at risk. However, the route to desistance is rarely straightforward and any model of desistance must recognise that most offenders who want to "go straight" face formidable social, structural and environmental constraints which risk frustrating their best endeavours and those who seek to assist them.

Finally, the paper sets out a number of recommendations for policy and practice which emerge from the findings of the review.

1. Introduction

The total cost of crime against individuals and households in the UK in 2003-04 was estimated to be in the region of £36.2bn (Home Office On-line 30, 2005). The Policy Exchange has calculated that, adjusting for inflation, this figure had risen to 78bn by 2009 (Less Crime, Lower Costs, Policy Exchange 2009) while a study by Oxford Economics on behalf of the Department of Justice (DoJ) estimated the costs of crime in Northern Ireland to be £2.9bn in 2006-2007 (Oxford Economics 2010).

Around half of all crime is committed by people who have already been through the criminal justice system (Reducing Offending and Improving Rehabilitation, Home Office/ Ministry of Justice June 2014). The HO/MoJ estimate that the cost to the taxpayer in Great Britain to be between £9.5bn and £13bn per year. In response, the MoJ initiated a range of actions aimed at reducing reoffending which included the establishment of a National Probation Service and the provision of more meaningful and productive work for prisoners while in prison.

The Strategic Framework for Reducing Offending published by the Department of Justice (DoJ) in Northern Ireland in 2013 reflected the responses to the prior consultation which noted that “the justice system should place an increased emphasis on supporting the effective rehabilitation and resettlement of offenders and to ensure that fewer people become victims”.

The focus on rehabilitation built on the recommendations of the Review of Youth Justice (2011a) which had also noted the lack of success of the criminal justice system in reforming offenders. Indeed the Review comments (p 79) that “The more deeply immersed in the youth justice system a young person becomes, the greater the likelihood their offending behaviour will worsen rather than improve”.

In addition, for those who experience custody, either on remand or on sentence, there is a particular risk of them becoming detached from important support systems. A similar observation is made by McAra and McVie (2012) in respect of the Edinburgh Cohort Study which tracked 4300 young people who commenced secondary education in the City of Edinburgh in 1998. They conclude that “the key to reducing offending may lie in minimal intervention and maximum diversion...doing less in individual cases may mitigate against the potential for damage which system contact brings”.

McNeill (Social Justice Matters 2013) reaches the same conclusion when he comments that “the most evidence-based and perhaps most unsettling argument we can make is that our common modes of punishment are often counter-productive as far as desistance is concerned”.

The Strategic Framework for Reducing Offending evidence base noted that for those found guilty of an offence in 2007, 31.3% reoffended within one year. The Framework identified six areas where practical support could be offered to promote desistance from further offending:

- a. Developing “life skills” and support in sustaining and developing positive family and/or other relationships;
- b. Training and support to secure sustainable employment;
- c. Maintaining continuity of care for mental health, learning/communication difficulties and other health problems, and addressing substance abuse;
- d. Ensuring access to appropriate accommodation;
- e. Helping to deal with practical financial issues, for example welfare, money management skills, and access to financial services; and
- f. Assisting offenders in overcoming the perceived cultural barriers and stigma associated with being labelled and “offender” and having a “criminal record”.

The Ministerial Foreword to the Strategic Framework recognised that reducing offending was not an issue for the justice system on its own but required the engagement and active cooperation of a range of partners both within and beyond government.

The Prison Review Team’s final report (DoJ 2011b) identified seven key elements that have the potential to provide practical help to promote desistance, including:

- a. Motivating and assisting offenders to keep off drugs and alcohol;
- b. Identifying and meeting physical and mental health needs;
- c. Increasing employability through education, skills training and work experience;
- d. Effective offending behaviour programmes;

- e. Permeability of service provision between prison and the community, enabling positive engagement; and
- f. Preparation for release and effective handover to support services.

2. Young People in the Criminal Justice System in NI

In all courts in Northern Ireland for 2010, 2011 and 2012 the number of recorded convictions was 32,069, 33,246 and 31,466 respectively (DoJ 2014a). Around 95% of convictions in any year are processed through magistrates' courts with the remainder being dealt with by the Crown Court (4.0% of all convictions in 2010, rising to 5.7% in 2012).

Most people convicted in magistrates' courts are male (around 85%); the proportion convicted in the Crown Court who are male rises to 92%.

Offending tends to be more prevalent among young people, typically peaking in the late teens and early twenties followed by a steep decline as offenders "age out" of crime. So it is not surprising that offenders aged 18-24 years accounted for 31.8% of convictions in 2010, 32.3% in 2011 and 29.7% in 2012. A fuller discussion of the change in prevalence of offending with age is included in Section 7. The number of court disposals for juveniles and young adults (10-24 years) between 2010 and 2012 averaged 11,527 per annum with around 88% of these in the 18-24 age range.

Table 1 Court disposals of juveniles (10-17 years) and young people (18-24) 2010, 2011 and 2012

Age / Year	2010	2011	2012
10-17 years	1,690	1,410	1,199
18-24 years	10,185	10,742	9,356
10-24	11,875	12,152	10,555

The management of juvenile offenders in Northern Ireland has changed significantly over time with many fewer attracting custodial orders. Young people remanded or sentenced to custody may be admitted to the Woodlands Juvenile Justice Centre (JJC) or to Hydebank Young Offenders' Centre. While the JJC is designed to hold 48 juveniles (male and female), the average daily population between 2006-07 and 2011 ranged from 26-32, the majority of whom were on remand (Digest of Information on the NI Criminal Statistics Justice System (2012a)). The Review of the Youth Justice System in Northern Ireland (Department of Justice 2011a) has noted that the average number of young people held in custody in Northern Ireland is much lower than in England and Wales. So, for example, in 2009-10 the average custody population per 10,000 of the population aged 10-17 years in Northern Ireland was 2.2 compared to 4.6 in England and Wales.

3. Measuring recidivism

The concept of "recidivism" is problematic, both theoretically and definitional. The Analytical Services Bulletin (ASB) 4/2014 (DoJ 2014b) noted "that there is no internationally agreed approach on how best to measure recidivism". Methodologies normally rely on the reconviction of an offender for a proven offence within a specific period at risk.

However, this may significantly underestimate the estimated rate of reconviction as there is a disparity between crimes which are committed and those which are reported to and recorded by the police. Finally, the detection rate varies for different categories of offences with only around 13% of domestic burglary offences cleared compared to 36% of Violence Against the Person offences solved in Northern Ireland in 2011-12.

As ASB 4/2014 notes, the two main methodologies used are (a) two year reconviction and (b) one year re-offending rates. In Northern Ireland historically offenders were followed for two years and reconvictions within that period counted. In line with practice in the UK Ministry of Justice, the NI Department of Justice has now moved to measuring reoffending during an observation period of one year (the observation period), with a follow up period of 6 months (to allow systems and processes to be updated). While the two year reconviction timeframe will report higher rates of recidivism than one year re-offending, DoJ statisticians have concluded on the basis of a two year follow up of a 2010-2011 cohort of 9221 offenders, that 19% had a proven re-offence within one year of being discharged from custody, given a non-custodial court disposal or diversionary disposal while the rate increased to 21% when the observation period was extended to two years.

However, not having a proven re-offence over a relatively short period is at best a poor proxy for "desistance". For example, in the context of the current methodology, some reoffending will go undetected; some will occur within the observation period but not be proven within the following 6 months (the follow up) while further re-offending will occur outside the one year observation period. As Maguire and Reynor (2006) note, "desistance is a difficult and often lengthy process, not an event, and reversals and relapses are common". Burnett (2004) refers to a 'zigzag' rather than a linear process, while Maruna and Farrall (2004) refer to one involving complex progression from 'primary' to 'secondary' desistance. (Primary desistance is defined as the achievement of an offence-free period while secondary desistance refers to an underlying change in self-identity wherein the ex-offender labels him or herself as such.)

4. Rates of recidivism

The Northern Ireland Executive's Programme for Government 2011-2015 includes a commitment to introducing a consistent approach to measuring recidivism in Northern Ireland. In response, the DoJ's Analytical Services Group have published Research and Statistical Bulletin (4/2014) outlining a Northern Ireland Reoffending Methodology and two further Bulletins which estimate reconviction rates for Adults (5/2014) (DoJ 2014 c) and Youth Offending (6/2014) (DoJ 2014 d). The latter provides information on the one year proven reoffending rates for a cohort of youths who received a non-custodial disposal at court, a diversionary disposal or were released from custody in 2010-2011. (A "youth" is defined as anyone aged 17 and under.)

The study found that of the 3,248 offenders included in the cohort, some 772 (24%) committed a proven re-offence either within a year of being released from custody, given a non-custodial disposal or receiving a discretionary disposal; furthermore, just under half (47%) of the 772 who reoffended committed the first offence within 3 months of the relevant trigger date.

However, the risk of an offender having a proven re-offence varied on a number of dimensions: males were more likely to re-offend than females; those convicted for burglary or public order offences were more likely to re-offend; the nature of the disposal was predictive of re-offending with custodial and community disposals requiring supervision being associated with a higher risk of re-offending than those who received a community disposal without supervision or a diversionary disposal (however, this is influenced by the finding that re-offending rates largely increased as the number of previous offences increased.)

The adult reconviction rate (Adult Reoffending in NI Bulletin 5/2014) was significantly lower at 16% than for Youth offending although this varies from 26% for 18-19 year olds and 21% for 20-24 year olds, gradually declining through the higher age bands to just 5% for those aged 60 plus. The factors identified as significant

predictors of reoffending in the Youth Cohort i.e. gender, nature of the base disposal and the number of previous convictions were replicated for adult offenders.

Recent data from the Ministry of Justice (2014b) on re-offending for adults and juveniles between October 2011 and September 2012 show respective re-offending rates of 25.0% and 35.4%, in each case significantly higher than the estimates for NI. However, the trends were similar with adults receiving shorter custodial sentences (less than 12 months) having a markedly higher re-offending rate (57.5%) than those receiving longer sentences (33.9%). For juveniles released from custody, rates of re-offending in the GB cohort were particularly high at 68.2% although this represented a drop of 4.2% percentage points compared to the previous 12 months and a fall of 8.6 percentage points since 2000. The Statistical Bulletin notes that there has been a marked reduction in the number of juveniles in the criminal justice system and that those currently entering it are more likely to have previous convictions and are also more challenging to deal with.

5. Risk factors for criminal activity

An extensive literature has developed which has attempted to identify those factors which, when present at an early age, are predictive of young people becoming engaged in criminal activity and in this behaviour continuing or reducing over time. While a range of methodologies have been deployed, longitudinal studies which identify a cohort of children and follow them through, in some cases over many years, have produced important data on the personal, family, educational and social factors which are predictive of later offending. The characteristics and circumstances of those who offend are compared with those who do not (or have not been detected) and inferences drawn on the contribution of a range of risk factors predicting those members of the cohort who will acquire criminal records and those who will not. Similarly, longitudinal studies have also been used to tease out

the factors which contribute to desistance from crime, aside from the well-established relationship between re-offending and age. For example Farrington (1992) draws on the Cambridge longitudinal study of 411 children first surveyed at age 8 to report on factors influencing onset, duration, intensity and desistance from offending. This work demonstrated that a number of risk factors when present at age 8 were highly predictive of later offending. The five key factors which appeared to make a unique contribution to the chances of a member of the cohort becoming a juvenile delinquent were:

- Coming from a low income family (which doubled the risk);
- Coming from a large family (four or more other surviving children);
- Having parents considered by social workers to have performed their child rearing practices unsatisfactorily;
- Having below average intelligence; and
- Having a parent with a criminal record.

In what is reputed to be the largest longitudinal study in criminology, Sampson and Laub (1995) reanalysed data from the Gleuck's original cohort of 500 male juvenile delinquents and a matched sample of 500 non-delinquent juveniles living in Boston. The samples were aged 10-17 at the time of recruitment and followed up at age 25 and 30 (between 1940s and 1960s) and again aged 61-69 (1993-1996). In terms of risk factors, school attachment had large negative associations with delinquency independent of family processes.

The predictive value of risk factors is also illustrated by Herrenkohl et al (2001) who looked at the significance of clustering risk factors. They found that a 10 year-old who experienced 6 or more risk factors was 10 times more likely to commit a violent act by age 18 than a 10 year old exposed to one risk factor. Critical risk factors included teacher – rated indicators of low attention and anti-social behaviour, parental attitudes to violence, involvement with anti-social peers and availability of drugs in the local area.

The Policy Exchange (2009) categorise the risk factors which predispose children and young people to become offenders into three domains: Individual risk factors, Family risk factors and Peer, school and neighbourhood risk factors (p 34).

Individual risk factors

- Low intelligence and attainment, low empathy and impulsiveness (strong predictors for offending)

Family risk factors

- Criminal or antisocial parents (strong predictors for offending)
- Large family size, poor parental supervision, parental conflict and disrupted families (Quite strong predictors)
- Child abuse and young mothers (Weak predictors)

Peer, school and neighbourhood factors

- Deprived families
- Friends who are delinquent
- Attend high delinquency-rate schools
- Live in deprived areas

Clearly these factors are not independent of one another but are highly interrelated.

The Ministry of Justice (2014c) identify what are commonly referred to as “Dynamic” factors which research has shown influence the risk of re-offending. (These are distinguished from “Static” factors such as age, gender and ethnicity which are not susceptible to change.)

The MoJ list 8 such dynamic factors and comment on the significance of each. These include:

- Drug misuse – Well established links between drug misuse and offending and re-offending;

- Alcohol misuse – Strong links between heavy or binge drinking and violent crime and also link between persistent alcohol use prior to prison and reoffending after release from prison;
- Impulsivity or low self-control – High levels of impulsivity are predictive both of general and violent offending;
- Attitudes that support crime – Positive attitudes to crime i.e. that crime is worthwhile have been found to be linked to reoffending;
- Social networks – Association with delinquent peers is important in maintaining criminal and antisocial behaviour; while the significance of delinquent peer groups decline with age, family responsibilities in adult life can have a positive impact in terms of reducing reoffending;
- Lack of/poor family and intimate relationships – Strong family relationships are found to be support desistance from crime; prisoners who receive regular family visits are not only less likely to reoffend on release but are more likely to find employment and to have accommodation arranged;
- Lack of employment – Offenders who are employed either before or after custody are less likely to offend and the extent and frequency of offending diminish when offenders gain employment; and
- Suitable accommodation – Research has demonstrated that **(a)** offenders with accommodation problems are more likely to reoffend; **(b)** stable accommodation facilitates ex-offenders’ access to employment and training opportunities; **(c)** accommodation needs impact on the quality of family relationships which in turn can affect reoffending; and **(d)** prisoners experiencing alcohol or drug problems were more likely to have experienced accommodation-related problems, including homelessness.

6. Prevention and Diversion

There is broad agreement from research that it is better to prevent young people from engaging in offending in the first instance for keeping those at risk out of the criminal justice as far as possible; and for those on the margins or in the early stages of offending it is important to work with them in the community and to use custody as a last resort. Farrington and Welsh (2007) comment that "Convincing research evidence exists to support a policy of saving children from a life of crime by intervening early in childhood to tackle key risk factors" (in Strategic Framework for Reducing Offending: Evidence Base (DoJ 2012b). The same DoJ publication notes a review of 40 evaluation studies on programmes for infants aged 0-3 years which demonstrated that early prevention programmes for families at risk resulted in improved family functioning and significant risk reduction in terms of neglect and abuse.

In addition, the DoJ paper provides brief descriptions of a number of initiatives across Northern Ireland which have as their aim supporting families and children at risk. Some of these are run by statutory bodies while others are managed by voluntary sector organisations. For example, the Early Intervention Programme (EIP) which was funded by the DHSSPS and the Health and Social Care Board and delivered in five Health Trust areas by Action for Children (1), Extern (2) and NIACRO (2) was evaluated by Independent Research Solutions (IRS). The evaluation demonstrated progress from commencement to discharge for those children and their families who completed the programme (Independent Research Solutions 2013).

The Policy Exchange (2009) draws on the work of Wasserman and Miller in Loeber and Farrington (Eds) (1998) which identified 10 age-related crime prevention programmes which have demonstrated positive results through rigorous research. More effective programmes tended to tackle multiple factors rather than focus on specific risk factors. Of the 10 programmes identified as effective, four were of particular relevance to the 13-18 year old age group. These were:

- a. Functional family therapy (FFT) – "the overarching goal is to prevent antisocial behaviour and other problems by engaging the family, developing family strengths and counteracting risk factors for problem behaviour". Among the benefits of FFT were preventing adolescents from entering the adult criminal justice system. The cost-benefit analysis claimed benefits of \$13.25 for every \$1 spent through reductions in crime.
- b. Mentoring – Big Brothers Big Sisters (BBBS) – is the largest mentoring programme in the US. BBBS matches children and young people aged 6 to 18 years with mentors in professionally supported one-to-one relationships. In a random controlled trial, over an eighteen month period, the mentored young people were 46% less likely to start using drugs and 32% less likely to have hit someone than their control counterparts.

(A UK Mentoring Programme "Plusone" has been developed by YMCA Scotland which is directed at young people who have demonstrated evidence of disruptive or disengagement at school; offending, aggressive or antisocial behaviour; conflict in the home/family; or substance abuse. In a two year pilot of the programme from 2009-2011, 86% of those participating were found to have shown significant change in behaviour and attitudes after 6 months.)

- c. Multisystemic Therapy (MST) – is "an intensive family and community based treatment that addresses serious antisocial behaviour in 12-17 year olds who are violent or substance abusing". "Evaluations of MST have demonstrated for serious young offenders reductions of 25-70% in long-term re-arrest; reductions in out-of-home placements; extensive improvements in family functioning and decreased mental health problems for juvenile offenders". The cost benefit analysis calculated that for every \$ invested in MST an average of \$2.26 was recouped on savings to the criminal justice system and a further \$3.01 was saved through costs associated with victimisation.

- d. Youth Inclusion Programme (YIPs) – the programme, which operates in the 114 most deprived, high crime neighbourhoods in England and Wales is targeted at 8-17 year olds at high risk of involvement in crime or antisocial behaviour.

An independent evaluation of the first three years of the programme showed a drop in arrest rates of 65% for the 50 highest risk young people; 73% of those who were already offenders reduced their offending and 74% of those who had not offended prior to the programme did not go on to be arrested following engagement with YIP.

The Policy Exchange drew the following lessons from these studies (p.52):

- a. Focus on risk factors that increase the likelihood of offending behaviour.
- b. Work in community rather than custodial settings as much as possible.
- c. Focus on the offender's specific behavioural and skills needs, taking into account gender, age, ethnicity and cultural identity.
- d. Involve many agencies in order to offer the offender a range of opportunities for social, economic and educational development.
- e. Include a cognitive component to help the offender modify the attitudes and beliefs that support crime and antisocial behaviour.
- f. Demonstrate "programme integrity", i.e. establish aims, methods, resources, staff, training, support, monitoring and evaluation that are integrated and consistent.

7. Theories of desistance

Notwithstanding the value of preventative and diversionary work, many young people will find their way into the criminal justice system and it is therefore important to understand what drives their offending behaviour and how to encourage and support desistance.

Leading academics in the field of criminology have made a major contribution, particularly over the past 20 years, to our understanding of the factors that are influential in shaping the direction of criminal careers.

Professor Fergus McNeill neatly summarised the state of the debate when he commented that "Desistance relates to age and maturity, to social ties or bonds, and to changing personal identities." (McNeill 2009). This section provides a brief summary of the evidence supporting the differing explanations of persistence and desistance.

Three broad theoretical perspectives have emerged which reflect these different, though not necessarily distinct explanations of desistance. Maruna (2001) refers to these as "ontogenic", which invokes a process of maturational reform, "sociogenic" where the focus is on the development of social bonds, and "agency" (the ability of offenders to make choices and govern their own lives) or "narrative" – the individual life stories which offenders build around the events they experience.

These theoretical frameworks (to which is added Bottom's "situational" explanation of desistance) are elaborated further below and the paper then draws on the work of McNeill and Weaver (2010) to integrate the different perspectives.

Ontogenic theories

The observed link between age and offending (and reoffending) is perhaps the most reliably established phenomenon in the criminology literature. Farrington (1992) notes that peak offending in the late teens reflects prevalence of offending in the population rather than frequency.

Some level of offending in the early to late teens is therefore viewed as normative with a decreasing proportion persisting into adulthood. Farrington draws on three large scale British studies – prospective follow up studies of 411 London males born in 1953 when they were aged 8 up to 32, (Farrington and West 1995), 847 Newcastle children born in 1947 (followed to age 33) by Kelvin et al (published in *Continuity of Deprivation*, Aldershot, Avebury, 1990), and a retrospective study of the convictions up to age 31 of 51,441 children born in England and Wales in 4 specified weeks in 1953 (Home Office Statistical Bulletin 32, 1989) to show how age relates not only to onset of offending but also to prevalence, career duration and desistance.

The Home Office's longitudinal analysis of the Offending and Justice survey 2003-2006, threw further light on both prevalence and desistance. This study found that 22% of those aged 10 to 25 committed one or more offences in the previous 12 months, while over a period of 4 years, this had risen to 49% of the cohort (Home Office Research Report 19, 2009).

However, as noted above, determining when an offender has completely desisted from crime is problematic. When data on the cohort forming the London longitudinal survey were collected at age 32, the average age at which the last offence was committed was 23.3. The complexity of the concept of desistance is further underlined by the fact that some offenders cease offending and then restart after a period with no convictions.

As noted in Section 3, the link between reoffending and age is demonstrated in the Department of Justice Bulletin on Adult Reoffending in Northern Ireland (June 2014c). While overall the reoffending rate was 16%, this ranged from 26% for those aged 18-19 years to 5% for those who were 60 years or older. (The Bulletin also compared reoffending rates by number of previous convictions and found a clear relationship between increased risk of reoffending and previous convictions for those with zero to 6 previous offences [from 8% to 25%] with those with 11 or more previous offences having a reoffending rate of 31%.)

The evidence for the link between age and offending has been reinforced from research using a range of methodologies including cross sectional and longitudinal studies. The latter have been particularly important in identifying the factors which are predictive of onset, frequency, prevalence and desistance from offending.

The earliest of such studies was undertaken by Sheldon and Eleanor Gleuck who followed a cohort of 1,000 young people aged 7-11 in the 1930s (in Boston) for a period of 15 years. The Gleucks explained the age-offending link observed within their cohort in terms of maturational reform – increasing age was for the Gleucks the key explanatory factor and they saw no need to look to external environmental changes.

However, they recognised that it was not age per se but the level of maturity irrespective of chronological age that was the significant influence in bringing about behaviour change in their subjects (Gleuck and Gleuck, 1950). Persistent offending for the Gleucks was therefore an indicator of delayed maturation. McNeill and Weaver (2010) show how Gottfredson and Hirschi (1990) develop the maturation explanation by attributing the decline in offending behaviour to biological changes which work to reduce the individual's capacity to engage in criminal behaviour (although they also quote Maruna 2001 who notes that biological change proceeds at a slower pace than the observed rate of decline in offending while physical strength peaks much later than the peak age for offending).

Sampson and Laub (1995) developed the work of Gleuck and Gleuck by conducting in-depth interviews with 52 men selected to represent different patterns of criminal behaviour.

They found that while a number of patterns of offending could be identified, around 70% had achieved some form of desistance in their 20s while only a small minority of 3% (classified as "high-rate chronics") persisted in with a high frequency of offending into their 30s.

Sociogenic theories

Demonstrating a correlation between age and offending does not however in itself explain the processes involved or the variation in individual pathways to desistance. Sociogenic theories emphasise the importance of external factors such as family cohesion and support, the role of peers, educational qualifications and employment in reducing the prevalence, frequency and persistence of offending.

A raft of empirical research studies has demonstrated that a range of such external factors may play a part in differentiating those who desist from others who become persistent offenders.

For example, the Home Office Longitudinal survey concluded that "Family, peer group and school factors were found to be very important influences on the pathways of young people (but these data related only to sample members aged up to 16)" (Home Office Research Report 19, 2009).

Strong social bonds are considered to be protective factors while those who lack such attachments have less to lose and hence are at greater risk of becoming persisting offenders. Laub and Sampson (1993) are among those who argue the significance of weak social bonds in maintaining deviant behaviour.

They identify key life events such as marriage or employment as contributing (although not necessarily causal) to desistance. There are alternative views on the role played by marriage (or other stable relationships) in promoting desistance. Laub and Sampson for example emphasise the role of marriage as a social control mechanism which serves to build the offender's stock of social capital while constraining behaviours which would jeopardise the bond.

They later develop their thinking to acknowledge the importance that structured routine activities and purposeful human agency play in supporting desistance (Laub, Sampson and Sweeton 2006). Others, drawing on Sutherland's differential association theory, point to the life style changes induced by marriage which result in less frequent

association with delinquent peers which in turn limits the opportunities for criminal activity. As McNeill and Weaver (2010) note, the role of marriage in facilitating desistance may be dependent on the quality of the relationship and the criminality of the partner.

Agency theories of desistance

There is a developing body of evidence which suggests that it is not differences in personal or social circumstances per se which are instrumental in promoting desistance from crime but rather how these changes are perceived by the individual. Maruna (2001) summarises the contribution of other theorists to the "phenomenology of desistance" (p32) which derives mainly from qualitative research methodologies, and which requires that the subjective experience of the offender plays a critical role in determining whether any given offender will desist. In particular, Maruna (p34) identifies the work of Neal Shover as instrumental in developing the arguments for such an approach. Shover (1996) argues that the primary elements of the process include:

1. The "acquisition of an altered perspective on their youthful self and activities"
2. A growing awareness of time.
3. A "revision of aspirations" to include goals such as "contentment, peace and harmonious interpersonal relationships"

Shover's arguments echo those of Gove (1985), also cited by Maruna who linked desistance from crime to the offender's internal changes:

1. A shift from self-absorption to concern for others.
2. Increasing acceptance of societal values and behaving in socially appropriate ways
3. Increasing comfort with social relations
4. Increasing concern for others in the community.
5. Increasing concern with the issue of the meaning of life.

The links between the sociogenic and agency theories of desistance are reflected in the theory of cognitive transformation elaborated by Giordano, Cernkovich and Rudolph (2002). In summary, Giordano et al conceive of desistance comprising four stages – a cognitive openness to change; exposure to hooks or opportunities for change; the individual being capable of thinking about themselves in new ways; and finally, behavioural change consistent with the new imagined self.

Situational desistance

Bottoms (2014) notes evidence from a number of studies which demonstrate how changes in the circumstances of offenders can have an impact on their future reoffending. For example, in the Cambridge Development Study, offenders who moved from London had a lower rate of official and self-reported offending than peers of similar background who remained in London.

Similarly, following Hurricane Katrina in 2005, prisoners who were forced to settle in new neighbourhoods were found to have lower reoffending rates than those who returned to their own neighbourhoods.

Offenders exercise situational desistance when they take deliberate decisions to avoid particular places, people and situations which they consider put them at greater risk of reoffending. Empirical evidence for this strategy (sometimes referred to as “self-binding”) comes from the Sheffield Desistance Study (Bottoms 2014) where 113 male offenders (average age 20) were followed up over 3-4 years during which they were interviewed on 4 occasions.

The findings show that three quarters of the men at some time adopted such a self-binding strategy. Bottoms comments that these findings demonstrate that most offenders do wish to desist from offending while recognising the obstacles they face to “going straight”.

8. The implications for intervention

McNeill (2006) has drawn out the implications for professional practice (principally probation) of what he refers to as “A desistance paradigm”, (Table 2) comparing it with earlier theoretical positions on interventions with offenders. He compares and contrasts the Desistance paradigm with the “Non-treatment paradigm” espoused by Bottoms and McWilliams (1979), the “Revised paradigm” (Raynor and Vanstone, 1994), and the centrally driven “What works paradigm” where the primary focus is on reducing reoffending and protecting the public.

Table 2 Probation practice in four paradigms (McNeill (2006) p 56

The non-treatment Paradigm	The revised paradigm	The “what works” paradigm	A desistance paradigm
Treatment becomes help	Help consistent with a commitment to the reduction of harm	Intervention required to reduce re-offending	Help in navigating towards desistance to reduce harm and make good to offenders and victims.
Diagnoses becomes shared assessment	Explicit dialogue and negotiation offering opportunities for consensual change.	“Professional” assessment of risk and need governed by structured assessment instruments.	Explicit dialogue and negotiation assessing risks, needs, strengths and resources and offering opportunities to make good.
Client’s dependent need as the basis for action becomes collaboratively defined task as the basis for action	Collaboratively defined task relevant to the criminogenic needs and potentially effective in meeting them	Compulsory engagement in structured programmes and case management processes as required elements of legal orders imposed irrespective of consent	Collaboratively defined tasks which tackle risks, needs, and obstacles to desistance by using and developing the offender’s human capital.

“Put simply, the implication is that offender management services need to think of themselves less as providers of correctional treatment (that belongs to the expert) and more as supporters of desistance processes (that belong to the desister)” McNeill 2006.

The desistance paradigm resonates with two contemporary models of offender rehabilitation. Much of current practice is based on the Risk-Needs- Responsivity (RNR) model which reflect a risk-management approach and targets dynamic criminogenic factors (needs) which are predictive of criminal behaviour (Ward and Maruna 2007). The risk principle requires that the scale or intensity of intervention should be proportional to the assessed risk to society while “responsivity” refers to the matching of interventions to address the offender’s criminogenic needs. The aim of the RNR model is to “ensure that therapeutic and other types of correctional intervention are implemented in a way that is likely to make sense to offenders and thus

enable them to absorb the programme and make the necessary changes in their life to desist from further offending” (Ward and Maruna p21).

Ward and Maruna argue the RNR model may be a necessary but not sufficient basis for effective correctional interventions and criticise the model for its focus on the offender’s, behavioural or skills deficits to the exclusion of a more positive approach which seeks to build on strengths and opportunities. Other criticisms of the RNR include that focussing solely of eliminating negative factors in an offender’s life is demotivating; the failure to give appropriate weight to the role of self-identity and the offender’s aspirations to adopting a legitimate life-style; that it fails to recognise the significant role of family and social systems in which offenders live. Finally, RNR is criticised as a “one size fits all” approach where the sophistication of the assessment of individual need is not normally matched by tailored interventions.

An alternative (and complementary) approach to rehabilitation- the “Good Lives Model” (GLM) in contrast takes a “strengths” based approach as opposed to a focus on the criminogenic needs implied in the RNR model. GLM is based on the premise that offenders share the same primary goals as the general population such as health and well-being, autonomy, relatedness and community.

The GLM is therefore characterised by a shift in the focus “away from criminogenic needs and other deficits and instead asks what the individual contributes to his or her family, community and society. How can life become more useful and purposeful?” (Ward and Maruna p23).

A strengths based approach aims to treat offenders as subjects with needs and ambitions not dissimilar to the general community and has two therapeutic goals – to promote human goods and to reduce risk (p24). While the GLM recognises that offenders have needs which increase the risk of recidivism, the focus is moved away from treating the risks to the promotion of desired goals which in turn are likely to address criminogenic needs.

The GLM model is consistent with Farrall’s longitudinal research where he has shown how offenders move through an emotional trajectory as they progress towards desistance from a place where they feel guilt, shame and regret through a phase where they entertain vague hopes that a move away from crime might be possible to a point where their offending identity becomes weaker and eventually to a position of confidence that they will succeed in desisting from crime and become “like everyone else” (Farrall et al 2014).

He argues that the most important thing criminal justice agencies and professionals can do for offenders is to give them hope through reassurance and building on their strengths, a position which is reinforced by the finding that the presence of absence of hope can be a key factor in re-offending. This point is developed in Section 11 in the context of Recommendation 21 of the Review of Youth Justice in relation to criminal records.

9. Education, employment, unemployment and desistance

The Independent Research Solutions (IRS 2011) report on NIACRO’S Youth Employability Programme confirms the findings of a significant volume of earlier research that the majority of the young people coming into the criminal justice system are among the most disadvantaged in society.

Alongside disrupted backgrounds, substance abuse and mental health problems, many have low levels of educational attainment and associated difficulties such as truancy, expulsion and disengagement from formal education. IRS note that young people excluded from education are responsible for twice as many crimes as those who are not excluded. In addition to being excluded from education, they also have difficulty engaging positively with training or employment. Often referred to as NEETs (Not in Education, Employment or Training), these young people also tend to be susceptible to poor physical and mental health.

A recent report from the Joseph Rowntree Foundation (Griggs and Walker 2008) noted that basic skills and formal qualifications are important for entry and progression in the labour market and it is therefore not surprising that leaving education aged 16 into NEET status has been linked to later criminal activity, early parenthood, long-term unemployment and substance misuse. Moreover, educational disadvantage is likely to be transmitted to the next generation, with the children of low skilled parents vulnerable to low educational attainment.

The role of employment and unemployment on offending behaviour has received considerable attention in the literature. West and Farrington 1977 (p377) reported that convicted youths in the Cambridge Study in Delinquent Development had more erratic work histories at age 16-19, with a relatively high average number of weeks unemployed per year since leaving school.

At age 21-22, West (1982) showed that 43% of convicted youths had been unemployed in the previous two years, in comparison with

only 19% of unconvicted youths. They also report that an unstable job record at age 18-19 predicted convictions at 21-24 independently of all other variables (Farrington 1986 "Stepping stones to adult criminal careers"). Rutter and Giller (1983) argued that unemployment was related to crime primarily because persons in low status jobs were liable both to commit crimes and to experience periods of unemployment.

In a prospective longitudinal study of offenders who had been made the subject of probation orders, Farrall (2004) ("Social Capital and Offender reintegration: making probation desistance focused" in "After Crime and Punishment Pathways to offender integration" Shadd Maruna and Russ Immarigeon (Eds) Willan Publishing) reviewed evidence on the links between social capital and desistance. A common finding across a number of studies cited by Farrall was support for the importance of employment and family formation in encouraging desistance from offending. For Farrall's probationers, "friends and family" were not only an important source of social capital but also provided access to employment which in itself served to strengthen social bonds with wider society.

Farrall argues that employment, especially if it is rewarding to the individual concerned, and family relationships which are in some way supportive, either emotionally or practically, can be understood as two of the most important ingredients of social capital for the individual in western societies.

Maruna's Liverpool Desistance Study (LDS) (2001) compared the narratives of desisting ex-offenders with those of matched controls. An important contribution of the LDS was the analysis of how ex-offenders described the role of productive pursuits as contributing to their desistance.

Drawing on interviews with the ex-offenders, Maruna documents how these "generative" pursuits serve to meet offenders' needs to fill voids in their lives through providing fulfilment – an alternative source of meaning or achievement; exoneration – helping others serves to relieve a source of shame or guilt;

legitimacy – persuading others not to offend; and therapy – helping others assists the ex-offender in his/her own process of reform. For some the route to generative pursuits is through re-working offending experiences to assist in counselling other offenders, engaging in youth work or drug rehabilitation programmes.

For many however the expectation is that they will find jobs of a routine or low-skill variety. Maruna's conclusions support those of Farrall in that it is the desire to make some important contribution to the welfare of others which seems to make the pursuit generative for the ex-offender.

A number of longitudinal studies in GB, reported in the MoJ publication "Transforming Rehabilitation" (2014c) have further explored the links between employment, education and training and offending. For example, the Surveying Prisoner Crime Reduction Study which followed a cohort of 3,849 adult prisoners (18 years of age and over) between 2005 and 2010, and which was designed to understand prisoners' characteristics, needs and experiences, found that 32% of prisoners were in paid employment in the four weeks prior to their custodial sentence and that those with employment experience were less likely to be reconvicted within one year of release (40% compared to 65%).

Furthermore, 48% of prisoners reported requiring help finding a job on release, 41% with education and 40% to improve their work skills.

The further MoJ report on Prisoners' experience of prison and outcomes on release (October 2014) has concluded that "the successful interventions to reduce re-offending among ex-prisoners are likely to be those that provide them with stable accommodation and significantly improve their employment chances, such as training and education, job placements and employment schemes" (p22).

The Offender Management Community Cohort Study (OMCCS) is a longitudinal study which tracked a cohort of adult offenders who commenced a community order between October 2009 and December 2010.

Offenders were classified in terms of their risk of offending (Tier 1 low risk to Tier 4 high risk.) 61% of Tier 2 –Tier 4 offenders said that having a job would be important in stopping them offending and 22% said education would be important. In addition, 42% believed that they needed help with working or getting work, 32% said they needed help with education and 15% said they needed help to improve their literacy and numeracy.

Finally, an analysis of offenders who had been subject to the Offender Assessment System (OASys) concluded that 70% of those assessed in custody had an education, training and employment need. The respective figures for those with a community or suspended sentence and those under post-release supervision were 54% and 58%.

The Ministry of Justice's Transforming Rehabilitation report (2014 c) has reviewed the scope and quality of evidence in relation to reoffending.

The quality of the evidence is however somewhat uneven as some interventions have been subject to more rigorous evaluations than others. The MoJ draws both on evidence reviews (meta-analyses) which make an assessment of effectiveness based on the results of a series of studies, and on smaller scale research studies which provide more indicative results on the impact of interventions on particular risk factors.

The measure of effectiveness typically used to determine the effectiveness of different interventions is the difference in reoffending rates between the group who received the intervention and a "control" group.

In summary, the MoJ concluded as follows (p 15):

- a. **Evaluation of cognitive/motivational programmes – Enhanced Thinking Skills Programme (Sadler 2010).** The "treatment" group had a 6% percentage point reduction in one-year reconviction rates compared to the control group and had 600 fewer recordable offences per 100 released prisoners.
- b. **Comparison of short (less than 12 months) custodial sentences, community orders and suspended sentence orders for 2010 (Ministry of Justice 2013).** Offenders receiving short custodial sentences had a higher one-year offending rate than similar matched offenders receiving:
 - » a community order (difference 6.4 percentage points)
 - » a suspended sentence order (difference 8.6 percentage points)
 - » a court order (either a community order or a suspended order) (difference 6.8 percentage points)
 - » custodial sentences of 1 to 4 years (difference 12 percentage points)
- c. **Comparison of different forms of community sanctions (Bewley 2012)**
 - » Adding a punitive element (unpaid work or curfew)
 - had no impact on likelihood of reoffending
 - reduced the number of new offences committed in both the first year(8.1%) and after two years (7.5%)
 - » Adding a supervision requirement to a punitive requirement
 - Reduced the rate of reoffending after one year by 11.5% and by 6.8% after two years
 - Reduced the number of new offences after one year by 12.7% and by 8.7% after two years

d. **Comparison of those released from custody on licence with those not on licence (Lai 2013)**

- » For offenders with one or no previous convictions who were released from custody on licence compared to a matched sample not on licence there was a
 - ° 14-17 percentage point lower rate of reoffending after one year
 - ° 16-20 percentage lower rate of reoffending after two years
 - ° No difference in reoffending rates after three years

e. **Evaluation of National Offender Management System (NOMS) and Co-Financing Organisation (CFO) programmes delivered in the community (Justice Data Lab December 2013)**

- » Offenders in the NOMS CFO programme had a reoffending rate of between 4-8 percentage points lower than a matched control group
- » For a custodial group there were no statistically significant differences between the NOMS CFO group and matched controls.

f. **Evaluation of Prisoners Education Trust (PET) grants to fund educational courses or purchase learning materials (Justice Data Lab December 2014)**

- » Offenders who received grants from the PET had a 5-8 percentage point lower reoffending rate after one year than matched controls.

g. **Comparison of reoffending by those receiving intensive community supervision (Intensive Alternatives to Custody (IAC)) to offenders in custody or receiving other court orders (Mews and Coxon 2014)**

- » IAC offenders committed
 - ° 0.4 fewer offences than those who received short custodial sentences
 - ° 0.3 fewer offences than those who received Community Orders or Suspended Sentence Orders
- » The differences in one-year reoffending rates between offenders subject to IAC and the other disposals was not statistically significant

Locally, NIACRO has been managing the Jobtrack programme for a number of years which is designed to improve the employment prospects of medium and high risk offenders who are subject to supervision by the Probation Board for Northern Ireland.

Jobtrack provides a range of services including assessment of individual offender's employability, job preparation, in house delivery of pre-vocational training courses and linking with employers for interviews and job opportunities. A recent evaluation of the programme has shown that in 2012-2013 and 2013-2014, 17% and 21% respectively of referrals went into employment following participation in Jobtrack while 11% and 12% respectively went into external training programmes.

This compares with 27% of people going in to employment who participate in mainstream Department of Employment and Learning programmes.

NIACRO also commissioned an evaluation from Independent Research Solutions of their Youth Employability Programme (YEP) which is targeted on 16-18 year olds who are in custody or on supervision in the community who are NEETs (Not in Education, Employment or Training). YEP aims to support

these young people into education, training or employment. In the first two years of the Programme (2008/09 to 2009/10) there were on average 186 young people referred per annum to the Youth Employability Programme.

The evaluation found that 50 per cent of closed cases went on to positive destinations in relation to education, training and employment. The authors commented they considered this a positive outcome in light of the prevailing economic climate and the particularly difficult cohort of young people that are involved in the Programme.

For example, the majority of referrals had been assessed as medium to high risk of re-offending. In addition, referral and assessment information showed that 72 per cent of admissions had either no qualifications or, in a few cases, Level 1 or 2 qualifications.

However, while there is little debate on the link between unemployment and offending, evaluation of the impact of programmes designed to increase the skills and employability of offenders has delivered mixed results. While the Applied Research in Community Safety (ARCS (UK)) review of the international research evidence on reducing offending for the Northern Ireland Office (2008) notes a number of studies which demonstrated positive effects of employment related training, their principal conclusion is the paucity of high quality research in this area. Indeed a systematic review by Visser et al (2006), supported by the Campbell Collaboration found just eight studies of employment services directed at offenders who had been subject of non-custodial sentences and which used random assignment or quasi-experimental methodologies.

This review found that, over the eight studies, interventions had no significant effect on the likelihood of that the treatment subjects would be rearrested. Further analysis found that interventions with less serious offenders (those who had no previous convictions or incarcerations) had a small but still statistically insignificant effect on rearrests.

Visser et al acknowledge that in the absence of an adequate research base it is difficult to come to definitive conclusions on the impact of non-custodial employment services on reducing reoffending. This study does however point to the effect of age with older offenders (aged 26 or more) more likely to benefit from such services although they note that this finding has not been replicated in more contemporary studies. The authors comment on the well-established finding that stable employment is a critical predictor of post-release success for individuals released from prison and speculate that this may be because older offenders are more motivated to desist from criminal activity.

The results of the Campbell Systematic Review are echoed by Crow (2000) who also has noted that studies of employment schemes have frequently been unable to demonstrate an impact on offending. This is in part because the intervention is in the context of broader economic forces (e.g. high levels of unemployment locally) over which the participant has little or no direct control. Therefore while human capital can be improved through appropriate employment services, the impact can be limited by unfavourable prevailing social and economic circumstances.

However, a study of employment interventions undertaken by the Probation service (or their agents) by Bridges (1998) which included 739 cases found that those who had employment interventions were twice as likely as those who had not to be employed at the end of their licence (40% v 20%). The better performance for probationers who had experienced employment interventions was not dependent on the extent of the barriers to employment which they faced.

Similarly, a review of a series of research studies by Horney, Tolan and Weisburd (2012) (quoted in Bottoms 2014) affirmed the impact of marriage and employment on reducing offending although the effect of marriage was more consistent than employment.

The Sheffield Pathways Out of Crime Study (Bottoms and Shapland 2011) demonstrated that factors such as current unemployment and continued identification with delinquent friends predict later recidivism over and above variables relating to previous offending.

A recent innovation in tracking reoffending in England and Wales has been the establishment of the Justice Data Lab (JDL) in the Ministry of Justice. The purpose of the JDL is to support organisations that provide offender services by providing them with access to aggregate re-offending data on their referrals which is compared with matched control groups of offenders in order to help the organisations to assess the effectiveness of their interventions.

Service providers supply the JDL with details of offenders they have worked with and the JDL matches these offenders with controls from their comprehensive data base and provide one year proven re-offending rates for the group of offenders and the matched controls. Using standard statistical techniques inferences were drawn about whether the intervention has had a statistically significant impact on the "treatment" groups.

The JDL have recently published the results of National Offender Management System Employment Programme for requests received between 2 April 2013 and 31 July 2014 (MoJ

August 2014 a). The findings relate to 55 analyses comprising three reports on employment programmes delivered (1) during community sentences in 2011; (2) following custodial sentences in 2011; and (3) in custody in 2011. The Employment Programme was delivered

in nine regions of England by a range of public and private sector providers. The JDL reports contain a national and regional assessment of the programme. The performance in each region is compared with the national results and, where possible, with a matched group from within the region.

Nineteen of the analyses related to offenders who started receiving employment support within custody. Of these, in 15 cases the results were inconclusive, while in 4 cases there were

significant increases in re-offending. The report concluded that there is currently insufficient evidence at this stage on the impact of employment services on re-offending.

There were 17 analyses for offenders who received employment support following release from custody. At national level, the results demonstrated a statistically significant reduction in re-offending of between 1 and 5 percentage points compared to a matched control group. However, the results were inconclusive at regional level where, although in most cases there was some reduction in re-offending, the differences were not statistically significant. Overall, in 14 cases the results were inconclusive while in three cases statistically significant reductions were identified. Neither was there a significant difference in the frequency of offending behaviour as between the treatment and control groups.

Finally, for offenders receiving employment services support during a community sentence, the analysis found a statistically significant reduction in re-offending of between 0.02 and 3 percentage points at national level compared to a matched control group. At regional level, while reductions in re-offending were observed in some cases, these did not reach statistical significance leading the authors to note that there is currently insufficient evidence to draw a conclusion about the impact of receiving employment support through the NOMS CFO Employment Programme. In total there were 19 analyses in relation to community sentences undertaken in this study, 16 of which produced inconclusive results (although five of these did find statistically significant reductions in the frequency of re-offending). Three analyses show significant reductions in re-offending.

In conclusion, of the 55 analyses undertaken by the JDL, 45 yielded inconclusive results (with six of these showing a statistically significant decrease in the frequency of re-offending); six showing a statistically significant decrease in re-offending; and four showing an increase in re-offending. The analyses were more likely to yield significant differences at the national assessment level than at regional level; the authors have offered a number of explanations

for these findings which relate to the difficulties around demonstrating significant change when sample numbers are small (as in regions compared to national samples) and the widely differing characteristics of the treatment groups.

A Northern Ireland Data Lab is currently being developed by the Analytical Services Group in the Department of Justice (2015a) in Northern Ireland. DoJ have used the NIACRO Jobtrack programme (referred to earlier) as a pilot for the Data Lab. A report on this work (Department of Justice 2015b) compared 76 Jobtrack participants who completed the programme in 2010/11 and a further 215 partial completers with matched controls. The one year reoffending rate for those who completed the Jobtrack programme was 20% compared to 32% for the matched control group. The partial completers also fared better than their matched controls with reoffending rates of 31% and 40% respectively.

9. How does employment affect re-offending?

Farrington et al (1986) looked at the potentially causal links between being unemployed and involvement in criminal activity. They suggest a number of possible links. Unemployment

causes financial hardship and engaging in property crime can alleviate the hardship; lack of employment results in excessive spare time creating boredom and therefore more opportunity to offend; and crime occurs when an individual's bond to society is weak. The authors however conclude that aggregate studies of unemployment and crime fail to demonstrate causal relationships.

Sociogenic theories of desistance emphasise the importance of social bonds, including family ties and employment in influencing criminal behaviour. Farrall (2002) (p146) identifies how having paid employment assists offenders to desist from offending drawing on his interviews both with offenders and probation officers.

The factors which were reported to be significant included "a reduction in "unstructured" time and an increase in "structured" time; an income which enables "home-leaving" and the establishment of "significant" relationships; a "legitimate" identity; an increase in self-esteem; use of an individual's energies; financial security; daily interaction with non-offenders; for men in particular, a reduction in the time spent in same-sex, peer-aged groups; the means by which an individual may meet his or her future partner; and ambition and goals, such as promotion at work."

The important role which social relationships play in securing and maintaining employment was also demonstrated in an in-depth study of 12 ex-offenders by Rhodes (2008).

While some of Rhodes' sample saw their offending as out of character and returning to employment as reaffirming a former identity, for others whose previous employment record was poor or non-existent, social ties, for example through family formation, encouraged the formation of a "legitimate" identity of which employment formed part.

For many ex-offenders who lack supportive social networks, employment opportunities are more likely to be sought in the formal labour market. McEvoy (2007), reviewing the international evidence identifies a common finding that employers are most concerned about (a) the type of offence/s committed and (b) the relationship of the crime to which they are recruiting.

In a study on behalf of the Joseph Rowntree Trust by Fletcher et al (2001) of employers' attitudes to recruiting and employing offenders, the authors found employers' behaviour towards offenders in the recruitment process to be "diverse, complex and often contradictory".

They identified five determinants of employer behaviour as:

- legislation – while recognising the need to meet legislative requirements, there was widespread lack of awareness of relevant legislation;
- corporate culture- while some link commercial success and social responsibility, for many the principal concern is the “bottom line” and there is concern about the honesty and job readiness of offenders;
- key individuals- the attitudes, positive or negative of people in strategic positions can influence policy in respect of employing offenders;
- prevailing stereotypes and attitudes- many employers share the views of the public that offenders are unreliable and untrustworthy and a risk to staff and customers; and,
- the local labour market – labour scarcity forces employers to widen the recruitment to groups from which they would not normally recruit.

Finally, Fletcher et al speculate that (in the GB context) less restricted access to criminal records would result in increased discrimination against offenders in the labour market.

A large scale survey of 474 employers by the Chartered Institute for Personnel Development (CIPD 2007) found that 53% had experience of employing ex-offenders while 10% of these reported that they actively seek ex-offenders to employ. The CIPD research challenges some of the stereotypes commonly associated with ex-offenders. Among the 134 organisations that recorded positive experience of employing ex-offenders, 86% reported that they settle well into work and 82% that they perform well.

Moreover, while employers were more concerned that ex-offenders would have the necessary “soft skills” than about their technical skills, in practice they were little different from non-offenders.

Overall, one fifth of organisations reported that their experience of employing ex-offenders was better than expected.

In an overview of the evidence in relation to the role of probation officers in employment, unemployment and desistance, Shapland et al (2012) draw five key messages in relation to employment and desistance:

- Offenders typically understate unemployment as a “problem” they face; however employment is readily seen as a “need” which is basic to leading a stable life;
- Gaining employment (like desistance) should be seen as a process to an eventual goal with a series of small steps along the way;
- The most successful programmes for getting prisoners into work coordinate work in and out of prison;
- Where a programme begins post-release, engagement should be as soon as possible afterwards; and,
- Probation staff can act as advocates with employers and for those who do not get work as links to employment schemes and self-employment training.

McNeill argues compellingly that it is of critical importance to understand the processes and social contexts involved in ending offending or desistance – since desistance exists independently of interventions but can be supported by them. It follows that the role of those in the criminal justice system is to become supporters of the desistance process and that interventions should be based on understandings of their individual change processes.

10. European best practice

A European Union conference on Young People and Crime held in Glasgow during the UK Presidency of the EU (Scottish Executive 2005) heard evidence from a number of Member States about the interventions with young offenders. While the conference was not specifically focussed on the labour market experiences of offenders, the summary findings show that every country was faced with similar challenges, including a lack of evidence about what constitutes effective practice, particularly in the longer term.

There were many common features across the six countries which presented at the conference. To summarise:

In **Asturias (North Spain)**, measures decided by the Young People's court are administered by the Young People's Justice Service, working with partner agencies like the Red Cross where appropriate. Sanctions include detention (open and semi-open), supervised weekend stays at home or in a detention centre, more structured monitoring in the community and community service of attending a social education course. Education and occupational training are seen as important means of encouraging normal behaviour and preventing young people from becoming career criminals. The main detention centre provides basic training and occupational skills personal employment guidance for detainees, which reflects both the strengths of the individual and the needs of the local labour market. Mediations are also a feature of the Asturias juvenile justice system. This is facilitated by the Asturias Red Cross and is intended to help the different parties reach a mutually satisfactory agreement which may include acts of reconciliation or reparation to the victim.

Bavaria described a technical solution designed to identify crime "hot spots" which are then addressed using appropriate policing measures. Bavaria has a particular focus on persistent offending (the 10% of offenders who are responsible for 50% of the crimes

recorded). The police have a central role in stopping persistent offending which they do through improving data systems, increasing police motivation and accountability and speeding up criminal procedures. A significant amount of intelligence is collected on persistent offenders and their accomplices in order to allow early identification and there is an emphasis on sharing information with other agencies to improve understanding and promote good practice. The existence of a comprehensive electronic data base which is readily accessible to police officers provides a very fast source of information which can assist in the detection and solving of crime. The most prolific offenders are allocated to a dedicated officer and will be subject to a series of standard procedures when suspected of involvement in a crime.

Latvia has introduced more welfare based legislation since its independence from Russia in 1991. There are two main documents in Latvian law about children and their behaviour: the Protection of the rights of the child law and "Compulsory measures" which are an alternative to the criminal law for 11-18 year olds although children of this age may also be sent to the youth court. Children aged 11-18 years are held responsible for any crimes they commit and sanctions can range from an apology through being required to undertake compulsory work to detention of between 1 and 3 years in an Institution for Social Correctional Education. For those committed to detention the emphasis is on "working with teachers, psychologists, social workers and others to improve their character so that they can gain a general education and a profession".

There is also a very active role for the Latvian police in prevention and diversion for young people under the age of 18. Special youth officers are responsible for specific geographical areas and there is encouragement to promote interagency work with the employment service, youth, school and welfare authorities. There is provision for dealing informally with minor offenders which includes placing them on a register and regular supervision by the youth officers. Action

against the young people can be escalated to prosecution if offending is found to persist.

In the **Republic of Ireland** the Children Act 2001 placed the existing Diversionary programme on a statutory basis and provided for the age of criminal responsibility to be increased from 7 to 12. Any 7-18 year old who commits an offence and admits to it may consent to a caution and supervision. In practice about 85% of eligible offenders are dealt with through the programme. The scheme is administered by locally based Juvenile Liaison Officers who work full time with young people who offend. Depending on the nature of the offence, the caution may be informal or formal.

Garda are also in the lead on the Republic's Restorative Justice programme "which is a voluntary process whereby offenders accept responsibility for their behaviour, endeavour to make amends and are willing to accept support in their efforts not to re-offend". Early research on the programme found high satisfaction levels among victims and police officers.

Finally Garda Youth Diversion Projects are multi-agency initiatives targeted on young people aged 12-18 years who have entered the Garda Juvenile Diversion Programme. The projects aim to divert young people from criminal or antisocial behaviour and to provide suitable activities to facilitate personal development, encourage civic responsibility and work towards improving long-term employability. (Also relevant is the Rol's Spent Conviction Scheme [Section 11]).

Scotland has had a Children's Hearings System since 1971, which was established to address the needs of young people who face serious problems or whose parents have difficulty looking after them. The Children's Hearings were based on welfare principles although concerns were raised about the services available to children coming before the hearings and their effectiveness in dealing with persistent offenders.

The Scottish Executive in 2002 published an Action Programme to Reduce Youth Crime and a set of National Objectives and Standards for Youth Justice Services. Commitments included multi-disciplinary planning at local authority level; annual crime audits; a national framework of objectives and standards for youth justice services; a focus on reducing the incidence of persistent offending; and a drive to increase intensive community programmes to reduce the need for secure accommodation.

The Scottish system has also access to Antisocial Behaviour Orders designed to prevent adjudicated offenders from specific acts and Acceptable Behaviour Contracts which are voluntary written agreements between individual offenders their parents and guardians and local agencies which include commitments from the offender about his/her behaviour and from agencies in terms of the services they are to provide. Other features of the Scottish system include a programme of restorative justice and a project in Glasgow which targets persistent offenders.

The Conference drew a number of principles from the presentations and subsequent discussion which it was considered should inform work on young people and crime. These included:

- EU countries should adopt a welfare model in which the welfare of the child is paramount;
- Multi-agency working is important but we must ensure they are working to the same aims;
- There is a need to challenge the causes of crime i.e. economic, education, health and housing;
- Keep children out of the formal system through diversion and restorative justice practices;
- Empower children through developing their skills for life;
- The cost of crime is higher than the cost of prevention; and
- There is a need to know What works? and what constitutes bad practice.

11. Developing a desistance model

The “Theory of Change” is being increasingly used to help organisations to understand how, through their interventions, they make a difference in the lives of the clients they serve. The theory of change makes connections between the needs which are being addressed, the resources invested and the actions being taken to respond to those needs and the desired outcomes or changes in clients’ circumstances.

The theory of change can be represented schematically as a logic model which charts inputs, outputs and the desired outcomes and which demonstrates the connections between them. The complexity of the model depends on the nature of the intervention and the extent to which multifaceted problems are being addressed. The logic model relies on assumptions, based on evidence from research, about the strength of the connections between outputs and the desired outcomes. In essence the logic model is a method of conveying the “story” of how and why a programme is expected to work to deliver change.

In this section the theory of change is applied to the development of a desistance model for young people, with an emphasis on the role of education, training and employment. As Farrall (2014) warned in his paper to the Justice Cooperation Network Conference, caution must be exercised in using a theory of change in trying to understand desistance.

For example, in looking at the importance of the role played by probation officers in assisting the offenders in his cohort study, the impact looked quite different at the first and subsequent interviews with more positive views being expressed in the later interviews, some years after supervision was complete, than in the initial one. In addition, the path to desistance is always individualised, rarely linear and will typically include reversals and diversions. Notwithstanding these important caveats, the Logic Model provides a high level model of a possible route map linking interventions to desistance.

In applying the theory of change it is recognised that there can be a number of steps between an intervention and the ultimate outcome. For example, in a programme whose goal is to prepare children for a successful start in formal education (the desired outcome), it may be necessary as a precursor to establish attitudes, skills and behaviours in both the children and their parents which will facilitate successful introduction to school. These intermediate outcomes are in turn achieved through the provision of particular activities and programmes such as training in listening, developing play skills and helping parents to better communicate with their children. The activities are the outputs of investment in staff, volunteers, material and equipment, referred to in the model as inputs. Such a programme can be represented as follows:

Needs	Inputs	Outputs	Intermediate Outcomes	Long Term Outcomes
Children have limited attention and play skills. Parents have poor communication skills.	Staff Volunteers Premises Materials Finance	Range of programmes addressing needs of parents and children.	Children have improved listening and play skills. Parents communicate more effectively with their children.	Successful entry to formal education.

New Philanthropy Capital (NPC) (2012 p5) identify five steps when formulating a theory of change. These include:

1. Identifying a realistic and definite goal – the end point of the theory of change
2. Work backwards from the goal to work out the intermediate outcomes – what has to happen in order to achieve the ultimate goal.
3. Establish links between outcomes, and their order, by working out causes and effects – review evidence from research as to cause and effect relationships.
4. Working out which activities lead to which outcomes
5. Identifying what else is needed for the intervention to work – are there other stakeholders who need to be involved

Drawing on the evidence from the review of the literature, a model for promoting desistance from offending among young people in Northern Ireland would:

- Have a goal of assisting offenders to reduce/stop offending;
- Specify the factors which research has demonstrated are associated in causal way with recidivism; and
- Propose interventions which might be expected to influence these factors (building on strengths and addressing deficits; and identify other stakeholders who should be involved).

While the current review focusses on the links between education, training and employment and offending, the research demonstrates that desistance is best promoted through addressing the range of issues which offenders typically experience. For example, Shapland et al (2012) identify the three necessary conditions for change as Motivation, Capacity and Opportunities. Farrall (2014) emphasised the importance of Motivation when he commented that “Perhaps the principal lesson to be drawn [from the findings of

the cohort study] is that those working with people trying to desist should recognise the need to engender hope first and foremost”. Intervention should therefore be focussed on “building and sustaining hope; recognising and developing people’s strengths; and respecting and fostering agency (or self-determination) McNeill et al (2012). Maruna (2001) has also contrasted the very public rituals around court appearances and sentencing with the absence of any formalities marking the successful end of a sentence. He has noted practice in other jurisdictions which recognise that the offender has completed his/her sentence and that their debt to society has been paid.

Developing both human and social capital can help offenders better negotiate the desistance journey. Engagement in the criminal justice system, particularly where this results in a period of imprisonment can be detrimental to both human and social capital. Interventions which seek to address these issues have therefore the potential to mitigate these effects through assisting to sustain or to re-establish relationships with families and communities and ensuring that offenders are signposted to other agencies which are best placed to provide specialist help. This requires the helping professions to think beyond the narrow confines of “risk” to a more holistic approach to clients.

Despite best endeavours to encourage motivation and build capacity, Opportunities can be restricted by the multiple social problems such as poverty, family dysfunction and the availability of suitable (or any) jobs in the area. As Burnett and Maruna (2004) note “when faced with a large number of exogenous social difficulties, however, a person’s attitude and internal motivation may be overwhelmed by reality” (quoted in Farrall et al, 2014 p216). In a period of high unemployment, as noted previously, employers will not normally be easily encouraged to take on ex-offenders. However, research among employers has shown that former offenders frequently turn out to be good employees. In a slack labour market it therefore requires more effort and ingenuity to re-engage former offenders with potential employers.

The Youth Justice Review (2011a) drew attention to the difficulties posed in securing employment in later life for minor convictions for offences committed under the age of 18. The “Wipe the slate clean” campaign has shown how such offences can bar people from securing education, training and employment, even much later in life. Proposals for addressing this issue are currently being discussed in Northern Ireland. Resolution would not only widen opportunities but also give hope to former offenders who are genuinely seeking to imagine more positive futures. The Republic of Ireland has already a Spent Convictions Scheme in place which could provide a model for similar legislation in Northern Ireland.

Finally, there is growing acknowledgement that criminal justice systems and processes themselves can influence re-offending rates. As the Youth Justice Review noted and the Edinburgh Cohort Study (McAra and McVie 2012) confirmed, deeper engagement with criminal justice agencies can have a negative impact on propensity to re-offend. There is therefore an evidence based rationale for diversionary disposals and the use of measures such as restorative justice practices which obviate the need for more formal and resource intensive processes. All criminal justice agencies are being required to live within reduced budgets which can in itself be a factor in promoting change. For example, the Belfast Telegraph (20 January 2015) reported that 1,400 low level offences every month are being dealt with through the use of discretionary disposals. A report from the Criminal Justice Inspection Northern Ireland (2015) on the use of discretionary disposals noted that while usage on such disposals is much higher than anticipated, the majority of cases were appropriate for disposal by this means.

A possible Logic Model for promoting “steps towards desistance” (Bottoms and Shapland 2011), is included at Annex 1.

12. Recommendations for policy and practice

1. It is unhelpful to think of “desistance” in binary terms; rather it is more often an uneven process which is subject to setbacks and reversals.
2. Maximising opportunities to manage young people committing less serious offences through informal processes is likely to be more conducive to desistance and improved life chances than applying the full rigours of the criminal justice system.
3. While it is important to deal holistically with personal circumstances (accommodation, employment, addictions, family, and community links) which are associated with risk, offenders’ strengths and aspirations should also be acknowledged and promoted. The emphasis of professional intervention should therefore be on “doing with” rather than “doing to”.
4. Employment, while a significant “hook” for encouraging behavioural change and “key to individuals being able to lead stable lives” (Shapland et al 2012), as with desistance, is also likely to involve successes and failures and be subject to the vagaries of local employment markets.
5. In addition to focussing on supporting and encouraging change in the offender, there is a challenge for policy in designing systems and processes which promote and facilitate desistance through diverting those who have committed low level offences from the formal criminal justice system and ensuring that those who do come into the system are signposted to relevant services capable of addressing the personal, social and factors which support desistance.

6. In particular, as envisioned in the Youth Justice Review (2011a) there is a strong case for reviewing how convictions for minor offences committed under the age of 18 can be dealt with in a way which allows the former offender to make a full contribution to society and which does not compromise public safety.
7. While there is a significant body of research and evaluation around desistance, most of it is relatively short term and focussed on specific interventions. (There are of course important exceptions such as Laub and Sampson's follow up of the Gleuck research, the Cambridge longitudinal study, Bottoms and Shapland's Sheffield Pathways Out of Crime and Farrall's Tracking Progress on Probation prospective studies.) There is therefore a need to build independent research and evaluation into criminal justice programmes, some of which should have a long term dimension.
8. The Justice Data Lab in the Ministry of Justice is a recent innovation which permits comparison of interventions, controlling for key variables associated with reconviction. The Department of Justice is developing a similar initiative for Northern Ireland and has produced some initial findings. This is to be welcomed and encouraged and will provide an additional tool for evaluating the impact of interventions in the criminal justice system.

Annex 1 - Logic Model for Promoting desistance through education, training and employment

OUTPUTS			OUTCOMES - IMPACT	
	Activities	Participation	Short	Long
Staff Volunteers Time Money Materials Equipment Technology Partners	Counselling Advocacy Cognitive-behavioural programmes Supervision Mentoring Training Access to internet Work experience Mobilising partners Restorative justice	Young people who are: Subject to court orders which 1. require supervision in the community 2. are custodial with follow-up supervision in the community Referred by the Youth Justice Agency Deemed at risk and who are not in education, training or employment	Motivation Raised aspirations	Enhanced human and social capital
			Improved attitudes	
			Improved self-esteem	
			Better autonomy and control	
			Capacity Improved attendance and behaviour	Reduced offending
			Basis skills	Securing employment
			Accredited qualifications e.g. OCN Employment readiness	Sustained employment
			Opportunity Empowerment to address other problems such as debt, housing, substance abuse and health.	Satisfaction with employment
				Resolution of related issues

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