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Statistics and Research Branch

Evaluation of the Bail Supervision and Support Scheme

NIO Research and Statistical Series:
Report No. 13



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Deloitte MCS Limited

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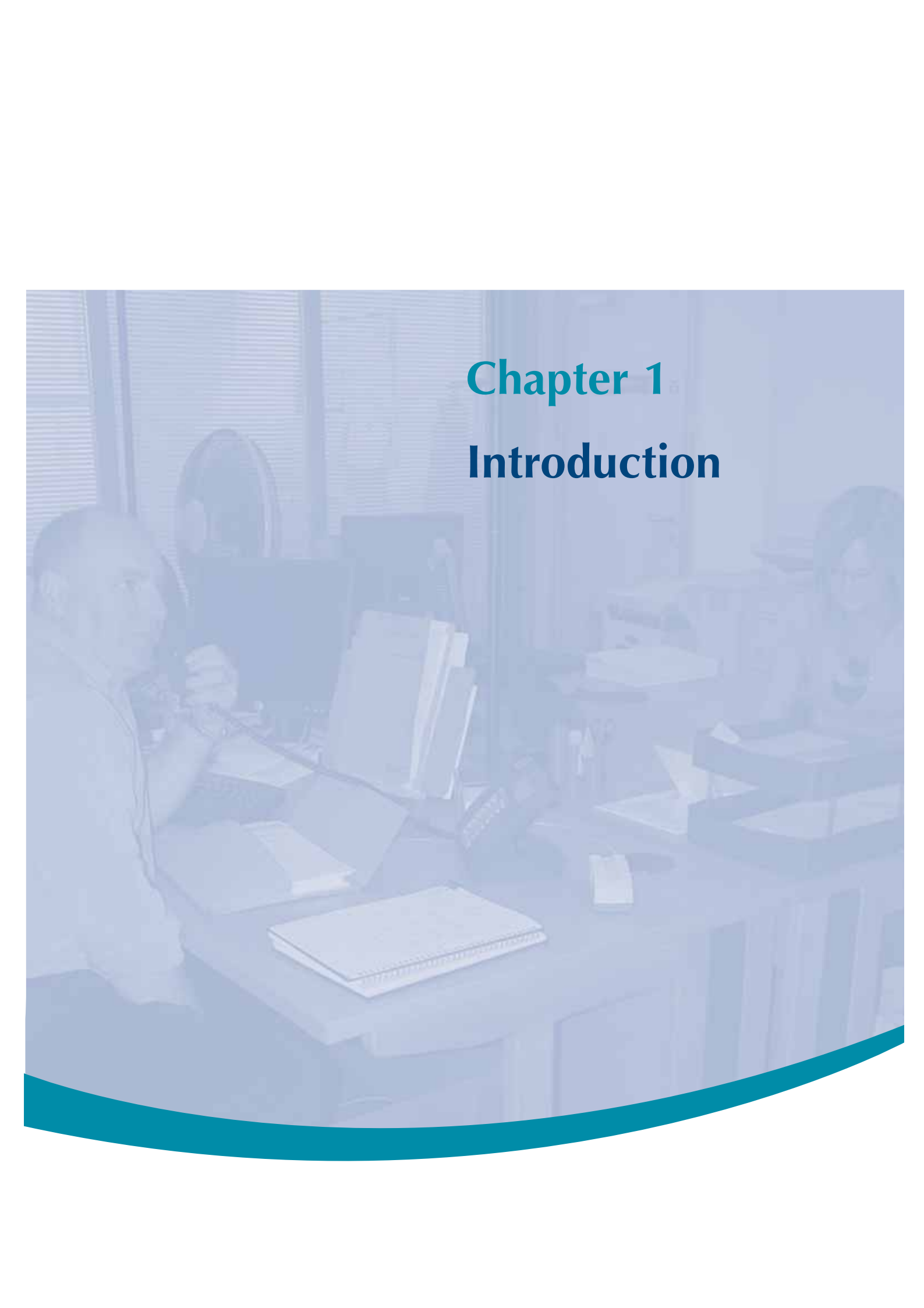
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Chapter 1

Introduction

1.1 Background

In February 2005 Deloitte was appointed to carry out an evaluation of the Youth Justice Agency's (YJA) Bail Supervision and Support (BSS) scheme by the Northern Ireland Office (NIO). The research was undertaken over a 13 month period and the evaluation relates to the three elements within the BSS scheme, namely:

1. The Bail Support and Supervision scheme;
2. The Intensive Bail Support scheme (Inside Out); and
3. The Remand Fostering scheme.

1.2 Terms of Reference

The terms of reference for the assignment were as follows:

- ◆ to provide the NIO and the YJA with a comprehensive account of the issues;
- ◆ to investigate all the issues raised and produce an informed critique and assessment of these, taking account of good practice and 'value for money' considerations;
- ◆ to make recommendations which may inform future practice and development, ensuring that such practical and policy related recommendations are consistent with obligations under the Human Rights Act 1998 and international conventions; and
- ◆ to take consideration of Section 75 of the Northern Ireland Act 1998.

Specific requirements were to:

- ◆ assess how the BSS scheme has met the aims outlined in the Criminal Justice Review implementation plan;
- ◆ assess how the BSS scheme, Inside Out and Remand Fostering have met their own aims and objectives;
- ◆ assess the management of these programmes, how long the process takes and resource implications regarding the actual take up of BSS scheme packages;
- ◆ assess the impact that the programmes have made on the remand population within the juvenile justice centre;
- ◆ investigate the length of time spent on bail;
- ◆ investigate any change of bail status during the period of bail;
- ◆ investigate levels of attendance at court;
- ◆ examine the number of breaches of bail conditions (and reasons for them);
- ◆ examine the levels of offending whilst on bail (if any);
- ◆ track each case to final disposal and report on them;
- ◆ assess the levels of information availability, as well as the quality of information used;
- ◆ make recommendations which may inform future practice;
- ◆ assess the feasibility of bringing the process forward a stage with a view to offering bail packages at court (thus reducing the possibility of children spending any time in custody on remand) and any resulting implications on the processes and costs that this may have; and
- ◆ be well presented and formally structured to reflect the separate and related issues that are identified.

1.3 Evaluation Methodology

In order to meet the specified objectives, Deloitte undertook the following:

1.3.1 Stage 1 – Project Initiation

A project initiation meeting was held with the Steering Group (YJA and NIO representatives) to confirm the scope of the study, discuss project methodology and agree project management arrangements.

1.3.2 Stage 2 – Legislative Context and Literature Review

The development of BSS was placed within the current legislative context and the practice of other organisations delivering similar schemes elsewhere were reviewed in order to identify features of good practice. Details of the outputs and impacts from other BSS initiatives were identified as comparators for this evaluation. Effective practice in reducing offending behaviour was also explored.

1.3.3 Stage 3 – Mapping Scheme Processes

Deloitte mapped the full range of processes involved in applying for bail and participating in the BSS scheme. Deloitte liaised with John McCourt (YJA) in the first instance to identify information relating to the inputs and activity on the schemes and to review key scheme documentation.

1.3.4 Stage 4 – Analysis of Scheme Outputs

Deloitte obtained access to data from the NIO and from the BSS scheme in order to gain a general understanding of admissions to the Juvenile Justice Centre and to gain background on participants in the programme.

Each BSS participant's custodial history was traced and merged with the BSS monitoring data which provided details on their individual programme.

The overall impact of the BSS scheme was measured in terms of the degree of subsequent admissions to custody and the three components of the scheme were evaluated in terms of their contribution to reducing offending behaviour.

1.3.5 Stage 5 – Key Informant Interviews

Qualitative data gathering was undertaken in four stages:

i. Interviews with Young People and Parents/Guardians

Structured interviews were carried out with 20 young people who had participated in the BSS scheme and 10 parents/carers of children who had participated in the programme. Individuals were identified through the BSS scheme monitoring data and were initially approached by correspondence through the Community Services projects and these were followed up by the young person's key worker via phone or home visit.

It was extremely difficult to trace some young people and therefore the sample size was smaller than was first envisaged.

Our approach to consultation with young people and their parents/carers was underpinned by the use of ethical guidelines for consultation with young people and compliance with recognised child safety policy and practice. All consultation questionnaires and guides were agreed with the Project Steering Group before use. Each interview was conducted at the relevant Community Services

project or in the Juvenile Justice Centre, as appropriate. Discussions lasted a maximum of 45 minutes and each child or parent was given a £10 voucher in order to compensate for their time.

ii. Case Studies

Three case studies were undertaken with young people in order to ascertain their experiences under the scheme and to gain background on the types of young people who participate in the BSS. Representatives from various agencies who were actively involved with the young person (e.g. social workers, Community Services project staff, Inside Out project workers) were also interviewed during this process.

iii. Interviews with Remand Foster Carers

Two interviews took place with Remand foster carers, in order to obtain their views on the effectiveness of the scheme and to determine any recommendations that they might have with regards to Remand Fostering.

iv. Stakeholder Interviews

Consultations with relevant stakeholders to the BSS scheme took place during January and February 2006. A total of 22 interviews were undertaken with a range of individuals and agencies representing the Youth Justice Agency, policy makers, the legal system, Health and Social Services Trusts, PSNI and voluntary agencies. The list of stakeholders was agreed in consultation with the Steering Group. Each session lasted approximately one hour.

1.3.6 Stage 6 - Impact Analysis

Deloitte compiled the issues identified and views recorded at each of the previous stages and made an assessment of the impact of the three elements of the scheme, according to the terms of reference. Recommendations for future practice development were presented.

1.4 Structure of the Report

This report details the findings of the evaluation of the BSS scheme. It is set out in nine further chapters as follows:

- ◆ Chapter 2 Wider Legislative Context and Literature Review;
- ◆ Chapter 3 NI Legislative Context and BSS recommendations;
- ◆ Chapter 4 Statistical Analysis;
- ◆ Chapter 5 Young People and Parent Interviews;
- ◆ Chapter 6 Case Studies;
- ◆ Chapter 7 Remand Foster Carer Interviews;
- ◆ Chapter 8 Stakeholder Interviews;
- ◆ Chapter 9 Impact Analysis; and
- ◆ Chapter 10 Conclusions and Recommendations.

Copies of structured questionnaires and discussion guides can be found in the Appendices.

The background of the slide is a faded, light blue image of an office. In the foreground, a man is seated at a desk, looking towards the right. He is wearing a light-colored shirt. On his desk, there is a laptop, a notebook, and some papers. In the background, another person is visible, also working at a desk. The office has large windows with blinds. The overall tone is professional and collaborative.

Chapter 2

Wider Legislative Context and Related Bail Support Literature

2.1 Introduction

This section explores the context within which BSS has developed and examines the introduction of relevant policy and procedures in England and Wales. It is important to note at the outset that this is a relatively new practice development within the United Kingdom (UK) and as such the literature is limited in nature, particularly in relation to case studies and actual evaluations of initiatives. For that reason, we have encompassed within this review some of the findings emerging from evaluations of related initiatives and examples of individual approaches to reducing offending are presented.

2.2 England and Wales Youth Justice Reform

The Crime and Disorder Act 1998 in England and Wales establishes the prevention of offending as the principal aim of the Youth Justice System and places a statutory duty on all those working within the Youth Justice System to have regard to that aim. The Act provides a range of new interventions to help local communities and agencies take effective action to tackle youth crime.

These include new powers to enable early, targeted intervention to deal with anti-social behaviour and to divert the very young from crime. For example:

- ◆ local child curfew schemes to protect children between the ages of 10-15 years in a particular area from getting into trouble;
- ◆ Child Safety Order to provide targeted intervention with children under 10 years who may be at risk of offending;
- ◆ Anti-Social Behaviour Orders (ASBOs) to deal with serious, but not necessarily criminal, anti-social behaviour by those aged 10 years and above; and
- ◆ powers for the police to remove truants to designated premises to allow the police, working with local authorities and schools, to tackle truancy. Truancy has been identified as being one of the factors that puts young people at risk of offending.

The reduction of youth crime and reform of the youth justice system are at the centre of the government's drive to build safer communities and to promote social inclusion. Reform of the Youth Justice System in England and Wales focuses upon the prevention of offending through:

- ◆ a clear strategy to prevent offending and re-offending by children and young people;
- ◆ helping offenders and their parents to face up to offending behaviour and take responsibility for it;
- ◆ earlier, more effective intervention when young people first offend;
- ◆ faster, more efficient procedures from arrest to sentence; and
- ◆ partnership between all youth justice agencies to deliver a better, faster system.

For many young people involvement in crime is something that occurs during the transition from childhood to adulthood and which subsequently tails off. However, some young people appear to start their offending at a very early age and continue to offend more frequently and persistently into adulthood. Juvenile offenders account for much of the petty criminality in society and for a proportion of more serious crimes. Therefore there is a need to provide opportunities and mechanisms that minimise the likelihood of young people committing offences and to provide an effective and helpful means to deal with offending that does occur.

2.3 National Standards for Bail Supervision and Support Schemes

In April 2000 the National Youth Board for England and Wales published National Standards of Youth Justice which require that each Youth Offending Team (YOT) in England and Wales should ensure that there is local bail support and supervision provision and that all young offenders detained in police custody for appearance at court are referred to it. The definition of bail supervision and support is as follows:

“community based activities in programmes designed to help ensure that defendants awaiting trial or sentence successfully complete their period of bail by returning to court on the due date, without committing offences or interfering with the course of justice and to assist the bailee to observe any conditions of their bail. Such programmes may be run by the bail supervision and support scheme itself or through referral to specialist organisations.”¹

The standards outline what is required but do not provide detail about how bail supervision and support services should be delivered. The standards summarised here are specific to bail supervision and support.

- ◆ The YOT manager has certain management responsibilities which include developing a comprehensive remand management strategy. This includes provision of facilities to accommodate young people, bail information; bail supervision and support liaison with the local authority regarding accommodation; and mechanisms for reviewing young people remanded in custody;
- ◆ YOTs are required to monitor the number of young people who are remanded to custody or secure accommodation and to take a pro-active role in pre-empting remands;
- ◆ programmes are to be offered at the first court appearance to pre-empt any possible custodial remand. If unsuccessful, review mechanisms should be set in place to consider offering a programme at second or subsequent appearance;
- ◆ after the court has placed a young person on a BSS scheme an interview with the young person and the parent/carer must take place immediately to explain how the scheme will work and explain the obligations of the young person including breach procedures;
- ◆ a minimum of three contacts a week must be made whilst a young person is subject to BSS. Schemes must have access to programmes addressing and integrating the young person into mainstream education, training and employment as well as providing access to social skills programmes, and health and substance misuse interventions;
- ◆ in those cases where there is a risk of non-attendance in court, the BSS scheme must help to achieve attendance by contacting the young person to remind them of their court appearance. If a breach occurs an investigation must be conducted within 24 hours, then a written warning must be issued and subsequently breach proceedings must be initiated following two failures; and
- ◆ BSS schemes must keep detailed records of all young people placed on BSS and the YOT manager must actively promote the BSS scheme on a regular basis to magistrates, judges, justices’ clerks, Crown Prosecution Service and the police.

¹Nacro cymru/Youth Justice Board, (2000). Guide to the National Standards for Bail Supervision and Support Schemes.

Additionally YOTs may also be required to:

- ◆ provide bail information, as appropriate in order to assist the courts in making bail decisions about juvenile defendants;
- ◆ engage in court work and preparation of reports; and
- ◆ have a continuing involvement with a young offender serving a custodial sentence.

It was felt that bail support can make an important contribution to ensuring that defendants awaiting trial or sentence successfully complete their period of bail, by returning to court on the due date, not committing offences whilst on bail and not interfering with witnesses or otherwise obstructing the course of justice. This can also help to avoid the delay and costs associated with a defendant's failure to appear at court, as well as reducing the risk of offending on bail and the need for the young person to be placed in secure accommodation.

As a result, a range of different interventions and approaches have been developed across the UK in order to support young people to receive bail rather than a custodial remand sentence.

2.4 The National Evaluation of BSS Schemes

Mullan and O'Mahoney (2002) note that BSS projects are widely used in England and Wales, with over one hundred funded programmes underway between 2000 and 2001. The initial Youth Justice Board evaluation of BSS suggested that these projects resulted in diversion from custody, reduced offending during the project and increased court appearances.

The National Evaluation of BSS (2005) provides a review of the schemes funded under the Youth Justice Board. The findings of the evaluation are outlined according to their impact upon remands to custody, re-offending, court attendance and the effect upon long-term behaviour. The key findings are as follows:

- ◆ sixty-nine per cent of targeted bail proposals to court were accepted. The main reason that young people were rejected for a programme by the court was the seriousness of the offence;
- ◆ fifty-five per cent of young people fully complied with their bail supervision programme. These were identified as young people who had not re-offended (measured in terms of arrest and charge) or had not been reported to the police as being in breach of their bail supervision programme, or any other bail condition. In addition, they would have attended all court appearances during the bail supervision period. The main reason for young people not complying with the programme was a breach of the requirement to report to a BSS scheme. Where re-offending occurred, burglary, vehicle theft, theft or handling stolen goods were the most common charges;
- ◆ participation in a BSS scheme had a varied effect upon the level of seriousness of subsequent offending. Forty per cent re-offended with a less serious offence, 46 per cent with an offence of the same level and 14 per cent re-offended with a more serious offence;
- ◆ BSS schemes have had a significant impact in ensuring that young people attend court. Based on information from the schemes, 94 per cent of young people attended all court appearances; and
- ◆ the length of BSS programmes varied, depending on the seriousness and complications of the case and the working of courts in the area. The majority of bail programmes were for four weeks or less, making any long-term change in the young person's circumstances difficult to achieve.

The evaluation found that one of the main strengths of BSS schemes was the extent to which they linked to other agencies in order to provide more support for young people. However, the options available to the BSS worker largely depended upon the availability of local resources and the ability of schemes to arrange access to services whilst the young person was on the programme. Other factors that enabled schemes to establish included building on existing services, prioritising the development of the service and having clear arrangements for managing remands.

2.5 Evaluative Literature on Intensive Supervision and Surveillance

The Youth Justice Board sought to reduce re-offending rates by the introduction of the Intensive Supervision and Surveillance Programme (ISSP) in 2001. The programme is intended to provide intensive community interventions and surveillance as an alternative to a custodial sentence. The intense nature of the programme aims to deter re-offending and to provide courts with an alternative to custody.

In 2005 The Youth Justice Board published an evaluation of the use of ISSPs in England and Wales. This provides a valuable opportunity to examine the potential of its multi-modal programmes to address the offending behaviour of persistent and serious offenders. The key conclusions of this evaluation are described as follows:

- ◆ the reconviction rate figure (the proportion reconvicted at least once in the two-year follow-up period) was very high – (91 per cent). However, it was considered unlikely that persistent young offenders would cease offending completely as a result of ISSP, hence the Youth Justice Board's objective to reduce the frequency and seriousness of offending;
- ◆ when offending data in the 12 and 24 months before and after the start of ISSP are compared, there was a reduction in the seriousness of further offending. This amounted to a decrease of 13 per cent, one and two years after participation in ISSP; and
- ◆ statistically significant results at 12 months disappeared at 24 months in many instances. This pattern probably reflects a trend that the impact of the ISSP may fade over time, a finding consistent with previous evidence in the UK (Raynor and Vanstone, 1997², Merrington and Stanley, 2004³).

Other findings were as follows:

- ◆ restorative justice and constructive leisure activities were identified as significantly contributing towards reduced offending post ISSP;
- ◆ electronic monitoring was not proven to be any more effective at reducing the frequency of offending when compared to human tracking;
- ◆ completers of ISSP showed statistically significant gains in reducing the rate and gravity of their offending when compared to non-completers, although this may be due to pre-existing differences rather than ISSP; and
- ◆ average savings from reducing the frequency and gravity of re-offending over 24 months was estimated at £80,000 per ISSP.

Staff and parents were generally supportive of the surveillance elements, citing their stabilising influence, ability to break up negative peer associations and general impact on the behaviour of the young people. The intensity of the programme, through the combination of supervision and surveillance elements, was widely believed to have impacted upon young people's lifestyles, occupying more of their time constructively and establishing a more structured daily routine.

²Raynor, P. and Vanstone, M. (1997) *Straight Thinking On Probation (STOP): The Mid Glamorgan Experiment*, Probation Studies Unit Report 4, Oxford: Centre for Criminological Research.

³Merrington, S. and Stanley, S. (2004) 'What Works? Revisiting the Evidence in England and Wales', *Probation Journal*, Vol. 51, No. 1, 7-20.

The Youth Justice Board's report pointed out the difficulties involved in isolating simple factors which produced better results due to the range of approaches (support, supervision, monitoring, training and education) nested inside the over-arching label of an ISSP. However, the report concluded that key elements of the most effective projects were:

- ◆ committed leadership and quality of staff;
- ◆ resources and opportunities; and
- ◆ well integrated service delivery.

2.6 The Impact of Accommodation Issues on Granting Bail

BSS schemes have found that a lack of suitable accommodation is a significant problem which means that some young people are being refused bail for minor offences, as they are unable to provide an adequate address. Schemes have attempted to address this issue by improving links with public, private and voluntary sector accommodation providers and strengthening information channels for young people.

With regards to obtaining bail for young people remanded in custody, one Youth Justice Board study⁴ reporting on the availability of pre-trial accommodation in YOT areas found that less than half the YOTs had a dedicated accommodation officer in post. Where there were accommodation officers in post they undertook a variety of duties, including strategic work with housing providers, dealing with day-to-day accommodation issues, and providing information on accommodation. Many were also involved in generic duties such as policy development, pre-sentence report-writing and Bail Supervision and Support.

However, the provision of accommodation was seen as being central to the effectiveness of BSS schemes. Many stakeholders believed that accommodation problems reduced the effectiveness of the schemes and that this was mainly due to the general lack of suitable accommodation and more specifically, related to the narrow range of accommodation available.

There was a clear preference for keeping young people at home and providing family support. However, all YOTs reported using a wide range of accommodation including hostels, children's homes, residential units, secure accommodation and supported lodgings.

Just over half (55 per cent) of YOTs said that they had access to remand foster care placements. These were usually managed by the YOT, local authority or social services, with a small number run by the voluntary sector. Most YOTs reported problems accessing remand foster care placements, mainly because of lack of availability, while others mentioned bed-blocking by general welfare cases. This highlights the fact that the majority of remand foster carers are shared with social services departments.

Recruitment of remand foster carers was impeded by the long approval process and the pay and working conditions for carers. More than half of the YOTs said that they had problems in retaining carers, mainly because of the lack of financial reward, the nature of the job, the unpredictability of the work and competition from the private sector.

2.7 Good Practice in BSS Schemes

This review aims to draw from general elements which are viewed as being successful in supporting young people on BSS and ISSP schemes.

Overall, BSS schemes stated that the following could help stop offending:

- ◆ regular one-to-one contact with the young person in order to build positive relationships;
- ◆ exploring anxieties and problems and offering advice on how to deal with issues affecting behaviour;

⁴YJB, (2005). Pre-Trial Accommodation. Summary Paper.

- ◆ encouraging and supporting young people who say that they want to stop offending;
- ◆ referral to specialist agencies;
- ◆ providing opportunities to develop skills;
- ◆ designing programmes that provide constructive activity in the daytime, evening and, where possible the weekend, to occupy leisure time;
- ◆ occupying and supervising young people at times when their histories would suggest they are vulnerable to offending;
- ◆ demonstrating that offending has negative consequences, and
- ◆ providing new opportunities that young people accept.

The Youth Justice Board's report pointed out the difficulties involved in isolating simple factors which produced better results due to the range of approaches (support, supervision, monitoring, training and education) nested inside the over-arching label of an ISSP. However, the report concluded that key elements of the most effective projects were:

- ◆ committed leadership and quality of staff;
- ◆ resources and opportunities; and
- ◆ well integrated service delivery.

The following initiatives have additionally been used to support young people on bail:

The [Youth Advocacy Programme \(YAP\)](#) is based on an American model and has been employed by various agencies – South Tyneside ISSP and North Eastern Health Board (RoI) and Extern.

The programme matches young people with individuals from within the community, who are paid to guide and support them for a duration of six months. The role of the advocate varies depending on the needs of the young person (i.e. they can be teachers, counsellors, crisis manager, case managers, and liaise with school and family members).

This refers to a mix of individual in-home and community-based services developed around the unique structures of families. YAP workers connect families to local services with the aim of creating long-term links between them. It is believed that these models act as a catalyst in eventually creating empowerment, permanency, independence and self-sufficiency for the youth and families involved.

The basis of this service is that the Advocate offers a warm, secure, friendly relationship with the young person and every effort is made to prevent the exposure of the young person to circumstances where they may be placed at risk of others.

A [multi-agency approach](#) to preventing young people offending is important to the success of community based initiatives that aim to tackle offending behaviour.

One such example is the [Manchester Youth Bail Support Project](#). It is an inter-agency partnership between The Children's Society, Greater Manchester Probation Service and Manchester Social Services Department. The aim is to reduce the number of young people aged 15 –17 years, remanded into custody and also the numbers of young people remanded into care of the local authority.

The philosophy that underpins the work of the project is that young people who appear before the court face many issues and problems that affect their behaviour. The project therefore aims to impact upon these issues and problems in order to avoid imprisonment, reduce the risk of re-offending and to encourage the young people to fulfil the requirements of their bail conditions and affect sentence outcome through the presentation of positive information to the courts.

From December 1996 to the end of 1998 the project has worked with 97 young people on bail with bail support as a stipulated condition. The period of support bail support has varied from one month to over a year. Of the 97 young people the project has worked with 70 per cent did not re-offend and successfully completed the programme.

BSS schemes stated that accommodation issues were particularly difficult to tackle. [Remand foster care](#) was considered to be the most suitable provision for most young people, including those who are vulnerable, as it provides a stable family environment, and specialist support can be provided 24 hours a day. However, it was seen as being inappropriate for serious offenders.

In terms of effectiveness in reducing custodial remands, increasing compliance and reducing absconding, remand foster care was perceived to be the best available accommodation. Supported lodgings were also viewed as providing all-round effectiveness, although it was seen as second choice behind remand foster care.

2.8 Summary

The aim of the current review was to attempt to identify the parameters of good practice and to reflect upon the ways in which good practice is related to inputs and assessed outputs. Whilst the literature gave an indication of the types of objectives most frequently evident in community bail schemes (i.e. maintaining a community placement, maintaining public safety through supervision, working with the child's needs and to make sure that the young person attends court as required), the research is weak in terms of evidence supporting the optimum way to achieve these aims.

Further, the literature search revealed a marked absence of evaluative studies demonstrating cost-effective strategies for bringing about these key outputs.

A range of programmes can be used to reduce the likelihood of a young person re-offending. For any of these initiatives to be successful it is vital to assess the needs and risk factors on a case by case basis in order to draw up an individually tailored programme. However it is apparent that any programme with young people should ideally have a multi-agency approach, which seeks to address education and employment needs, and provide support and advice for both the young person and their family/carer.

In terms of informing an analysis of the Northern Ireland BSS Scheme and IBSP schemes in comparison with established effective practice elsewhere, the literature has little to offer. The review has highlighted process variables that operate in other schemes, with The National Standards for Bail Supervision and Support Schemes from the Youth Justice Board for England and Wales serving as good practice guidelines.

The background of the page is a faded, light blue-tinted photograph of an office environment. In the foreground, a man is seated at a desk, looking towards the right. His desk is cluttered with papers, a spiral notebook, and a telephone. In the background, another person is visible at a desk, and there are windows with blinds. The overall scene suggests a professional or administrative setting.

Chapter 3

The Youth Justice Legislation in Northern Ireland

3.1 Introduction

This section outlines the introduction of relevant Youth Justice policy in Northern Ireland and in particular focuses upon the Criminal Justice (Children) (NI) Order 1998, the Criminal Justice Review 2000 and the Justice (NI) Act 2002. It outlines the recommendations for the development of the current BSS scheme provision and the remit of the YJA.

3.2 The Criminal Justice (Children) (NI) Order 1998

The Criminal Justice (Children) (NI) Order 1998 (CJCO) came into effect in February 1999. The Magistrate's Courts (Criminal Justice Children) Rules (Northern Ireland) 1999 (dealing with court procedures) were published in conjunction with the legislation together with The Juvenile Justice Centre Rules (dealing with the treatment of children in custody).

One of the primary aims of CJCO was to ensure that the number of young people who are refused bail is reduced. The Criminal Justice Order (1996) had introduced a presumption of bail into law and the 1998 Order reinforced the restricted powers of court to remand young people to custody. However, there are a number of exceptions to the requirement for release on bail and these are stated in Article 12 as follows:

- (1) Where a court remands or commits for trial a child charged with an offence, it shall release him on bail unless:
 - (a) the court considers that to protect the public it is necessary to remand him in custody; and
 - (b) paragraph (2) or (3) applies.
- (2) This paragraph applies where the offence charged:
 - (a) is a violent or sexual offence; or
 - (b) is one where in the case of an adult similarly charged he would be liable to conviction on indictment to imprisonment for 14 years or more.
- (3) This paragraph applies:
 - (a) Where the offence charged is an arrestable offence; and
 - (b) The child either:
 - (i) was on bail on any date on which he is alleged to have committed the offence; or
 - (ii) has been found guilty of an arrestable offence within the period of two years ending on the date on which he is charged with the offence mentioned in subparagraph (a).

For scheduled offences, the Youth Court cannot grant bail and an application has to be made to the High Court. The order stated that young people should only be remanded in custody in the exceptional circumstances outlined above and should not be remanded for care reasons.

The other main outcomes of the order are that:

- ◆ Juvenile Courts were renamed Youth Courts;
- ◆ the Order abolished the Doli Incapax and young people over 10 years are to be treated in the same way as other young people;
- ◆ the upper age limit for the Youth Courts was set at young people under the age of 17 years;
- ◆ the Youth Court was obliged to have regard to the welfare of any young person brought before it and the general principle that any delay is likely to prejudice the young person's welfare;
- ◆ where a young person is in police detention under The Police and Criminal Evidence Order 1989 (PACE) there is a duty to inform a person responsible for his or her welfare that they have been arrested, why s/he has been arrested and where s/he is being detained; and
- ◆ probation services and social services should be notified when a young person is brought before the court and social services are required to provide any information about the young person, which is likely to assist the court.

The order states that the court must obtain pre-sentence reports where a custodial sentence is being considered for anyone under 17 years. The pre-sentence report should contain information about home circumstances, physical and mental health and character. The report should also deal with the young person's background and history of offending, reasons for the behaviour, potential for family support systems, risk and mitigating factors and the impact of the proposed sentencing options on the particular young person.

The main amendment introduced by the CJCO was the introduction of the Juvenile Justice Centre Order (JJCO), which replaced the old Training School Order. The JJCO lasts for a period of between six months and two years. Half of which will be spent in custody and the other half in the community under the supervision of the Probation Services and with the support of statutory and voluntary agencies. Orders can be made for a period of up to two years in exceptional circumstances. The length of time the child spends in custody will be reduced by any period spent on remand.

Other disposals affirmed under this Order were:

- ◆ Attendance Centre Orders;
- ◆ Community Service Order (over 16 years);
- ◆ Probation Orders;
- ◆ Absolute Discharge/Conditional Discharge;
- ◆ Deferment (for up to six months); and
- ◆ Fines.

3.3 Northern Ireland Criminal Justice Review

The Criminal Justice Review (2000) (the Review) aimed to "...address the structure, management and resourcing of the publicly funded elements of the criminal justice system and... bring forward proposals for future criminal justice arrangements..."

The review also considers the Youth justice system and states that its overall focus should be the prevention of offending and that the system should embrace the rehabilitation of the offender and diversion.

The report addresses the following areas of youth justice:

The Age of Criminal Responsibility

The review reinforced that the age of criminal responsibility should remain at 10 years in Northern Ireland. However, the Review stated:

"...where appropriate, 10 - 13 year old children should continue to be criminally responsible for their actions, but that they should not be drawn into the juvenile custodial system and that the presumption should be that they will be diverted away from prosecution unless they are persistent, serious or violent offenders. Where there is a need for accommodation outside the family home for children in this age group, we believe that it should be provided by the care authorities, rather than the juvenile justice system."

The Review recommended that 10-13 year old children found guilty of criminal offences should not be held in Juvenile Justice Centres, and that their accommodation needs should be provided by the care system. This recommendation led to the introduction of the provisions for custody care orders in the Justice (NI) Act 2002, but these provisions have not yet been commenced

The Definition of a Child

The Review recommended that 17 year olds should be brought within the ambit of the Youth Court. This recommendation was on the basis that the United Nations Convention on the Rights of the Child clearly defines a child or young person as a person below the age of 18 years.

The range of disposals which are available to the courts

It was also recommended that a form of community service should be developed for young people under the age of 16 years, with a maximum period of service of 40 hours and also that reparation orders should be introduced which would allow the young person to undertake some form of practical reparative activity which would benefit the victim.

The Review endorsed the development of further diversionary mechanisms based on a partnership approach and recommended that any savings from the rationalisation of the youth justice estate should be reallocated to diversionary programs and other community based sanctions for young people.

The manner in which the prosecution and the courts operate in respect of juvenile offenders

The Review recommended that most 17 year olds should be remanded and sentenced to the Young Offenders Centre, but that care should be taken to take special measures, including the provision of separate accommodation for any 17 year olds who were assessed as being particularly vulnerable or immature.

3.3.1 Recommendations for the Development of the Bail Supervision and Support Scheme

The Review makes a series of recommendations in relation to the remit of the youth court, detention of juveniles and arrangements for youth conferencing. A series of recommendations were also made in relation to the establishment of the BSS scheme. These included the proposals that:

- ◆ piloting and evaluation of bail information and support schemes to provide the courts with information and advice to assist them with making bail and remand decisions in respect of individual juveniles;
- ◆ development of bail hostel accommodation especially for juveniles particularly in Belfast;
- ◆ those remanded in custody should be assessed as quickly as possible to determine the nature of the regime required including the degree of supervision; and
- ◆ remands in custody should be for the shortest period of time possible.

3.3.2 Recommendation for the establishment of a “next steps” agency

The Review recommended that a “next steps” agency should be created to take on the responsibilities, which fell at that time to the Juvenile Justice Board. The intention was to establish a new structure and a new approach to dealing with young people at risk of offending or who have offended.

3.4 Establishment of the Youth Justice Agency (YJA)

The YJA was launched in April 2003. The YJA is:

“...concerned with operations and service delivery and will work in partnership with others in diverting children from crime and assisting their integration into the community...youth justice policy is separate from the functions of the agency and is one of the responsibilities of the Criminal Justice Directorate of the Northern Ireland Office”.

Pending devolution it was recommended that political responsibility for the Youth Justice System should remain with the Secretary of State for Northern Ireland and that policy and legislative advice should continue to be provided by the Northern Ireland Office (NIO).

- ◆ The YJA's overall aim "is to prevent offending by children." It aims to achieve this by:
- ◆ providing community based services, youth conferencing services, attendance centres and secure custody;
- ◆ working with children referred by the courts or other agencies;
- ◆ operating safe, secure and caring environments that address the needs of the child;
- ◆ co-ordinated training planning which is linked to effective programmes that help children avoid crime and supported by community strategies that prevent offending;
- ◆ taking account of the views of victims of crime and using restorative principles;
- ◆ continually evaluating effectiveness; and
- ◆ working in partnership with other statutory and voluntary agencies.

There are three strands to the work of the YJA, namely custodial provision, youth conferencing and community services:

1. The YJA provides custodial facilities for boys and girls aged 10-16 years at the refurbished Juvenile Justice Centre for Northern Ireland in Rathgael, Bangor. This site will also be used for the detention of 10-13 year olds until such time as accommodation needs for these children can be met by the care system as required by the Justice (NI) Act 2002;
2. Youth conferencing aims to balance the needs of the victim and the young offender (10-16 years) by agreeing plans of action which satisfy the victim and create opportunities for the young person to make amends and stop committing crime. The meetings, known as conferences, offer the victim the opportunity to inform the young offender of the harm caused by the crime, the offender to face the consequences of the impact of the crime and to identify a plan of action to prevent further offending and make amends to the victim. These action plans become known as Diversion Youth Conference Orders if approved by the Prosecutor and Youth Conference Orders if approved by the court; and
3. In terms of community services, the YJA operates a network of child centred services in partnership with other agencies. There are 22 projects throughout Northern Ireland at present working with children involved in, or at risk of involvement in crime. These schemes are currently designated as attendance centres and these facilities are used when a child is subject to an attendance centre order. The available services include counselling, family work, issue based groups, self help groups, design and technology teaching, cognitive skills training, systemic family therapy, parents groups, general subjects teaching, creative activities, outdoor pursuits, accredited qualifications, I.T. training and preparation for employment.

Community Services are responsible for making provision for the implementation of the Community Responsibility Orders and Reparation Orders introduced by The Justice (NI) Act 2002 and for the development of the BSS scheme available to the Youth Court.

The Justice (NI) Act 2002

The Justice (NI) Act 2002 was the vehicle under which the recommendations from the Criminal Justice Review were set in legislation. Article 53 sets out the statutory aim for those involved in the Youth Justice System for the first time, as follows:

"the principal aim of the youth justice system is to protect the public by preventing offending by children;

All persons and bodies exercising functions in relation to the youth justice system must have regard to that principal aim in exercising their functions, with a view, in particular, to encouraging children to recognise the effects of crime and to take responsibility for their actions; and

All such persons and bodies must also have regard to the welfare of children affected by the exercise of their functions (and to the general principle that any delay in dealing with children is likely to prejudice their welfare), with a view (in particular) to furthering their personal, social and educational development. "

The Justice (NI) Act 2002 makes provision for the extension of the youth justice system to 17 year olds. A court shall only make a JJCO in the case of a child who has reached the age of 17 years if:

- ◆ he will not become an adult during the period of the Order;
- ◆ he has not had a custodial sentence imposed on him within the last two years; and
- ◆ the court, after considering a report made by a probation officer, considers that it is in his best interest to make such an order.

New disposals under The Justice (NI) Act 2002 are Reparation Orders, Community Responsibility Orders, Custody Care Orders and Youth Conference Orders.

Criminal Justice (NI) Order 2005

The Order includes provisions on Anti-social Behaviour Orders and provisions in anticipation of the Youth Court extending its jurisdiction to include 17 year olds.

Anti-social Behaviour Orders (ASBOs)

ASBOs are comparatively recent developments designed to put a stop to anti-social behaviour by the individuals on whom they are imposed. The ASBO carries legal force and is aimed at stopping the problem behaviour, rather than punishing the offender.

Examples of anti-social behaviour that can be tackled by ASBOs include:

- ◆ harassment of residents or passers-by;
- ◆ verbal abuse;
- ◆ criminal damage;
- ◆ vandalism;
- ◆ smoking or drinking alcohol while under age; and
- ◆ joyriding.

Youth Justice

The effect of the Order is to provide revised arrangements for remands into custody for 17 year olds from the expanded Youth Court. With some exceptions 17 year olds remanded into custody will continue to be committed to a Young Offenders Centre whereas most children under 17 years will be committed to a Juvenile Justice Centre.

It also extends the age at which a pre-sentence report can be given to a parent/guardian or child to 17 years. It also extends reporting restrictions on ASBO proceedings to include 17 year olds.

Summary

The Youth Justice System in NI is largely reflective of juvenile justice arrangements in other jurisdictions. This includes clear statements of principles, based upon international instruments and the increasing use of diversion as a means of dealing with juvenile offenders. There is a focus upon approaches which aim to address offending behaviour and to reduce the propensity of young people to commit crimes. Overall, there has been a move away from court based retributive approaches to juvenile justice, except for the most serious and persistent of offenders.

3.5 Introduction to the Bail Supervision and Support Scheme

This section describes the current BSS scheme, the Intensive Bail Support scheme (Inside Out) and Remand Fostering. It presents the aims and implementation of the BSS scheme as defined in the initial proposal and the complementary aspects of Inside Out and Remand Fostering.

3.6 Defining Bail Support and Supervision

The NIO identified the implementation of a BSS scheme as a strategic objective for the YJA. This is in response to the numbers of young people admitted to custody either on remand from the courts or under PACE legislation. It was thought that an effective BSS scheme would balance the UN Convention on the Rights of the Child and the expectations of the court and the public that those granted bail are properly supervised.

Bail supervision and support is defined as:

“the provision of services (intervention and support) designed to help young people awaiting trial or sentence to successfully complete their periods of bail within the community by providing support and services matched to the circumstances of the young person, the alleged offence and grounds for refusal of bail.”⁵

3.7 Aims of the Bail Supervision and Support Scheme

The BSS scheme is a community based project designed to help ensure that young people awaiting trial or sentence successfully complete their period of bail, by returning to court on the date due without committing further offences or interfering with the course of justice. The BSS scheme came into effect on 1 April 2003.

The core components of the BSS scheme contain elements of both supervision and support and are based upon issues identified at the initial Bail assessment process. Programmes seek to address and effectively manage the risks that the young person may pose within the community.

The aims and objectives of the scheme are:

- ◆ to provide individual BSS programmes for those at risk of having bail denied or where the court has concerns about failure to appear and offending on bail;
- ◆ to minimise inappropriate remands to custody;
- ◆ to ensure that remands to custody only occur when all other options have been explored;
- ◆ to ensure that any custodial remand is for as short a period as possible;
- ◆ to provide accurate and verified information to the court to assist in the decision making process;
- ◆ to provide support and assistance to young people to prevent breaches of bail conditions; and
- ◆ to help ensure that young people attend court as required.

⁵Nacro cymru/Youth Justice Board, (2000). Guide to the National Standards for Bail Supervision and Support Schemes.

3.8 Implementation of Bail Supervision and Support

3.8.1 Target Group

As a pilot scheme, BSS focuses upon young people remanded to custody. This ensures that the service is primarily targeted at those young people who have had, or are likely to have bail denied as defined by the Criminal Justice (Children) (NI) Order 1998 (Article 12). The scheme differs from the BSS programme in England and Wales which targets young people at their first court date, prior to custody.

The BSS scheme also targets young people entering custody in circumstances where bail has been granted but not perfected. In these situations the provision of appropriate support services may be sufficient to effect a change in circumstances.

The BSS scheme seeks to address any objections to bail by the court and Prosecution Service by offering credible alternatives to a custodial remand.

3.8.2 Initial Bail Assessment

An initial Bail Assessment is undertaken with the young person's consent in order to address any objections to bail, the extent and degree of any presenting risks and how they could be managed effectively within the community. The process includes examination of the following:

- ◆ the seriousness of the alleged offence;
- ◆ grounds for denial of bail;
- ◆ pending matters;
- ◆ risk to the public;
- ◆ any existing bail arrangements;
- ◆ responses to any previous episodes on BSS;
- ◆ previous failure(s) to respond to bail and likely future response;
- ◆ previous response to any supervision;
- ◆ accommodation issues;
- ◆ motivation and capacity to respond positively, including agreement to participate;
- ◆ family support and involvement;
- ◆ support networks available;
- ◆ education and employment status;
- ◆ peer relationships/influences;
- ◆ health and psychiatric issues;
- ◆ presence of drug, alcohol or substance related issues; and
- ◆ any other issues relevant to the individual.

Any programmes developed from the Bail Assessment are tailored to meet individual needs and ensure effective deployment of available resources. The proposed supervision and support should be commensurate with the level of assessed need, the seriousness of the alleged offence and the frequency of offending. The assessment is used as a filtering process and determines the likelihood of unconditional or conditional bail without supervision/support being granted by the court. This aims to ensure that BSS adds value by helping those children who would not otherwise receive bail.

3.8.3 Court Work

On the basis of the Bail Assessment the BSS team will develop a Bail Proposal for written or verbal presentation to the young person and the court, as required. The BSS scheme covers each court in Northern Ireland and there is recognition that overall success is dependant upon internal knowledge of the scheme and the court's confidence that the programme will be carried out. In order to achieve this, the BSS scheme ensures that a presence is established and maintained at all appropriate courts. However, it is recognised that although desirable, it would currently be impractical to have the scheme represented at all times due to the resources involved.

The BSS scheme relies on the establishment of arrangements for effective liaison with the Prosecution Services (PSNI/PPS), in order to ascertain, discuss and inform their views on the bail/remand decision. Pre-court consultation mechanisms are established in order to ascertain what representations the prosecution intends to make to the court. Consultation identifies any areas of concern and offers suggestions for managing the particular objections to bail within any BSS programme. Consultations also includes liaison with defence solicitors.

The initial proposal for the BSS scheme stated that the co-ordination of representation at the rural district courts will need to be assessed on an ongoing basis, as additional staffing may be required to maintain standards should there be a significant increase in the number of referrals. Furthermore, it was thought that there may be a specific role for a Court Liaison officer in the future.

BSS team will also provide a Bail Review service for young people who have initially been refused bail.

3.8.4 Staffing

Currently there are two people working full-time on the BSS scheme. A co-ordinator, at senior social worker grade and a bail support officer at social work main grade. The team have one part-time administration assistant.

The roles of the core BSS staff require close liaison with the Juvenile Justice Centre, young people, their parent/carer and all other relevant agencies and responsibility for prioritising and overseeing Bail Assessments at the point of admission to custody.

The BSS team collate all relevant information, provide sufficient information on BSS to promote informed consent and give an explanation on consequences of failure to comply. They are required to undertake family visits and assess suitability of the proposed bail accommodation.

The roles involve the following tasks:

- ◆ ensuring bail supervision and support provision is available to all young people at risk of custody;
- ◆ establishing arrangements for effective liaison with Police and Courts services;
- ◆ co-ordinating agency representation at all appropriate courts;
- ◆ monitoring admissions to custody on remand/PACE;
- ◆ identifying bail applications;
- ◆ identifying and addressing oppositions to bail;
- ◆ co-ordinating bail supervision and support programme development and implementation;
- ◆ targeting appropriate resources to meet identified need;
- ◆ co-ordinating partner agency programme provision and negotiating referrals and priority access to allied services;
- ◆ liaison with parents/carers and other allied professionals;
- ◆ liaison with schools and education providers to negotiate appropriate/alternative provision;
- ◆ co-ordinating post court interviews/appointments;
- ◆ formulating breach procedures and initiating where necessary;
- ◆ monitoring participant compliance;
- ◆ formulating standards in accordance with agency policy;
- ◆ monitoring the effectiveness of the service;
- ◆ establishing service user feedback processes and complaints procedures;
- ◆ reviewing existing accommodation requirements;
- ◆ liaison with accommodation providers and monitor placements;
- ◆ maintaining records of programme participation;
- ◆ ensuring provision of regular progress reports to the courts; and
- ◆ provision of support and advice for community services project staff in all aspects of the bail process.

3.8.5 Running Cost

As previously noted the BSS team comprises one senior social worker and one social worker. The total cost of the BSS scheme for the year 04/05 was £64,705. This includes salaries and all associated management costs, travel and expenses.

Attendance at a Community Services projects costs approximately £3,500 for six months.

3.9 Remand Fostering

This scheme was developed jointly by Down Lisburn Health and Social Services Trust (the Trust), Extern and the YJA, in response to concerns raised by the Children in Conflict with the Law sub-group of the Eastern Health and Social Services Board (EHSSB) Children's services Planning Committee.

The original Remand Fostering component of the BSS scheme began in January 2003 and was initially funded as a pilot until March 2004 by the NIO. The overall aim was to establish a small number of community based accommodation placements for young people as an alternative to remand in custody or, as a support during the community supervision component of a JJCO.

Remand Fostering now offers reactive short term placements for use in remand/bail situations.

3.9.1 Aims of Remand Fostering

The scheme anticipates that the availability of alternative accommodation will contribute to both an increase in the numbers achieving bail and in shorter periods of remand in custody. It will also provide an additional support to particular young people during the community supervision component of the JJCO. As a result of providing alternative accommodation and support the scheme aims to:

- ◆ reduce the number of young people remanded in custody by reducing the length of time which young people spend in custody;
- ◆ reduce offending by young people whilst under supervision (bail and/or post custody);and
- ◆ ensure that the young person attends court and complies with other requirements of bail or supervision.

The scheme makes the following critical assumptions:

- ◆ that a non-custodial placement is preferred option to remand in custody in terms of the young person's welfare; and
- ◆ that a non-custodial placement is financially less expensive than custody.

3.9.2 Target Group

It was envisaged that the criteria for admission would be young people who:

- ◆ are subject to a remand/bail decision in court;
- ◆ are aged between 10-14 years (or vulnerable 14-16 year olds);
- ◆ are ordinarily resident in the Down and Lisburn Trust area⁶ ; and
- ◆ have no alternative community placement.

Additionally, there are circumstances in which the parent or carer may fail to perfect bail even though the police and court see no grounds for refusal. In such cases young people may be remanded in custody in the absence of alternative accommodation.

⁶ In April 2004 eligibility was increased to include young people living outside Down Lisburn Trust area, however those within the Trust area were to take precedence.

3.9.3 Intensive Support

Young people using this service require an intensive package of support. This may include mainstream activity such as school or employment, however it is likely that additional/alternative education or training and diversionary activity, advocacy and mentoring services will be required. This aspect of the service is provided by Extern through the Inside Out programme (Section 4.6). Extern provides up to 25 hours per week direct contact with the young person through the employment of a Inside Out project worker.

The Inside Out project worker also provides support to the foster carer for those in a Remand Fostering placement and Extern's two Youth Villages have been used to provide respite or as a deflection in crisis situations.

3.9.4 Implementation

Currently four placement providers have been identified by the Trust. They are based in Lurgan, Armagh, Portstewart and Ballymoney.

Placement providers are supported by Trust staff and are provided with access to the 24 hour on-call duty system. In situations where the reasons for the young person's admission to the scheme no longer applies, but it is perceived as being in his/her interests to remain at that placement responsibility for the placement will pass from the scheme to the Trust.

The YJA is responsible for identifying referrals to the scheme via the initial Bail Assessment process for young people who have been admitted to custody in the case of post custody supervision. However, matching young people to the suitable placement is a shared responsibility between the Trust services practitioner, the BSS worker.

Placement vacancies are identified by the Trust and the initial introduction facilitated by the Trust or the Inside Out project worker, according to whom is deemed most suitable. This includes the negotiation of a contract which specifies the bail conditions between BSS and the child/family.

The agreed contract also includes contact numbers for 24 hour support, time scales for the placement, programme of activities, guidance regarding managing placement breakdown and breach of bail conditions. The contract also includes an outline of the house rules e.g. use of kitchen, telephone, provision of meals etc.

Community services projects are available to young people on Remand Fostering under the terms of BSS or as a contribution to post custody supervision.

A Steering Group, comprising of NIO, Down Lisburn Trust, Extern and the Youth Justice Agency oversee the programme. Operational management comprise of the fostering link-worker, Inside Out project worker, BSS worker and any other key worker as appropriate.

3.9.5 Staffing

The personnel are:

- ◆ Down Lisburn Trust has allocated one part-time social worker (fostering link worker) to the role of assessing, training and supporting a pool of foster carers/placement providers and to facilitate access to the Trusts 24 hour on-call duty system;
- ◆ four foster carers based in Lurgan, Armagh, Portstewart and Ballymoney; and
- ◆ three full-time Inside Out project workers employed by Extern to provide, promote and facilitate intensive support packages for children involved and to assist reintegration with family or community as appropriate.

3.9.6 Running Costs

The costs of the scheme are met by NIO and the costing schedule is a combination of fixed and variable costs. This includes the Trust salary costs and the providers' fees and retainers.

The fixed cost is 50 per cent salary for a senior practitioner social worker (£18,000 per annum).

The variable costs are dictated by placement availability and usage. The variable cost is based upon the following:

Foster carers' fee

- ◆ £15,000 per annum payable pro rata while placement is occupied;
- ◆ £40 per week for six weeks following end of placement retainer fee; and
- ◆ £35 membership of Fostering Network.

Placement costs

- ◆ £107.20 per week while placement is occupied ("boarding out allowance"); and
- ◆ £202 available if required for Christmas or birthdays.

3.10 Intensive Bail Support Programme (Inside Out)

Inside Out is available to the Youth Court as a condition of bail. The Inside Out programme is managed by Extern and draws upon the experiences of the ISSP operated by the YOTs in England and Wales and on the experience of the Inside Out project worker in the Remand Fostering scheme. Young people on Remand Fostering scheme will usually avail of Inside Out services. However the programme is also used for young people on BSS who are not participating in Remand Fostering but for whom intensive support and supervision is deemed necessary.

In England and Wales the supervision component embraces education and training needs, addresses offending behaviour and responds to any other needs that the young person may have. The surveillance component requires daily contact and may include electronic tagging or voice verification systems.

In Northern Ireland, the programme includes all the aspects of the supervision component including the contact requirement.

3.10.1 Aims of Inside Out

Following a tendered process, Extern were awarded the contract to provide this service in July 2004 and Inside Out became fully operational in November 2004. The programme aims include:

- ◆ reduction of remands to custody;
- ◆ reduction in time spent in custody;
- ◆ adherence to bail conditions;
- ◆ reduction in offending on bail;
- ◆ increased attendance at court, as required;
- ◆ reduced length of stay outside of family home;
- ◆ maintenance of young people in their own homes, with relatives or in residential care; and
- ◆ increased likelihood of reintegration into the community.

3.10.2 Target Group

The programme offers up to 25 hours contact and supervision per week as a condition of bail to a number of young people aged 10-17 years, who would otherwise be remanded in custody at the Juvenile Justice Centre and where a Bail Assessment indicates that there is a requirement for

intensive support if bail is granted. The programme applies in situations where the young person is subject to remand on bail but may remain at home, be placed with the extended family, with remand foster carers, or in the case of looked after children, remain in residential care or mainstream foster placement.

3.10.3 Implementation

Referral to the programme is by the BSS team who, in conjunction with the Inside Out staff, put forward referrals to the court and seek the co-operation of the young person and their parent or carer. Currently the programme has nine places for use by Bail Support and covers all of Northern Ireland.

Based on the Bail Assessment, a plan is prepared which outlines the level of support which will be offered to the young person and the carer under the programme. This plan will indicate the extent to which the support may be made conditional by the court. The Inside Out team has the task of ensuring inter-agency co-ordination and actual service delivery to the young person.

The contact element of the programme operates for seven days per week, according to the young people's needs and includes telephone accessibility on a 24 hour basis as a support to carers. The maximum 25 hours contact time may factor in existing community resources and service provision (e.g. school/training, work placement, community services etc.). The contact time is flexible and may be increased at critical times during the programme.

The Inside Out team are required to maintain appropriate records for case management and evaluation purposes. The team are expected to liaise regularly with BSS scheme staff on case issues and may be required to participate in Bail Hearings at court.

3.10.4 Staffing

The Inside Out personnel are:

- ◆ one full-time Coordinator;
- ◆ three full-time Inside Out project workers employed by Extern to provide, promote and facilitate intensive support packages for children involved and to assist reintegration with family or community as appropriate; and
- ◆ one part-time administrator (provided by the YJA).

3.10.5 Running Cost

Inside Out provides intensive support for 9 young people at a time, at a cost of £197,083 per year. Inside Out data indicates that the project worked with a total of 35 young people during 17 May 2005 to 17 May 2006. This equates to an approximate unit cost of £5,630.

3.11 Summary

There are a number of schemes under the auspices of bail support and supervision. These are the BSS scheme, Remand Fostering which can provide solutions to young people's accommodation problems and Inside Out which provides a level of intensive support and supervision where deemed appropriate.

There has been no requirement to introduce the surveillance methods of electronic tagging and voice verification.



Chapter 4

Analysis of Monitoring Data

4.1 Introduction

This section examines trends in the number of young people who are admitted to custody in Northern Ireland over the last six years and assesses the overall impact of the BSS scheme in terms of its key objectives. These are to provide BSS programmes for those at risk of having bail denied, to minimise inappropriate remands to custody and to ensure that custodial remand is for a short as period as possible.

The data sources used were derived from the Statistics and Research Branch of NIO and from the BSS scheme.

4.2 NIO Monitoring Data

An analysis was carried out on the total admissions into the Juvenile Justice Centre over the last six years to see if there have been any differences with regards to the overall numbers of young people admitted to custody, the percentage who subsequently received bail and the average length of time spent on remand before receiving bail.

The BSS aims to minimise the number of inappropriate remands to custody, therefore one might expect to see an increase in the percentage of young people receiving bail and a decrease in the remand duration over the last three years.

The findings are analysed according to the following:

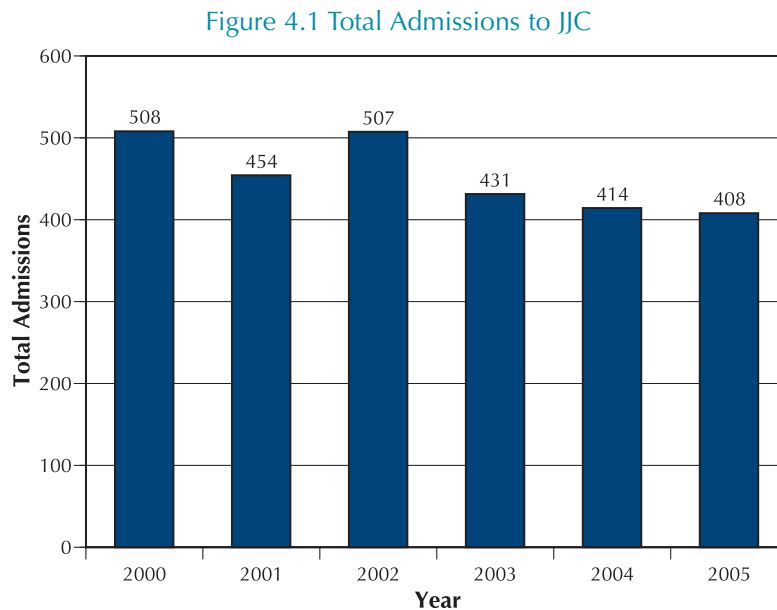
- ◆ total admissions into custody;
- ◆ profile of total admissions to custody;
- ◆ status on admission;
- ◆ outcome of custodial remands; and
- ◆ time spent on remand.

4.2.1 Total Admissions into Custody

“Total admissions” equate to the overall admissions and changes in status in the Juvenile Justice Centre within a given time period. This data does not represent the total number of individuals who have been admitted due to the fact that changes in status from within the centre are counted and some young people will have been admitted to custody more than once for separate offences.

The nature of bail and remand means that one individual admitted with one offence can account for numerous admissions under the “total admissions” category. For example, a child can be admitted to the Juvenile Justice Centre via PACE and then be remanded by the court to the Juvenile Justice Centre (PACE to Remand). They may then subsequently receive bail (Remand to Bail), be remanded to custody whilst on bail (Bail to Remand), receive bail again (Remand to Bail) and be remanded whilst on bail for a second time (Bail to Remand) and then be sentenced to a Juvenile Justice Centre Order. This example would result in six “total admissions”, however under initial admissions this would only result in one initial admission, their first appearance in the JJC, on PACE.

Figure 4.1 indicates that the total admissions into custody have decreased over the last six years, with the exception of 2002.



Source: NIO

During the duration of the BSS scheme 2003-2005, there has been a 15 per cent decrease in the total admissions into custody in comparison to the previous three years' figures.

However, the scheme actually targets young people when they are first admitted to custody and therefore the only way that they could have a direct impact upon total admissions would be if the young people who participated in the scheme did not offend during, or after the programme. This concept will be explored later in the section.

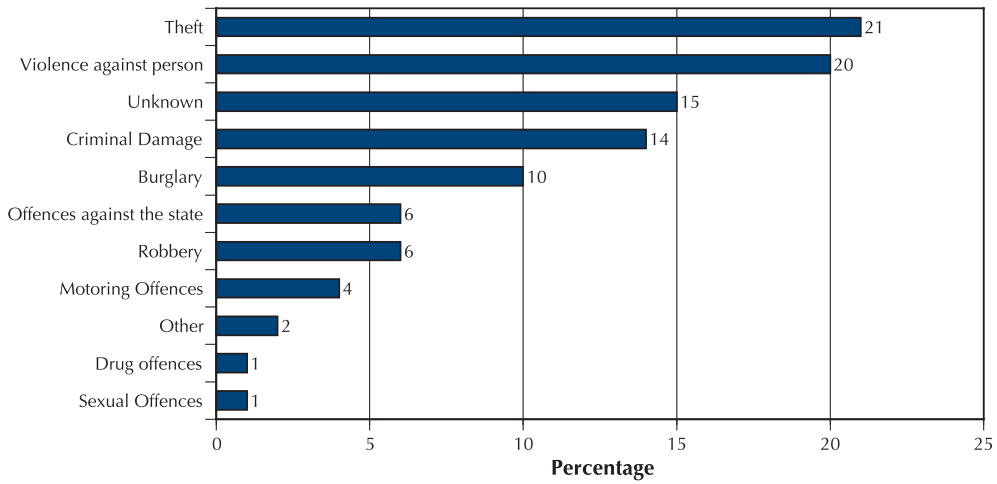
4.2.2 Profile of Total Admissions to Custody

The vast majority of total admissions to custody are male (90 per cent in 2005). The number of females admitted to the Juvenile Justice Centre is very small and therefore a yearly comparison would be irrelevant.

The majority of admissions to custody are young people aged 15 and 16 years old.

Admissions to custody are largely under charges of theft (21 per cent) violence against the person (20 per cent) and criminal damage (14 per cent). However, 15 per cent of total admissions fall into the "unknown" category and as a consequence a relatively high proportion of this information is incomplete.

Figure 4.2 Admissions to Custody (2000 - 2005): Offences



Source: NIO

There are few gender differences with regards to the types of offences for which males and females are admitted to custody. However the majority of female total admissions (36 per cent) were charged with violence against the person, whereas theft was the most frequent offence for males (39 per cent).

4.2.3 Status on Admission

Juvenile Justice Centres detain young people who have been charged with, or found guilty of serious criminal offences. As such they will be held on remand, under PACE or under a JJCO (sentenced).

Between 2000 and 2001 the total admissions to custody on PACE, remand and sentence decreased. This may be partially due to the diversionary emphasis of the Criminal Justice (Children) (Northern Ireland) Order 1998. However, overall admissions to custody increased in 2002.

Table 4.1 illustrates the decrease in total admissions under PACE and the comparative increase in admissions under remand and sentence during 2005.

Table 4.1: Total Admissions into Custody by Status on Admission

Year	PACE	Remand	Sentence	Total
2000	190	253	65	508
2001	180	228	46	454
2002	216	244	47	507
2003	206	188	37	431
2004	181	187	46	414
2005	130	223	55	408

Source: NIO

As discussed previously “total admissions” figures indicate all the admissions and changes in status in the Juvenile Justice Centre. Under “initial admissions” only the actual status on admission is counted, i.e. the initial status under which the young person arrives at the Juvenile Justice Centre. All subsequent movements are not counted, unless the young person physically leaves the Juvenile Justice Centre and subsequently returns. This equates to another “initial admission”.

Table 4.2 illustrates the initial admissions to the Juvenile Justice Centre during 2000-2005. This indicates that initial admissions under PACE have decreased during 2005, whereas initial admissions remands have increased. This may indicate that the point of first entry to the JJC has in fact shifted, with a new emphasis towards first entry at remand level rather than PACE.

This may be a result of the policy decision, implemented in 2005, to refuse admission under PACE to those cases where custody was deemed inappropriate, based on the alleged offence and the circumstances surrounding it. This decision was taken jointly by the NIO, the YJA and the Director of Custody at the Juvenile Justice Centre.

The BSS scheme however, will not have contact with young people under PACE unless they are subsequently remanded to custody.

Table 4.2: Initial Admissions into Custody by Status on Admission

Year	PACE	Remand	Sentence	Total
2000	190	125	19	334
2001	180	101	17	298
2002	216	87	14	317
2003	206	62	8	276
2004	181	95	27	303
2005	130	147	26	303

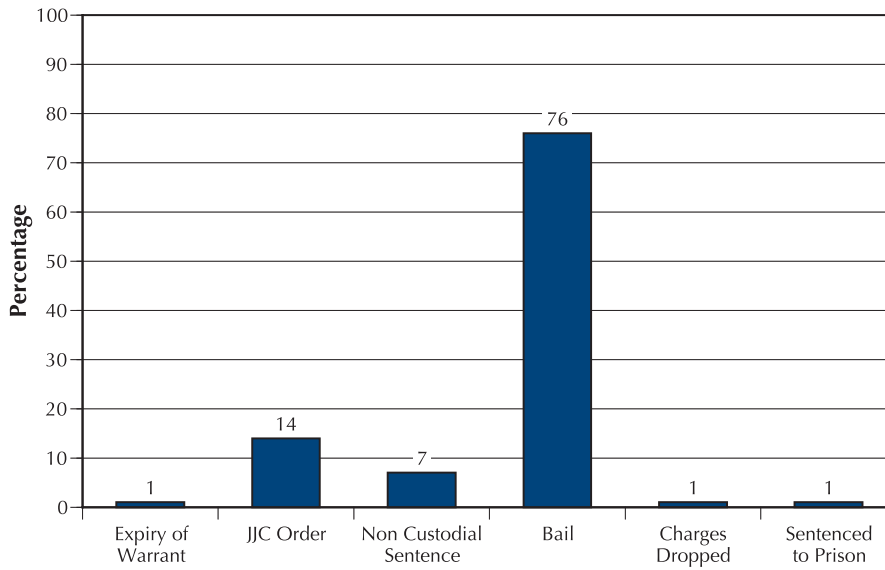
Source: NIO

4.2.4 Outcome of Custodial Remands

Discharge from custodial remand can take a variety of forms. Defendants, after appearing at court can be convicted and given a custodial or non custodial sentence, they can be acquitted, or they can be granted bail.

The majority of remands in custody between 2000 and 2005 subsequently received bail (76 per cent).

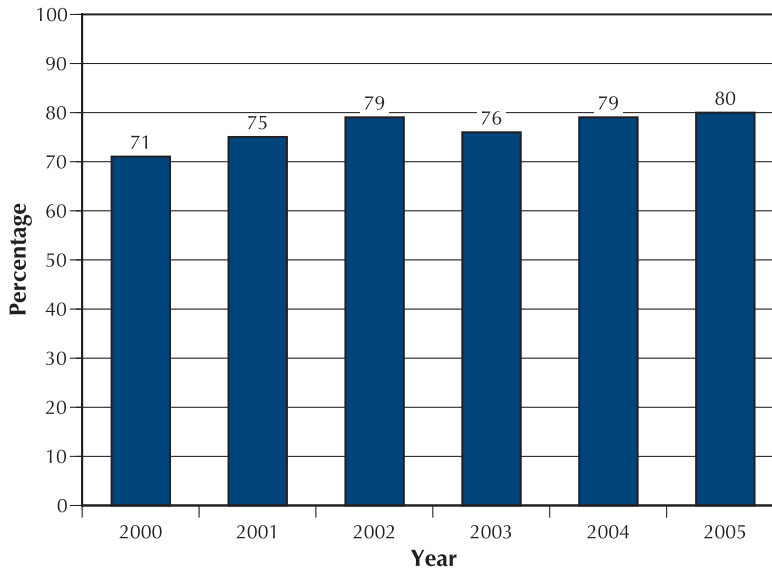
Figure 4.3 Remand Discharges (2000 - 2005): Offences



Source: NIO

With the exception of 2003, there has been a slight year on year increase in the percentage of young people on remand who subsequently receive bail (Figure 5.4). However, it is likely that the BSS scheme will have enabled some young people to receive bail, who would have otherwise been at risk of refusal. This will be investigated later in the section.

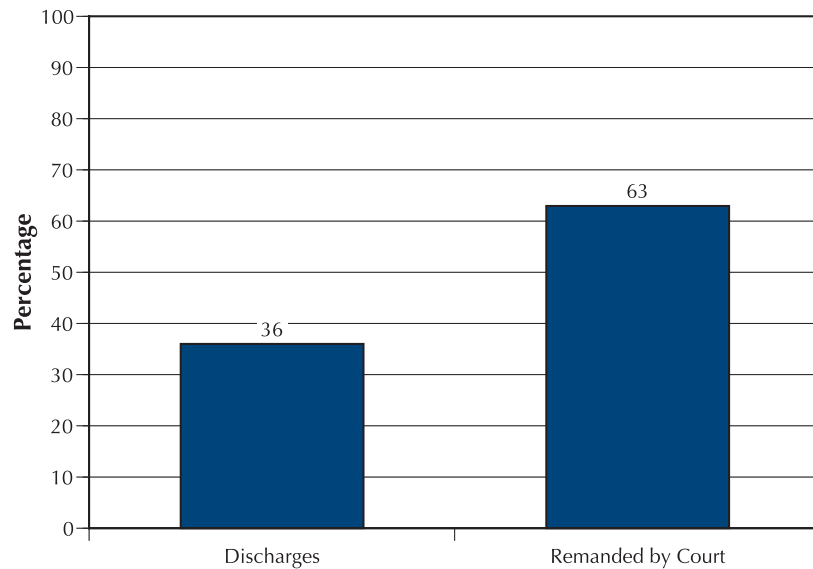
Figure 4.4 Remand to Bail Per Year



Source: NIO

Figure 4.5 indicates the proportion of PACEs that were subsequently discharged (36 per cent) during 2000-2005.

Figure 4.5 PACE to Discharge (2000 - 2005)

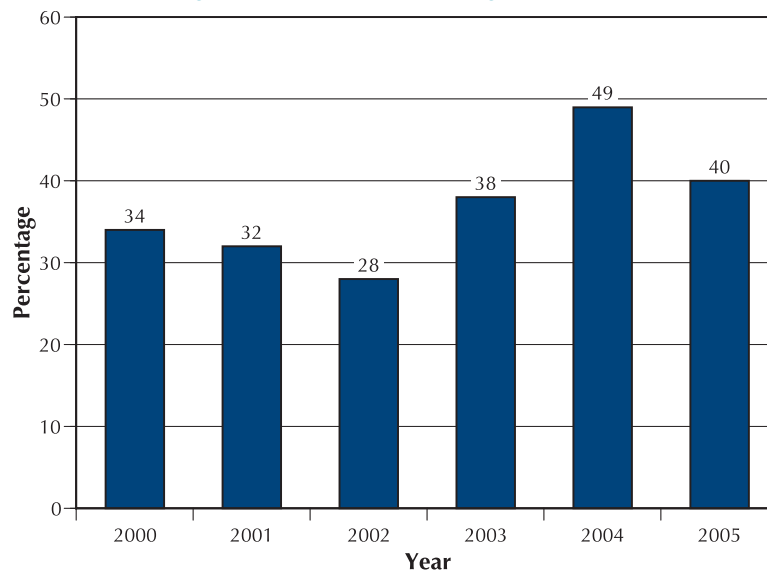


Source: NIO

Figure 4.6 illustrates the percentage of PACE discharges year on year. The proportion of discharges under PACE increased from 2002-2004, however in 2005 there was a decrease in the number of discharges.

These figures indicate the percentage of potential BSS targets that had been initially admitted to custody under PACE and have subsequently been remanded into custody by the court (i.e. 57 per cent during 2003-2005).

Figure 4.6 PACE to Discharge Per Year



Source: NIO

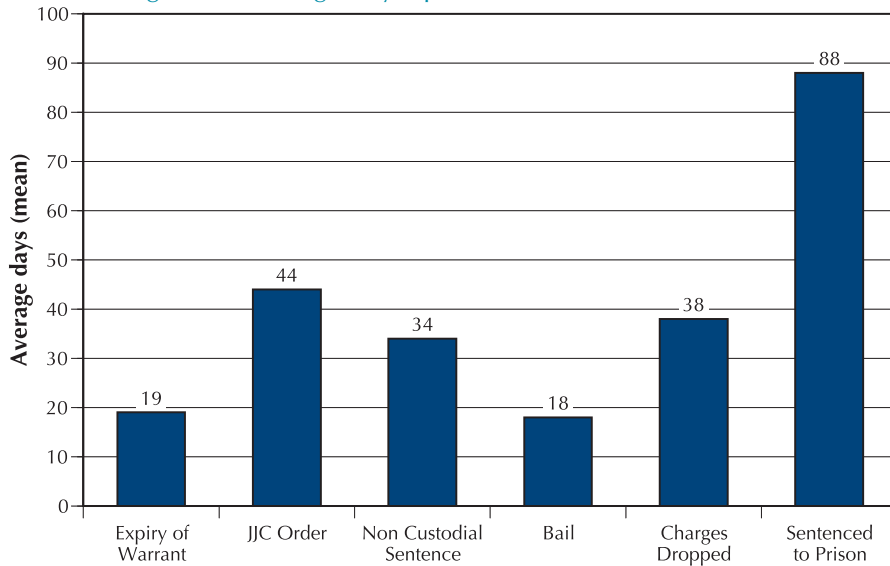
4.2.5 Time Spent on Remand

A total of 401 admissions to the Juvenile Justice Centre on remand following a PACE admission over the last six years and who were subsequently discharged, spent a combined 452 days in

custody. The average time spent in custody for this group was one day, however individual time periods ranged between 1 to 3 days.

Of the remands to custody by the courts, a total of 975 were subsequently bailed, spending a combined total of 17,365 days in custody. The average stay was 18 days, however the length of stay ranged from 1 day to 220 days (see Figure 4.7). Additionally, those who had charges dropped spent an average of 38 days in custody.

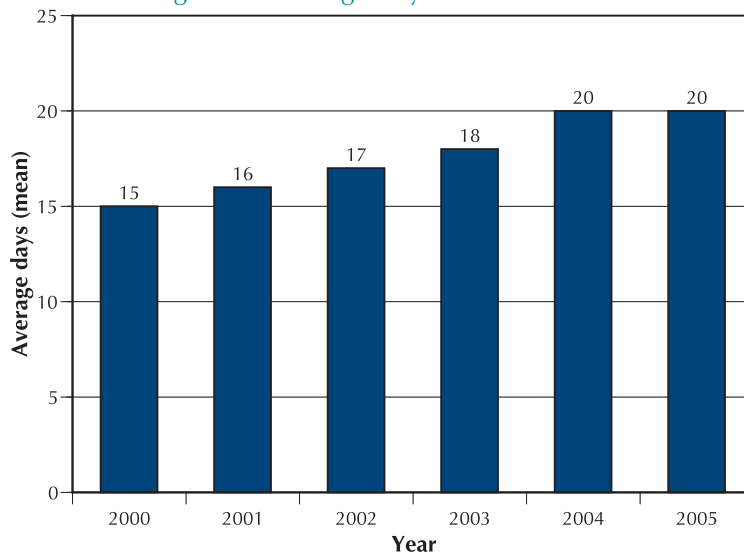
Figure 4.7 Average Days spent on Remand (2000 - 2005)



Source: NIO

Figure 4.8 indicates that there has been a slight increase in the average number of days spent on remand before receiving bail over the last six years. This is unexpected as you might expect that the introduction of the BSS scheme would have led to a reduction in the average length of time young people were spending on remand. Any effect however is confounded by the fact that we can not estimate how long the young person would have been on remand if there had not been a BSS intervention.

Figure 4.8 Average Days Remand to Bail



Source: NIO

4.3 BSS Scheme Monitoring Data

Between 01 January 2003 and 31st December 2005, the BSS team registered 423 incidences in which young people had been remanded in custody. The estimated number of Bail Assessments made by the BSS team during this time would be reflective of the total remands to custody (n 1,253).

It must be recognised that this does not equate to the overall number of young people who had been remanded in custody during this time. As discussed previously “total admissions” figures indicate all the admissions and changes in status in the Juvenile Justice Centre.

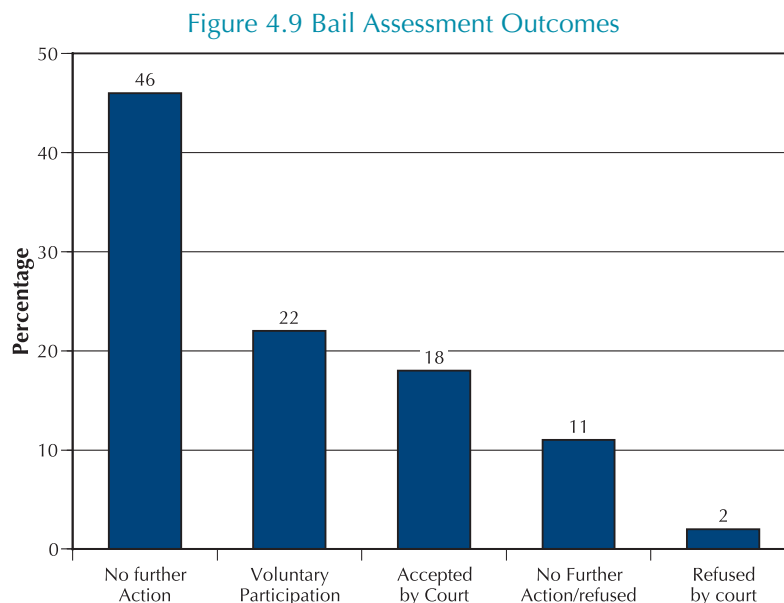
Of the 423 cases on the BSS scheme database, 225 young people are represented, indicating the extent of repeat admissions into the Juvenile Justice Centre.

Findings are presented in terms of the following:

- ◆ Bail Assessment outcomes;
- ◆ BSS as an alternative to custody;
- ◆ BSS scheme participants;
- ◆ Sub-Group differences; and
- ◆ Impact of BSS.

4.3.1 Bail Assessment Outcomes

Figure 4.9 highlights the outcomes of the Bail Assessment and court process for these cases⁷.



Source: BSS (n420)

In 196 cases (46 per cent) no further action was taken after the initial Bail Assessment was completed. The predominant reason for this was that there was no need for additional support as it was anticipated that the young person would receive bail without BSS input.

In 47 cases (11 per cent) bail support was offered to the young person but either further information suggested that it was not required, or the young person or their parent, refused participation. In a further eight cases (two per cent) the court refused to grant bail, despite BSS input.

⁷ In 3 cases only the names of the young people were inserted on the database. In the absence of outcome data, these cases are not included in the analyses.

Ninety-three cases (22 per cent) resulted in BSS referring young people to services on a voluntary basis (i.e. participation was not part a condition of bail).

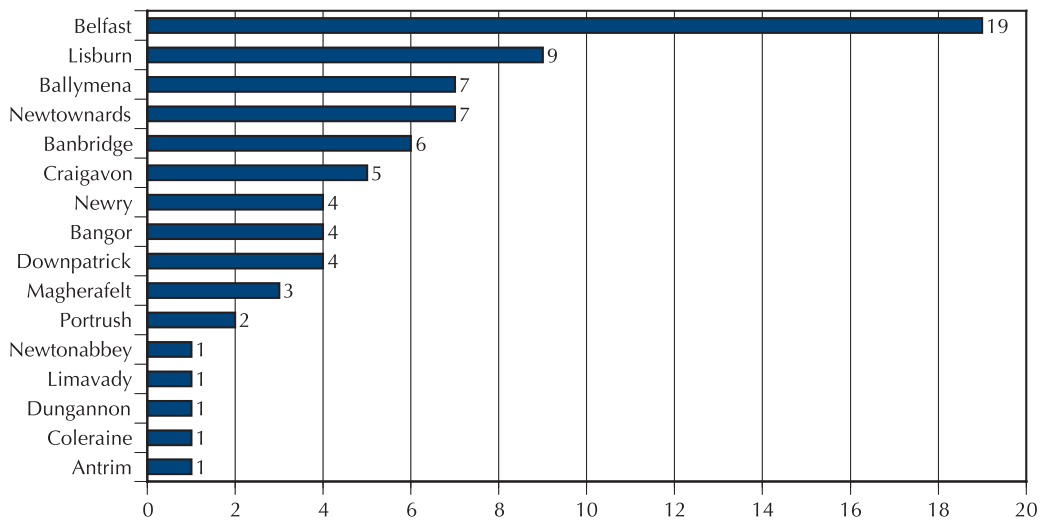
Seventy-six cases (18 per cent) resulted in BSS participation as agreed by the Court.

4.3.2 BSS as an Alternative to Custody

Overall, 98 per cent of targeted Bail Proposals made to the court were accepted (n75). This is in comparison to 69 per cent of targeted proposals in England and Wales⁸. There was no information available on the reasons why young people were rejected for a programme by the court. However, it is likely due to the serious nature of their offences (e.g. rape, attempted murder).

Figure 4.10 indicates the geographical distribution of the courts which accepted the BSS proposal as a condition of bail. The majority of cases were heard at Belfast court (25 per cent), which corresponds with the distribution of usual court activity.

Figure 4.10 Court Area



Source: BSS (n75)

4.3.3 BSS Scheme Participants

A total of 75 Bail Proposals were presented to the courts and subsequently accepted during the period under analysis. Forty-one of these proposals (54.5 per cent) linked the young person into a Community Project and other services (e.g. education) for a specified number of hours per week, Twenty-three BSS programmes (31 per cent) involved links to the Community Projects and Inside Out and eleven involved working with the Community Projects, Inside Out and Remand Fostering (14.5 per cent).

Overall, fifty-two young people participated in the BSS programme as a requirement of bail, since its introduction in 2003 until 31st December 2005. Seventeen children (33 per cent) participated in the scheme on more than one occasion (thirteen people had been on the scheme twice, three people had participated three times and one person had been on the scheme five times).

Six participants in the BSS programme were female (12 per cent) and twenty-two participants had a care background at some stage of their Juvenile Justice Centre history (42 per cent). Their previous accommodation on admission included children’s residential care units, secure accommodation and hostels.

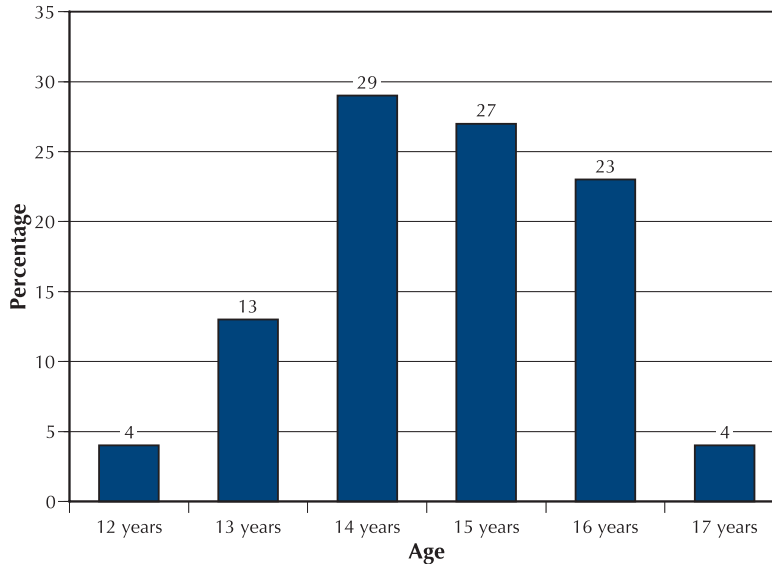
The majority of young people had been admitted on charges of theft, criminal damage, violence against the person and failure to surrender to bail.

⁸ The National Evaluation of BSS. (2005). YJB

Admissions to Custody

The majority of individuals who participated in the scheme were first admitted to custody at 14 years old (see Figure 4.11).

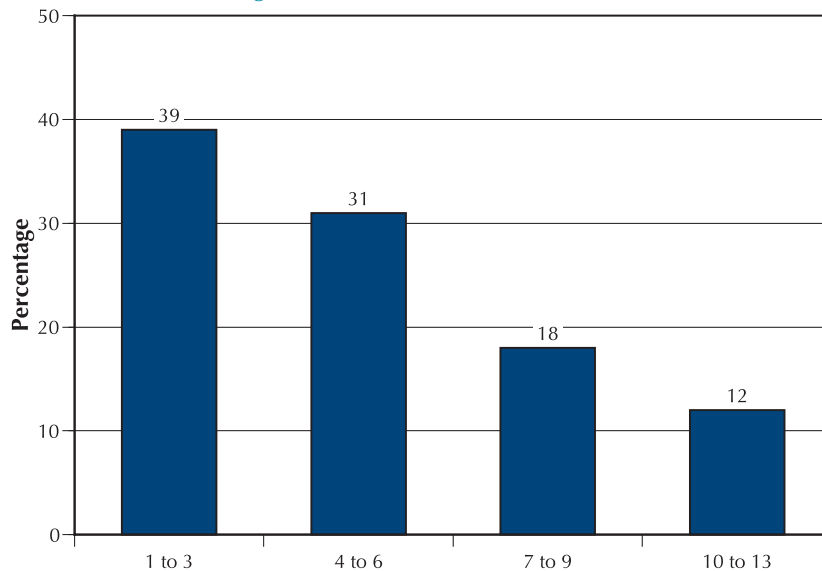
Figure 4.11 Age first admitted to JJC



Source: BSS (n52)

Young people who participated in the scheme had been admitted to custody an average of five times (up to 11 March 2005) and had spent 130 days in the Juvenile Justice Centre⁹.

Figure 4.12 Total Admissions to JJC



Source: BSS (n52)

Twenty young people had served sentences under JJCOs (37 per cent). Fifty per cent of these children had served more than one JJCO (one individual had served six). On average young people spent 70 days in custody under a JJCO, however, the time ranged from 9 days to 179 days.

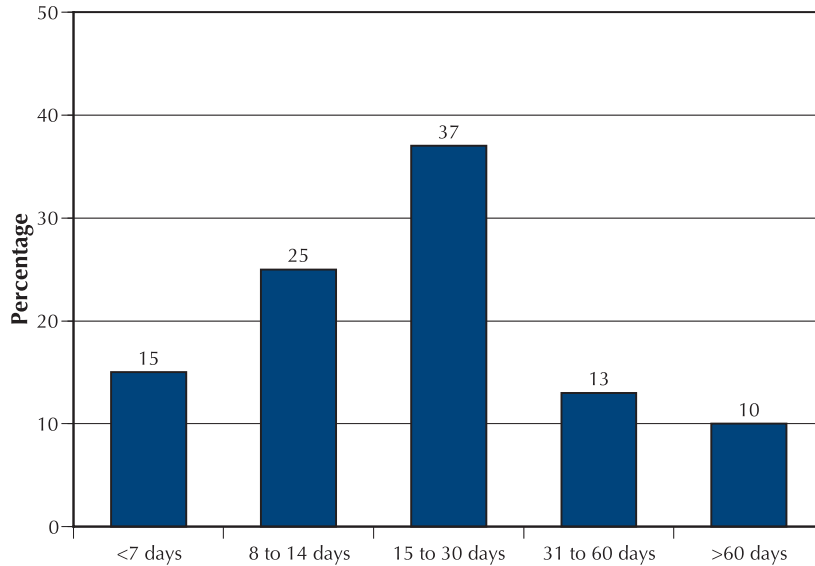
Five individuals had been remanded to the Young Offender’s Centre from the Juvenile Justice Centre.

⁹ This figure includes the completion of JJC Orders.

Total Time Spent on Remand

On average young people spent an average of 24 days on remand before obtaining bail. However, 23 per cent of the sample spent in excess of 30 days in custody before being granted bail by the court (one person spent 110 days in custody).

Figure 4.13 Number of Days Spent on Remand to Bail



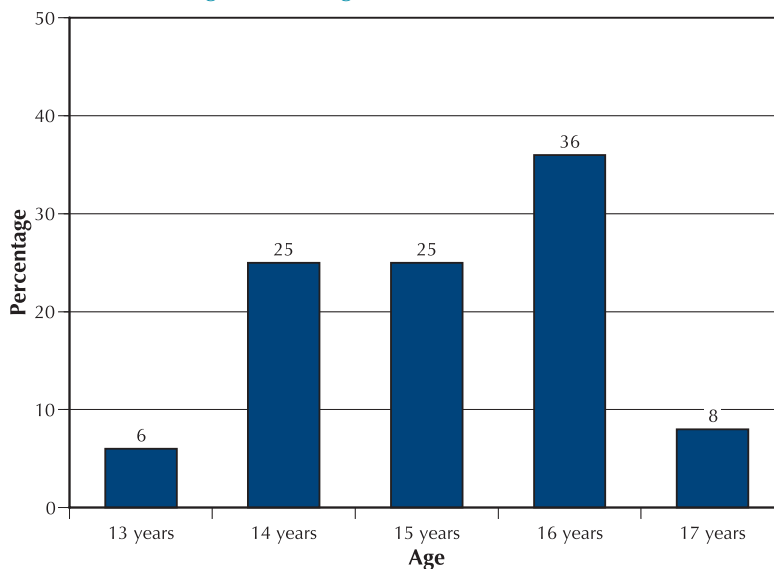
Source: BSS (n52)

This figure is slightly higher than that of the overall remand to bail population average of 19 days during 2003-2005.

On average, young people have been admitted to custody three times, prior to their first participation in the BSS scheme as a condition of bail. However, ten young people (19 per cent) were admitted to custody in excess of three times (three individuals had previously been admitted seven times).

The majority of young people were aged 16 years old on their first participation in the BSS scheme as a part of their bail agreement.

Figure 4.14 Age First Admitted to BSS



Source: BSS (n52)

Whereas many people participated in BSS less than one year after their first admission into custody, just over one third of young people participated in excess of one year of admission. However, some of these young people may have participated in the BSS programme on a voluntary basis, prior to it becoming a condition of bail.

4.3.4 Subgroup Differences

Table 4.3: Profile of Young People who have attended the Community Services Projects

BSS Scheme	Average Age	Admissions to Custody	Total Time Spent in Custody	% Served JJCO	Average Time Spent on Remand before Bail
Community Services Project	15 years	5	146 days	45%	17 days
Inside Out	15 years	4	107 days	31%	35 days
Remand Fostering	15 years	6	110 days	36%	22 days

Source: BSS/NIO

Community Projects

Twenty-nine young people attended Community Services projects as part of their BSS scheme. Two participants were female and the average age on admission to BSS was 15 years.

On average young people attending Community Services projects have been admitted to custody an average of 5 times and have spent 146 days in the Juvenile Justice Centre. Thirteen have served a JJCO (45 per cent).

They spent an average of 17 days on remand before being released on bail. Eight were admitted into custody whilst in social services care (28 per cent). The majority of offences with which they were charged are violence against the person and theft.

Inside Out

Sixteen young people participated in Inside Out over the three years¹⁰. The majority were on the scheme once, however one individual had participated in the programme four times. Three young people had attended Community services projects as part of their BSS scheme prior to becoming involved in Inside Out.

One participant was female and the average age on admission to Inside Out was 15 years, although the youngest person to be involved was 13 years. Eight young people were under social services care whilst they were admitted to custody (50 per cent).

On average individuals on Inside Out have been admitted to custody an average of 4 times and have spent 107 days in the Juvenile Justice Centre. Five young people have served a JJCO (31 per cent).

The average time spent on remand before receiving bail was 35 days. The majority of offences with which they were charged were assault, burglary and failure to surrender to bail.

Remand Fostering

Eleven young people took part in Remand Fostering, three of these were female (27 per cent). One young person had previously attended the Community Services projects four times before Remand Fostering was made a condition of bail.

¹⁰ Please note that these figures are based on the monitoring data contained within the BSS scheme database for the period 1st April 2003 - 31st December 2005. Inside Out's internal records suggest that this may not reflect the total number of Inside Out participants during this time.

The average age for admission to Remand Fostering was 15 years and on average individuals have been admitted to custody 6 times (110 days).

Four young people have served a JJCO (36 per cent). This group on average have spent 22 days on remand before obtaining bail. The main offences for which they have been charged are assault, criminal damage and failure to surrender to bail.

Nine participants had previously been admitted to custody whilst being in care (82 per cent).

4.4 The Impact of BSS

The overall impact of BSS is discussed in terms of its effects on the amount of time spent on remand, court attendance, re-offending, the seriousness of subsequent offending and long term behaviour.

Impact of BSS on Time Spent on Remand

On average young people spent an average of 32 days on remand in the period before being released onto the BSS scheme. This is significantly higher than the average period of remand during 2000-2003 (19 days). However, caution should be exercised when interpreting these figures as we are comparing individual durations on remand with overall remands. Similarly the scheme deals with young people who are unlikely to receive bail without additional support mechanisms and are therefore are the children most likely to spend longer periods on remand.

Twenty-six young people (50 per cent) were initially remanded in custody under PACE and were then remanded to custody by the court. They spent an average of 39 days in custody before being released on the BSS scheme.

Many of these children were under social services care prior to admission and historically there have been delays in finding a suitable address in cases when their original care home will not accept them back. This has a significant impact upon the delivery of the BSS Bail Proposal to court.

It is difficult to determine the impact of the BSS scheme upon the amount of time that young people spent on remand, as there is no way of knowing how long they would have remained in custody without the intervention of the scheme. However, the length of time that these young people spent in custody is disproportionate to that of the total remand population. The BSS scheme targets young people who would have difficulties in receiving bail, therefore it is likely that these are individuals who are most likely to spend longer periods of time in custody.

Impact of BSS on Court Appearances

The current analysis is unable to evaluate the impact of BSS scheme participation upon court attendance, due to the unavailability of the information. The available information suggests that there were high levels of compliance. However, it remains unknown whether or not this is representative of the total sample.

Relationship between BSS Scheme Participation and Custodial Sentencing

Twenty three young people (44 per cent) received a non-custodial sentence subsequent to the completion of their last BSS scheme. However, two individuals were aged 17 years on commencement of the scheme and therefore would have been admitted to the Young Offenders Centre rather than the Juvenile Justice Centre if they had been arrested and charged with any subsequent offence or breach of their bail conditions.

Twenty-four per cent of individuals who were referred to the Community projects received a non-custodial sentence after their last BSS scheme at the time of analysis (n10). This is in comparison with 35 per cent of those who were additionally referred to the Inside Out programme (n8) and 45 per cent who participated in Remand Fostering (n5).

Fourteen young people were sentenced to a JJCO after acceptance onto the BSS scheme (six per cent of BSS participants). On average, they were sentenced 3.25 months after being accepted onto BSS. After serving one JJCO after BSS acceptance two young people were subsequently sentenced to serve a further JJCO (one individual served an additional four JJCOs).

The main reasons that young people were admitted to Juvenile Justice Centre after commencing the scheme were “failure to surrender to bail” (24 per cent) and “breach of bail” (19 per cent).

Where offending occurred, theft, violence against the person and criminal damage were the most common charges.

Impact of BSS Schemes on the Seriousness of Subsequent Offending

The current evaluation can not make conclusions with regards to the seriousness of young people’s subsequent offending under the scheme, due to the broad nature of the offending data contained within the database. It was considered that more detail would be required in order to classify the offences according to the level of seriousness.

However, the current information does not suggest any significant effects with regards to the BSS scheme’s influence upon the level of seriousness of subsequent offending. Indeed, the types of offending tended to fluctuate over the various Juvenile Justice Centre episodes.

This is comparable with the results from the National Evaluation of BSS schemes in which the majority of young people re-offended with an offence of the same level.

Impact on Long Term Behaviour

It is difficult to estimate the effect of the BSS scheme upon participant’s long-term behaviour, due to a lack of follow-up information. BSS may have an effect upon young people’s behaviour, but this can not be known without further details on a case by case basis.

The average time spent on the BSS scheme before being admitted to the Juvenile Justice Centre was 36 days. On examining the trends in the data it was apparent that some young people would only have a matter of days between their discharges on bail and admissions.

Changes in behaviour are very difficult to measure and the short periods of time which some young people spend on the scheme are unlikely to impact upon long-term behaviour change.

4.5 Summary

Over the last three years the number of admissions of young people into custody has fallen.

There has been an increased likelihood that young people on remand will be released on bail (80 per cent of discharges in 2005). In 2005 these children spent an average of 20 days in custody and this duration has increased by five days compared to six years ago.

The BSS scheme has a high success rate (98 per cent) with regards to the acceptance of Bail Proposals at court. However, there are certain court areas with higher acceptance rates than others. This may be reflective of the rate of activity in these court areas (e.g. Belfast). The current analysis is unable to determine whether or not there is a proportionate over, or under, representation of the BSS scheme at some courts. This is due to the fact that the Juvenile Justice Centre registers the location of the court from which the young person is remanded to custody on hard copy and this information is not currently held on the NIO database.

The data suggests that the young people participating in the BSS scheme are broadly reflective of the Juvenile Justice Centre population in terms of the offences with which they are charged. However, the time spent on remand until receiving bail under the BSS scheme is comparatively high at 39 days.

The data indicates that only six per cent of BSS participants went on to receive a custodial sentence. This is a very small proportion of young people and illustrates the fact that the Courts tend to incorporate BSS conditions into bail, in cases which ultimately receive a non-custodial sentence.

However, it is difficult to gauge the impact of the BSS scheme in terms of the statistical evidence for a number of reasons. Firstly, it is difficult to say whether or not a young person would have failed to receive bail if the BSS had not been in place.

Secondly, in terms of the scheme's impact upon subsequent re-offending, one can not comment upon the frequency or level of offending which may have taken place if the young person had not participated in the scheme.

Thirdly, it is difficult to categorise juvenile offending into levels of seriousness due to the fact that the majority of crimes fall into one of three categories (violence against the person, theft and criminal damage). The data did not indicate any clear offending pattern prior to the BSS nor subsequently.

Furthermore, there was no opportunity to evaluate the effectiveness of the scheme upon compliance with court appearances due to incomplete data. However, anecdotal evidence suggests that the attendance rate is high.

The background of the page is a faded, light blue image of an office. In the foreground, a man is seated at a desk, looking towards the right. He has his hands clasped. On his desk are several papers, a spiral notebook, and a telephone. In the background, another person is visible at a desk, and there are windows with blinds. The overall scene is professional and busy.

Chapter 5

Interviews With Young People and Parents/Carers

5.1 Introduction

In order to assess the overall effectiveness of the BSS scheme for service users, twenty interviews were undertaken with young people who have participated in the scheme. Interviews were also undertaken with the parents of young people who have been on the scheme. Deloitte made contact with individuals through the Community Services projects and undertook one to one in depth interviews which solicited views on the range and quality of services currently provided as part of the BSS scheme. The responses from these interviews have been analysed to identify the strengths and weaknesses of the scheme from the perspective of the direct beneficiaries. A copy of the structured questionnaires used with young people and the parent discussion guides can be found in Appendix 1 and Appendix 2.

5.2 Young People Consultation

5.2.1 Sample Profile

The BSS team provided a total of 72 young people (56 past participants and 16 current participants) as potential consultees for this phase of the evaluation. In total 20 young people were traced and indicated a willingness to participate in the research (28 per cent response rate). Subsequent interviews were then conducted with each of these young people. Thirteen young people declined to be interviewed and 39 young people could not be contacted despite the best efforts of the Community Services projects acting on our behalf.

A profile of the young people with whom interviews were conducted is provided below:

- ◆ the majority of those interviewed were male (80 per cent);
- ◆ forty-five per cent were aged between 13-15 years old and 55 per cent were aged between 16-17 years old;
- ◆ half of the young people interviewed had been in a care setting prior to being remanded in custody. Thirty per cent had been living at home with their parents and 20 per cent had been living with relatives;
- ◆ forty per cent of the interviewees had been out of mainstream education for up to one year, 20 per cent between 1-2 years and 30 per cent for more than two years;
- ◆ on average, young people had previously been in custody on two occasions;
- ◆ fifty-five per cent had been/were currently participating in the BSS scheme, 35 per cent had been on Inside Out and only two had experienced a Remand Fostering placement; and
- ◆ the offences with which young people had been charged varied greatly and ranged from petty crimes such as theft, criminal damage to more serious crimes such as attempted murder and grievous bodily harm with intent to kill.

The young people interviewed exhibited offending histories which were broadly representative of the wider BSS population.

5.2.2 Findings

Initial Meeting with BSS Team and Applying for Bail

Many of the young people remembered their initial meeting with the BSS team. They stated that they were advised about applying for bail and the role of the BSS programme and the majority rated the support given at this stage as “average”. Most of the young people appeared unsure when this initial contact was made. The young people were appreciative of the advice provided by the BSS team but they did not feel that the BSS team influenced their decision to apply for bail, as most stated that they would have applied for bail anyway. The main reason being, that they did not want to stay in the Juvenile Justice Centre. Many of the respondents thought that detention in the Juvenile Justice Centre was “easy”, but the lack of freedom, curfew restrictions and not being with their friends were the main reasons for wanting bail.

Bail Conditions

Many young people interviewed believed that their bail conditions were too strict and cited this as a reason for many people breaching bail conditions. Some young people felt that the conditions were so strict that they “just couldn’t stick to them”. As well as attending the BSS scheme many of the young people were also given other bail conditions including curfews, restrictions on entering specific areas and restrictions on associating with some of their peers. In some cases restrictions were also put on the individual such that they were not to consume alcohol and/or drugs.

Contact with BSS

The level of contact between the respondents and the BSS scheme varied depending upon the individual BSS programme. For example, the intensive bail support scheme delivered through Inside Out could mean contact accumulating to up to 25 hours a week. The maximum number of hours per week allocated to BSS was approximately 12 and this was considered appropriate. Young people on Remand Fostering had a large proportion of their time consumed by the different services offered. On average they spent between 1-3 hours a week at the Community Services project.

Many young people had involvement with a number of professionals in relation to their cases (e.g. probation, social workers, Inside Out project workers, project workers) and there was some confusion as to the various individuals’ roles. Similarly, the young people voiced their frustrations that different agencies appeared to be doing similar types of work. Young people stated that they felt that they did not have any time to themselves as a result of attending various professional appointments.

Perceived Impact of BSS Scheme

Some young people believed that they would not have been able to get bail without the help of the BSS team whilst others, generally on remand for less serious charges, felt that they would have received bail anyway. Even in these cases respondents still believed the intervention by the BSS team had been invaluable as it gave them additional support “made the judge easier [on me] when it came to bail conditions.”

Most young people stated that attending the BSS scheme meant that they were more inclined to avoid getting into trouble.

Offending on Bail

Most of the young people were unsure why people on bail re-offend. Generally respondents thought it happened “just for the sake of it” or “because there’s nothing else to do besides have fun and get into trouble”. Young people suggested that participating in diversionary activities would help reduce re-offending on bail. Many Inside Out scheme participants stated that when their time was taken up with their project worker they were less bored and therefore less likely to get into trouble.

Attending Court Appearances

Consultees stated that they had all attended their court dates, apart from missing the odd appearance due to illness. The reason for attending court was the fear of getting into more trouble and receiving a bench warrant.

Young people thought that some individuals did not attend their court appearances out of fear or because they “can’t be bothered” or “just don’t care.”

“Sometimes people are afraid of getting sent down and so avoid going to court. Maybe if they knew more about the sentence they might get they wouldn’t be as afraid and might go to court when they are supposed to.”

Perception of Juvenile Justice Centre

Almost 90 per cent of respondents did not view the threat of custody within the Juvenile Justice Centre as being a deterrent to re-offending. Some young people said they felt safer inside the

Juvenile Justice Centre than outside and others just felt that staying at the Juvenile Justice Centre was “good craic” and did not mind staying there. They believed that the environment was “easy and relaxed and where the staff are nice.”

The downsides to the Juvenile Justice Centre were not being able to smoke cigarettes and not being able to leave when they want. Therefore the importance of obtaining bail meant that they have the freedom to see their friends and family again, rather than due to a disliking of the Juvenile Justice Centre.

Rating of BSS Scheme

The activities offered by the Community Services projects appear to vary according to location. Some projects offered hands-on activities such as woodwork, whilst others adopted a more counselling type role. The young people stated that greater consistency was perhaps needed in order for all the projects to offer the same services. However, there is a difficulty in providing consistency and balancing the individual needs of the young people involved.

A variety of assistance was provided through the projects and BSS including court reminders, parental support and support for the young person. These aspects were deemed to be ‘very good’ in most cases so far whilst the overall BSS scheme received an ‘average’ rating in most cases.

Rating of Inside Out Scheme

Inside Out was given an ‘excellent’ rating by all of the young people involved with the scheme. The main success of Inside Out was felt to be the people and staff involved.

“They do everything they can for you, they really go out of their way to help more sometimes than your family and friends do”.

“They treat you like a normal person and don’t look down on you like other people do because you have been in trouble”.

There was only one criticism made relating to the Inside Out scheme and this was that the time spent between the young person and the project worker was sometimes too intense. The reason for this may be that the logistics between the residence of the project worker and the young person can sometimes necessitate spending their allocated hours in a couple of longer weekly sessions.

Rating of Remand Fostering Scheme

Two young people had been involved with the Remand Fostering programme and both spoke very positively about their experience.

“The foster parent was really nice and genuinely cared about helping me but at the same time had rules I had to stick to.”

The young people stated that the fostering experience was positive and that they would like to do it again as it provided them with a family surrounding and continued support.

Overall Satisfaction

Overall satisfaction with the BSS scheme has been ‘good’ or ‘excellent’ and the young people spoke very highly of the individuals involved with these schemes.

5.3 Parent Consultation

5.3.1 Sample Profile

Ten parents of BSS scheme participants participated in this consultation exercise. Despite the small number of responses from parents a wide geographical area across Northern Ireland was covered.

5.3.2 Findings

Perception of the Criminal Justice System

Parents believed that the youth court system was inconsistent and lacked credibility. They stated that the magistrates often gave young people warnings like “If I see you before me again...” but the next time they appeared in court the same warnings were given and therefore the young people did not take them seriously.

“I feel demoralised by this because ultimately it is detrimental to the kids who just continued offending.”

Bail Conditions

When young people were remanded to custody and sought bail, parents quite often thought that bail conditions were too strict and that Magistrates knew they would lead to a breach. The parents also noted that they ‘felt powerless’ in preventing their children from breaching the bail conditions imposed on them. Some parents commented that they did not want to provide their signatures for their children’s bail application as they felt the risk of breaking the bail conditions was high due to the restrictions imposed by Magistrates.

Perception of BSS Programme

Respondents were unanimous in their support for the programme. They were appreciative of the support both given to the child and the wider family. Some parents felt that there was a danger that the young person’s behaviour could be seen as being rewarded by other children, given that quite often the young people are taken out for trips to the cinema by the Inside Out project workers. This is something that the parents would discourage and rather they have stated that more practical activities that would help young people obtain employment would be more useful. The parents of those young people who had participated in the Inside Out programme noted the 24 hour point of contact as a valuable source of support to them and their families.

“It gives you somewhere else to turn to for help. They are available outside normal working hours which are when you usually need them most.”

Offending on Bail

Most of the parents consulted identified gaps in the provision of activities for young people, as being the main contributing factor in becoming initially involved in criminal activity and in offending while on bail.

“There is nothing for teenagers to do in the evening so they hang around on the streets and get into trouble. They are too old for youth clubs and parents cannot afford to give them money for other activities like the cinema.”

Some parents also stated that young people who have been remanded in custody for less serious crimes can often become friends with, or end up associating with, other young people who have committed more serious crimes. Parents believed that this exposure to ‘more serious offenders’ made young people more likely to commit further offences while on bail. Parents stated that they would recommend a “staged” detention system which reflected the nature of offences for which young people were charged and placed in custody.

Perception of the Juvenile Justice Centre

The majority of parents consulted did not believe that the threat of custody within the Juvenile Justice Centre was a deterrent to re-offending. Despite this, the importance of having a Juvenile Justice Centre was recognised by the parents.

“There needs to be something in place to teach kids to accept responsibility for the crimes they commit and detention in the likes of the JJC is one way of doing this. The problem is that the kids are well looked after within the JJC and have no real responsibilities. This often means that they do not mind having to stay there.”

Overall Satisfaction

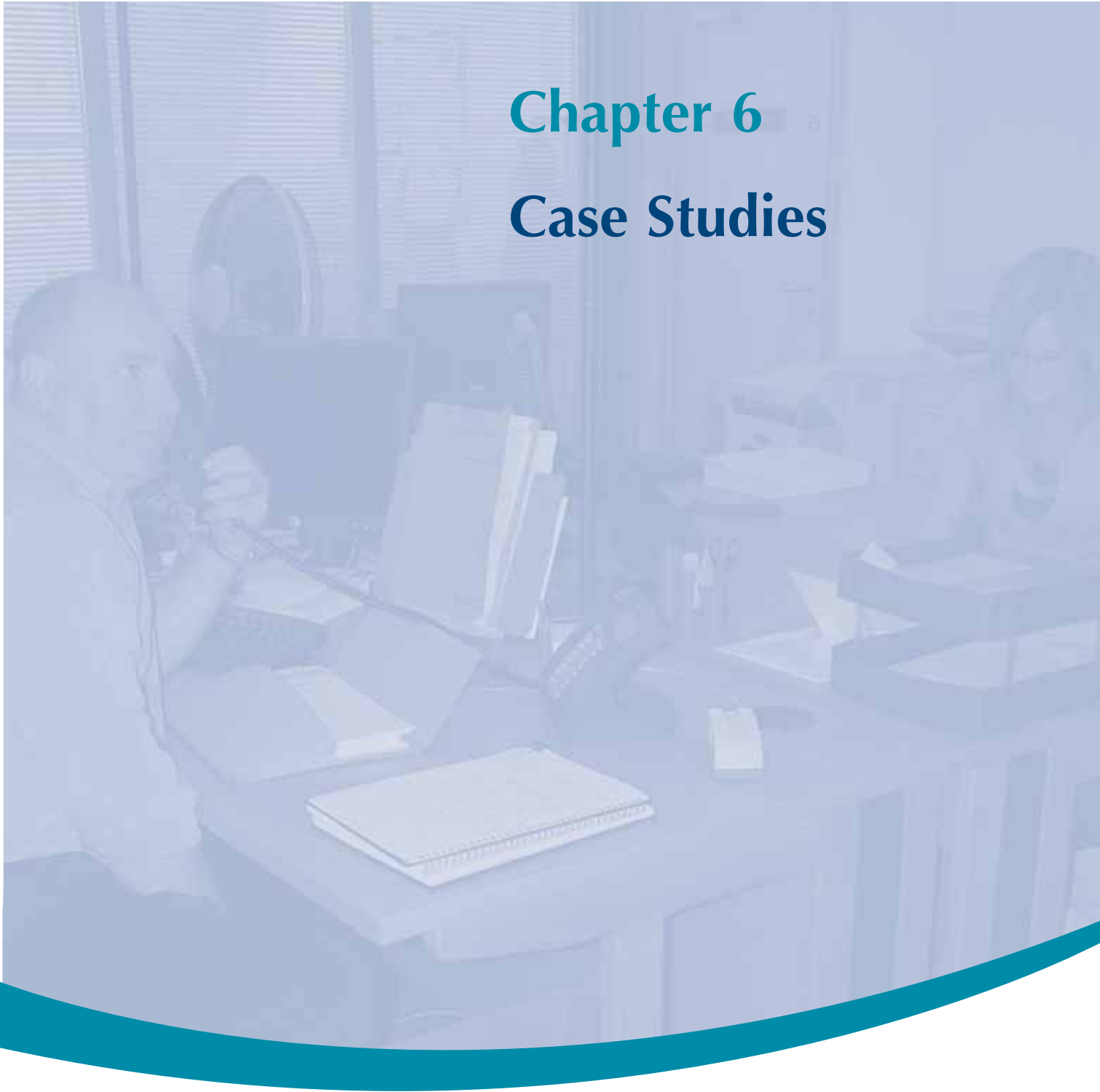
Overall levels of satisfaction with the BSS scheme were ‘excellent’. Parents highlighted that it was the people involved with the BSS scheme that were responsible for its success.

5.4 Summary

Overall satisfaction levels amongst the participants in the BSS scheme were high although the impact of BSS on the bail decision was inconclusive. All of the young people interviewed noted some form of benefit and believed that they were less likely to re-offend as a result. The most positive attribute of the scheme was thought to be the dedicated and caring staff including project workers and foster carers. Parents were also highly satisfied with the programme.

The support offered to the wider family and the 24 hour point of contact offered through Inside Out was thought to be unique as other statutory services could not devote this level of resource and support to young people and their families.

Despite this high level of satisfaction consultees identified areas with potential for improvements to the service delivery. These include more consistency with regard to the services provided with the Community Services projects and that more practical assistance could be provided through skills development for participants. Other points raised related to the wider Criminal Justice System in that there was a lack of confidence in the courts’ ability to deal with offending behaviour effectively and the setting of bail conditions by Magistrates which were believed to be too strict.



Chapter 6

Case Studies

6.1 Introduction

In order to gain an understanding of the individual histories of young people who had been involved in the BSS scheme, case studies were undertaken with three previous participants.

It is not intended that these case studies should be representative of the BSS client base, rather it is hoped that they will provide an insight into the lives of three young people at a specific point in time.

All names have been changed in order to protect identities.

6.2 Case Study 1

Background

Steven was 15 years old when he first came into contact with the BSS scheme in June 2005. He had been living at a children's home in Dungannon where he had assaulted staff and caused damage to furniture. He had been admitted to the Juvenile Justice Centre and had no accommodation as the residential home would not allow him back due to the disruption caused. Steven's father died in 2000 and his mother is living in Dungannon with her partner. Steven's destructive behaviour has caused tension within the family to the extent that relationships are often volatile and strained.

Steven's BSS programme lasted for nine weeks and his support package involved a Remand Fostering placement, intensive bail support for 10 hours per week and weekly sessions at Armagh Adolescent Partnership Community Services project.

Currently Steven lives in a residential care home and attends the Armagh Adolescent Partnership for 2 hours per week. He has not been admitted to the Juvenile Justice Centre since his participation in the BSS scheme.

Interviews took place with Steven, his Social Worker, the Armagh Project Key Worker, his Inside Out Project Worker and his Remand Foster Carer.

Steven

Steven speaks negatively about being in custody. He describes how he joked with the policemen on the way to the Juvenile Justice Centre but then when he arrived at the gates and saw them shutting behind him, he realised how serious the situation was.

Steven wanted to apply for bail as he did not want to stay in custody. He remembered meeting with the BSS staff and thought they were supportive and that they had helped him "get out of Rathgael." He stated that the BSS staff had clearly explained about bail and bail support in advance of his agreement to participate and does not think he would have received bail without their input. He rated the help that he received from BSS as "very good."

Steven had various conditions attached to his bail. These included no alcohol/substance misuse, a 10pm - 7am curfew, he had to attend at the Armagh Adolescent Partnership, anger management, avoiding his previous children's home and to participate in a youth conference. His bail conditions also stated that he was to participate in Remand Fostering in Armagh and in Inside Out. Steven thought that his bail conditions were fair and was appreciative that his curfew had been set at 10pm rather than any earlier. He also attended Education Other Than at School (EOTAS) for 20 hours a week.

Steven settled in with the Remand Foster family immediately and believed they were like a second family.

“At first I was scared as I didn’t know what the family would be like, but it was great. I got pocket money and me and [family’s son] would play pool and football. Just like a real family would do.”

Steven said that his mother was also supportive of the foster placement as it meant that he was no longer in the children’s home and their relationship improved during the time he spent there. The foster carer encouraged contact between mother and son.

Steven currently attends the Armagh project once a week on a voluntary basis and really values the time that he spends with the staff there. He has been involved in woodworking and states that he would like to have a career in joinery. He believes that the staff provided him with support and advice and that he has built up a good relationship with them. He rated the project as very good due to the kindness of the staff and the activities that he participates in.

Steven believes that the threat of being admitted to custody would prevent young people from offending on bail, in addition to letting down parents or carers. In terms of encouraging people to keep their court dates, Steven thought that having access to transport, being reminded by parents/carers and the threat of custody would help young people attend court.

Overall he was very satisfied with the BSS scheme and would recommend it to other people who may have difficulties in getting bail.

“It helped me get back on track and if I could have stayed there [in foster home] I would.”

Social Worker

Steven’s Social Worker was unable to discuss Steven’s case in detail but stated that the BSS scheme and in particular the foster placement was the most positive element in Steven’s life for a long time. It had provided him with stability and routine and had connected him to the supports that he had required. Steven had previously been bullied by other children in the residential care home and had not adjusted to the placement.

“I can’t praise it highly enough. It really made a difference to him in the short while he was on it.”

He believed that children from a care background are at a disadvantage in terms of obtaining bail. This is due to the fact that many admissions to custody are a result of incidents at the young person’s residential home and therefore staff can be reluctant to allow them to return.

Key Worker

Steven’s key worker in Armagh Adolescent Partnership has known him for a period of 18 months as he had been attending the project voluntarily prior to it becoming a condition of bail. This is a longer period of time than usual, but staff had extended his referrals as he wished to continue to visit. However, his key worker was concerned that he had become increasingly dependent upon the project. They were worried about terminating the programme as they knew that Steven was predisposed to depression and that his relationship with his mother was currently unstable. His key worker spoke of the dramatic difference in Steven’s self esteem and manner when he was living at the foster placement:

“He was like a totally different person. He was happy, there were few stresses. You could have measured it in terms of his presentation. He was tidier, even a better colour and he was definitely better in himself. The only problem is that it all came to an end.”

The key worker thought that initial communication between BSS staff and project had not been very good. They thought that there was not a high degree of subsequent contact by the scheme staff and that at times unrealistic contact hours are agreed in court.

Inside Out Project Worker

The Inside Out project worker believed that Steven's BSS experience had been one of the best through the system. He spent 10 hours a week with Steven over the duration of his placement. Steven had experienced depression after his father's death and had been self-injuring and threatening to kill himself. Initially he had not wanted to speak to anyone about his feelings but gradually he opened up to the project worker and his foster carer as the relationships became established.

Steven's relationship with his mother was problematic. However, his foster carer and the project worker worked together on developing trust between mother and son and began to take Steven to his father's grave on a regular basis.

The Inside Out project worker helped to initiate a tutor and Steven appeared to take interest in his education during the placement. He underwent the Youth Conference with his previous care home and appeared to be well on the way to recovery.

"He's a big loveable fella but he needs led. He's very immature. All he wanted was to have someone to care about him."

The Advocate stated that there had been a change in Steven after his last Looked After Children (LAC) review under BSS, when he realised that he would not be able to return to his foster placement after bail was lifted at his next court date. Steven did not understand why he could not return to his foster placement after his bail was lifted and therefore did not look forward to his court date.

"I know he thinks that he'll be back with [foster carer] again if he re-offends. But he doesn't understand, he's nearly 17...It'll be the YOC."

There was a feeling that Steven had left the scheme too early and that the supports were not in place to carry him through the transition back into the community.

"I spent 10 hours a week with Steven and then that was it. Bye. We had got him to a stage that no one else had. He probably thinks I've just left him and that's it finished with. I'd have preferred to have seen it further down the line."

Foster Carer

Steven's foster carer spoke fondly of his time with her, but it was not without its difficulties. His foster carer thought that it was important to take Steven clothes shopping when he first came to live with her.

"These kids have nothing. Steven got an outfit for court that would do him again for interviews and jeans and boots. Everyone commented on how well he looked and he really felt great. He was here for two days and you'd have thought he'd lived here all his life."

During his placement, Steven had been put on suicide watch as a result of his self harm episodes and his admissions that he did not want to live anymore. His foster carer believed that she had received excellent support during this time, particularly from Inside Out. She had a close working relationship with the Inside Out project worker and praised the service for its flexibility and the dedication of the staff.

The foster carer believed that the timing of the court date and departure from the placement did not leave time for preparing Steven's transition to independence. She believed that there should have been more time spent on planning how the scheme would scale down their services once the outcome of the court appearance was reached.

"The outcome of the LAC review was a big shock for him. He heard he had to leave here and go back to the children's home. He was losing Inside Out, here and all the wee jobs he had earned pocket money from."

After Steven left, his placement was empty for eight weeks and his foster carer felt that this was a waste of resource, as it would have been more beneficial to have had Steven there for a period after his court appearance.

"Steven just needs a family. He'll still reverse the charges and call me regularly. He just wants to come in and sit down at the table with everyone else."

6.3 Case Study 2

Background

Sarah was 15 years old when she first came into contact with the BSS scheme in September 2005, whilst on remand for arson at the residential care home where she was living. Sarah's parents separated when she was four years old and she has no contact with her father. Sarah's mother lives in Glengormley with her youngest child and Sarah's older sister lives nearby. Relationships between Sarah and her mother have been strained and during her custodial placement Sarah refused visits from her mother and younger sister.

Sarah has experienced a difficult and unsettling upbringing, having been excluded from the family home on numerous occasions. Sarah had been living at a children's home in Ballymena during March-June 2005 before being placed in custody for the first time, also due to an arson attack. There were concerns regarding Sarah's peer group in Ballymena as there were frequent episodes of alcohol, solvent and substance misuse. During her care placements Sarah has inflicted superficial cuts to both arms and has two episodes of overdosing on Ventolin. The most recent episode in custody necessitated hospitalisation. This has been assessed as "attention seeking behaviour" by psychologists.

Sarah's BSS programme lasted for seven weeks and her support package involved a Remand Foster placement, intensive bail support for 15 hours per week and 4 weekly sessions at Craighann Community Services Project.

At the time of writing Sarah was in custody, due to absconding and breaking her bail conditions whilst on the BSS. She was due to spend some time with her mother before moving to Linden Services.

Interviews took place with Sarah, her social worker, her mother, her key workers at Craighann, the Inside Out project worker and her foster carer.

Sarah

Sarah could not remember her first meeting with the BSS team when she was last in custody. She thought that someone did explain bail and bail support to her but could not remember when this had taken place, or with whom. Sarah applied for bail as she did not want to stay in custody and did not think that she would have received bail without BSS support. She believed that the BSS had tried everything to ensure that her bail proposal was accepted and rated the service as "very good".

Sarah's bail conditions were to abide by the rules of the foster placement, a 9pm-7am curfew, not to enter Ballymena and to refrain from using alcohol, controlled substances and solvents. She thought these conditions were fair as she believed that the curfew could have been worse. She stated that she would rather be on bail than in custody due to the restrictions on her freedom and the fact that she was not allowed to smoke in the unit.

Sarah stated that she had most contact with her foster carer and Inside Out project worker as a result of the scheme. They helped ensure that she kept her court dates, assisted her to obtain educational support and provided advice and support. She thought that they provided her with the right amount of support and was happy with the degree of assistance that she received. She was particularly positive about her experiences within the Remand Fostering placement.

"I loved it. I got on really well with all the grandchildren. It was a real family atmosphere. You just did your bit to help and kept your room tidy. She [foster carer] was really understanding."

Sarah also enjoyed her time at Craighann project. She liked her key worker and her tutor. She understood that she was not able to do her GCSEs this year but wished that she could have attended school regularly. She stated that she wanted to attend a Further Education College next year, perhaps doing childcare.

Sarah thought that a range of factors would discourage young people from offending whilst on bail. These included supervision, being away from certain people and places, doing activities, having support, fear of going into custody and the feeling of letting your parents/carers down.

She thought that being on Inside Out had stopped her from re-offending and believed that the scheme had also helped her keep her court dates. She enjoyed the visits from the Inside Out project worker as he was "easy to get on with" and took her for lunch and on days out.

Sarah said that overall she was very satisfied with the BSS scheme.

"Its just knowing that there's someone there for you every day. You can just talk about anything and they'll listen to you."

She said that her absconding had been an impulse reaction and that she did not think of the consequences at the time.

"I just wanted to go mad. I realised after it was done that I'd been stupid, but it's done now."

Social Worker

Sarah's social worker has known her family since 1988. She thought that Sarah could be very difficult to work with at times, being very closed and non communicative. Since she was around 14 years old she had been involved in petty crime, such as shop-lifting but her offending behaviour had escalated when she went into residential care.

Her social worker thought that the BSS scheme had been excellent for Sarah as she had needed high level support from a range of different services. The BSS team were thought to be very professional and well co-ordinated in their approach. She thought that Sarah had settled well into her foster placement and it was beneficial that she was no longer in contact with her previous peer group. The fostering element was thought to have been essential for Sarah's circumstances, due to the fact that she required highly individualised attention. Her social worker thought that Sarah's absconding was no reflection on the BSS services, but rather reflects the uncertainty of dealing with these troubled young people.

Key Workers

Her key worker and tutor at Craighann thought that Sarah had been very easy to work with. She was a very capable pupil and they both felt that she was losing out on her education due to the fact that there had been difficulties in establishing responsibility for service provision. Her GCSEs had been interrupted by her custodial sentence and her movement from Belfast to Ballymena and her coursework had been lost between two different schools.

Her key workers believed that “education was her route to freedom” and that the BSS scheme had helped to support her with this. Sarah had been working towards an AQA Award and when she left she had three modules finished and just one more to complete. Sarah had been unable to link into EOTAS as planned, despite the fact that she had been keen to participate.

Sarah had enjoyed the one to one attention and liked doing cookery at the project. Indeed, when she left they had just completed baking and icing a Christmas cake. They were very disappointed that she had been admitted into custody as they felt that she was making progress and they had not had a chance to wish her well.

“I would like to see her again. Just to give it a proper ending and do something special for her at the end.”

The project staff thought that it was sometimes difficult to ask about matters outside of Craighann as they did not know her case history. However as time went on and the relationships became established she began to open up more.

“It’s hard because we didn’t know the background to the referral, but you couldn’t ignore some of the things that she was saying and we did chat. It must be so difficult to continually move on, to relate to another new person. Not to know “Who is my person? Who is looking after me?””

The project staff thought that the foster placement had been very valuable to Sarah at the time.

“It must have been so intense, so many hours in the house but [foster carer] is very patient and really listens to the young person. She is very easy to work with from our point of view, very flexible and mature.”

They thought that the return to custody had been harsh in the circumstances.

“You have to realise that kids sometimes flee rather than negotiate. There needs to be flexibility in the system.”

Mother

Sarah’s mother spoke of the difficulties with their relationship as Sarah was growing up. Her mother was frightened of Sarah’s violent outbursts and thought that her behaviour had gradually worsened over the years.

She thought that the foster placement had brought about a change in Sarah’s personality and had remarked how she had been made to feel very welcome by the foster carer when she visited.

“She really liked it there. She was able to look after [foster carer’s] grandkids and she was a good help around the house.”

Her mother thought that Sarah had established a good friendship with her Inside Out project worker, despite the fact that he had told her that Sarah was sometimes distant during the outings.

Her mother did not think that the BSS staff could have prevented her from leaving, due to the fact that the circumstances had been unplanned. Her mother had been shocked when she heard of her departure as Sarah had stayed overnight and had spoken about her excitement at spending Christmas in the foster placement. Sarah's mother had been informed of her arrest by the foster carer and thought that someone from BSS should have related the full details to her.

"They've all been great at supporting her but it would have been nice to know more about things. Just what she's doing and how she's getting on without breaking any confidence."

Inside Out Project Worker

The Inside Out project worker initially began to build up a friendship with Sarah over the first few weeks. They would often go for coffee, shopping and take day trips and appeared to get on well together. However, the project worker did think that it would have been easier to build a relationship if she had been placed with a female, rather than a male team member.

"It was open and relaxed. We didn't really get into any deep conversations, but I knew quite a bit about her family circumstances and other stuff."

Sarah did not want to return to custody and never missed any of her appointments. He believed that she valued the chance that she had been given and appreciated living within a foster care environment.

The day before she absconded, Sarah had appeared very distant and her attitude had been different towards the project worker. She had self harmed the previous day at her foster placement.

"It's frustrating. They have lapses and then it's back to square one. We do make a difference, but you have to remember they are high risk clients."

Foster Carer

Sarah's foster carer believed that she had needed almost constant attention. She was quite depressed at times and would often need to talk things through with her foster carer. It was often a relief for her carer when Sarah attended the sessions at Craighann. She felt that her job would have been easier if Sarah had been in full time education as it would have provided Sarah with her desired schooling and provided the foster carer with some respite.

Her mother, her partner and Sarah's younger sister had visited her early in the placement and they were really pleased with how well she had settled in.

"She rang and thanked me afterwards as she couldn't believe how well it had went."

Sarah had welcomed the opportunity to look after the foster carer's young grandchildren and it was felt that she would be suited to employment within the childcare sector. However there were concerns over the fact that this may be unrealistic due to her offending behaviour.

She thought that her Inside Out project worker was very supportive, both to herself and to Sarah but that it was often difficult to encourage Sarah to undertake suggested activities. She would often become withdrawn and it was sometimes hard to relate to her during these times.

Sarah had rang her foster carer a few times whilst she had been in custody.

"She said that she was sorry for what she had done and that she misses us all...especially the baby [youngest grandchild]."

6.4 Case Study 3

Background

James was 14 years old when he first came in contact with the BSS scheme in October 2004. He had been resident in the Lakewood Centre following several breakdowns in foster placements and has been under a Social Services Full Care Order since 2003 due to family difficulties relating to concerns over inadequate parenting. James has had a history of offending dating back to 1997 when he was just seven years old. During this time he received police warnings and cautions. He was not formally charged with an offence until 2003 when he received conditional discharges for offences including burglary, theft and criminal damage.

Since then James has been charged with several other offences of the same nature and has had Probation Orders imposed for these offences. James was then charged with arson with intent to endanger lives. This offence had been committed within the children's unit he was residing in. He had been admitted into custody but despite the serious nature of the offence, the children's unit was willing to take him back into their care.

James spent 61 days in the Juvenile Justice Centre before bail with bail support was granted. Subsequently the BSS team have assisted in moving him to a unit closer to his home town in order that he can be closer to his family. James is now currently residing in a children's unit in Portrush and has weekend stays with his father.

James' parents separated when he was very young and for a short time he moved to England with his mother. However his mother had issues with alcohol abuse and his behaviour deteriorated. He came to the attention of the police and it was decided that he should return to NI to live with his father. His relationship with his father also deteriorated and he was asked to leave the family home. He lived with his grandmother for a while but she was unable to care for him and therefore he was placed under a full care order.

A psychological report undertaken at the request of the Courts attributes this young person's behaviour and continued experimentation with drugs, alcohol and solvents "to a lack of consistent parenting and the severe sense of rejection and emotional harm caused by his upbringing."

It is James' long term intention to live and work with his father and indications from his father are that this move would be welcomed providing he remains out of trouble. There is little to suggest however that this will happen in the near future. Interviews took place with James, his father, social worker, Probation Officer, the Inside Out project worker and the Children's Unit Manager where James is currently resident.

James

James has a negative opinion about being in custody but stated that he preferred custody to the Lakewood Centre where he had been resident. The reason for this was that "the JJC was more relaxed as there were too many rules at Lakewood but the worst thing about the JJC was that you had no freedom and couldn't smoke."

James wanted to apply for bail as he did not want to stay in custody. He remembered meeting with the BSS staff and thought they were supportive and that they had helped him but stated that he had been on remand for "a few months before getting bail and thought this was too long."

He stated that the BSS staff had clearly explained about bail and bail support in advance of his agreement to participate and does not think he would have received bail without their input because he had "been in so much trouble and the children's home probably wouldn't have taken me back without their help".

He rated the help that he received from BSS as “very good”.

James had various conditions attached to his bail but could not remember what these were. These included no alcohol/substance misuse, a 9pm - 8am curfew, he had to attend the community project for 15 hours a week, and there was a recognisance amount of £400. He also attended EOTAS for 15 hours a week.

James returned to the Lakewood Centre following bail but did not like it there, stating that it was too strict and that he did not like the staff. He was anxious to get closer to his family who resided in Coleraine and with the help of Inside Out a placement was found in a children’s home in the area.

“I was glad to be moved here because I can see my family and have the freedom that JJC takes away from you.”

James attends the Coleraine Adolescent project once a week as well as attending appointments with his social worker, inside out project worker, LAC reviews and probation. He is frustrated with the number of people involved in his care and the number of appointments he has to attend:

“They are all talking at you about the same things and you just get fed up and stop listening. I only go to these appointments because I have to. I don’t mind going out with [Inside Out project worker] because he took me out to play snooker and went go carting and he was nice but I really hate going to the rest.”

With regard to his contact with Inside Out project workers, James believes that the staff provided him with support and advice and that he had built up a good relationship with them. He rated the project as very good due to the kindness of the staff and the activities that he participates in. His negativity about Social Services is deep rooted in the stigma he feels is attached to looked after children by the outside world.

James believes that the threat of being admitted to custody would prevent young people from offending on bail, as would the fear of letting down their family but states that:

“...when you’re high you don’t care what you are doing and you end up in trouble.”

In terms of encouraging people to keep their court dates, James thought that the threat of custody would help young people attend court because “they wouldn’t want to get into any more bother.” Overall James was satisfied with the BSS scheme and thinks it has helped him because it got him closer to his family. He would recommend it to other people who may have difficulties in getting bail.

Social Worker

James’ social worker was unable to discuss this young person’s case in detail but stated that the BSS scheme was:

“...invaluable in getting this young person and his father working towards a meaningful relationship which will have longer term effects on his behaviour which can only be welcomed.”

Inside Out Project Worker

James’ Inside Out project worker stated that he didn’t want to engage at the beginning of the programme.

“He had been let down so often that he found it hard to build relationships.”

Generally he has found James to be a capable young person and attributes a lot of his offending behaviour to his dependency on drugs and the negative influences of his peers and of his parents to an extent. He stated that a lot of emphasis was placed upon moving James closer to his family so that these relationships could be worked on. He described how the initial time allocated to the young person had been reduced from 15 hours to 5 hours per week and states that this has been good progress as it helps the young person to become independent of the time-limited services that they provide. The project worker believed that this support has been very effective with James despite his re-offending because he has now begun to rebuild relationships that are vital to his future.

Probation Officer

The probation officer responsible for James did not want to comment on the impact of BSS on this young person as her familiarity with the scheme was limited. She did however state that through the work of all those involved with the young person, James was now rated much lower in terms of the risk he presents to re-offend. She added that the value of the BSS scheme and, particularly the Inside Out programme, was:

“the ability to provide a dedicated resource to the young person which is something that the probation service can’t do given the number of cases presented to them.”

Children’s Unit Manager

The manager of the residential care home stated initial feelings of:

“...apprehension at taking him into the home. Because kids usually go from an open unit to secure accommodation and not the other way round like he was doing.”

He added that it soon became obvious that the placement would work as the support offered to him and his staff from the Inside Out team was unrivalled.

“They were accessible at all times and bridged the gap for James in coming from secure accommodation. They are also very quick to respond to any incidents so the young person can see the consequences of his actions and can learn from that.”

The unit manager also stated that whilst the young person has re-offended during his time at the home the nature and scale of these offences have been lesser than it would have been otherwise.

“The support from Inside Out is directly responsible for this achievement.”

6.5 Summary

The case studies highlight the difficult childhoods and negative experiences which these children have had, prior to their introduction to the BSS scheme. Although the young peoples’ experiences under the scheme are positive, there are various issues arising from the discussions. These involve the provision of support to young people making the transition from bail to release by the court, continuing mainstream education where possible, providing adequate respite to foster carers, maintaining contact with significant others in the young person’s life and reinforcing the consequences of breaching the conditions of the BSS scheme.

The need for the provision of a supportive aftercare service was particularly highlighted as being a future consideration for the BSS scheme. Young people often felt that the support which they had received under the scheme had come to an abrupt end and parents were concerned that their children would re-offend when they left the programme.

The background of the page is a faded, light blue-tinted photograph of an office environment. In the foreground, a man is seated at a desk, looking towards the right. He is wearing a light-colored shirt and has his hands clasped. On his desk, there is a spiral-bound notebook, a pen, and some papers. In the background, another person is visible at a desk, and there are various office supplies and equipment. The overall scene is professional and busy.

Chapter 7

Interviews with Remand Foster Carers

7.1 Introduction

Two interviews took place with Remand Foster Carers. One interview was located in Armagh and the other was held in Lurgan. The discussions focused upon carers' experiences of the BSS scheme and any recommendations for improvements. The discussed guide can be found in Appendix III.

One foster carer had one teenage son living at home whereas the other's children had all left home. The Armagh carer had been fostering children on bail for 1.5 years and had received four children from the scheme. Their offending backgrounds included criminal damage, theft, threats to kill and violence. The length of placements varied from three months to around eight months.

The Lurgan carer had been Remand Fostering for two years and had fostered five children through the BSS scheme. Offences included arson, breaking and entering, theft and assaults.

The majority of children were from a care background and had a history of social services involvement.

The findings from the discussions are presented according to the following:

- ◆ reasons for applying;
- ◆ role of remand foster carers;
- ◆ support for the foster carer;
- ◆ support for the young person;
- ◆ bail conditions;
- ◆ compliance with bail conditions; and
- ◆ arising issues.

7.2 Findings

7.2.1 Reasons for applying

Both foster carers had been involved in providing foster care for the local Health and Social Services Trust. One individual had seen an advertisement for Remand fostering in the local papers and became interested, whereas the other had been approached by Social Services directly. Remand fostering was seen to be a preferential option to custody or admission to a children's home.

7.2.2 Role of Remand Foster Carers

Foster carers believed that their role was primarily to ensure that the children kept to their bail conditions and to provide stability within a family environment.

"These kids are streetwise, but they've no sense. They don't realise the reality of where things are going for them. They think that if you're not on drugs you're a Christian or something. You have to show them that there's an in-between. That you can have a good time but stay out of trouble." [Foster carer, Armagh]

"I think it's about being a friend to them. They definitely say more to me than they would their social workers. You need to be a good listener as they love to talk. All these big stories...I don't think anything could shock me now." [Foster carer, Lurgan]

7.2.3 Relationships within the home

There was a feeling that the children were very adaptable and sensitive to the atmosphere within the home.

“They can be very thoughtful, more so than your own kids. It’s like they’re saying “You’re the mummy figure and I’ll treat you as I would a mummy because you treat me the way that I want to be treated.” [Foster carer, Armagh]

In both cases the children were welcomed into the family and became very involved with the carers’ own children. Carers are still in contact with previous bail foster children.

“My daughter and her family would have taken them to the cinema and out for tea and they would play with my grandchildren all the time. They’d maybe have their wee jobs...a paper round or helping somebody out.” [Foster carer, Lurgan]

7.2.4 Support for the Foster Carer

The very first placement was thought to be quite daunting as both the carers and the children were uncertain as to what to expect. However both carers believed that the initial support and training provided by the BSS scheme was invaluable in explaining the levels of support that the child and the foster carer would receive and in setting out procedures for breach of bail conditions.

Both carers were in agreement that the initial stages of a placement can be very intense but they did feel that they received adequate support from BSS.

“I never once lifted the phone to X [Inside Out staff] and felt that they thought I was being silly and wanted me off the phone.” [Foster carer, Armagh]

7.2.5 Support for the Young Person

There was a feeling that the level and nature of support was crucial to the success of the placement. The children looked forward to the visits from the Inside Out staff and undertook a variety of activities and outings such as snooker, alcohol/substance abuse meetings, lunch and shopping trips.

“I knew X had 15 hours support each week. The support network that is there for the kids on bail just isn’t there for ordinary foster placements.” [Foster carer, Armagh]

The carers believed that the number of hours allocated to children should be increased in order to allow for staff travel time and there was a suggestion that it could be split into full days rather than split across the whole week. The BSS team were thought to be very caring and really worked hard at keeping children out of custody and ensuring that everyone was updated.

7.2.6 Bail Conditions

The fact that the young people on Remand Fostering had been assigned bail conditions was thought to make the foster carer’s job easier to an extent.

“They’re not excessive but they may have a curfew and they will have to adhere to the rules of the house. They know that if they want out [of custody] they will have to keep to these. The best thing is that I can say “It’s not me, it’s the Judge” and I can enforce them and still be the good guy. A child on ordinary foster placement may take six weeks or so to stick to a curfew.” [Foster carer, Armagh]

Although curfews were generally thought to be a good idea, the foster carers did find them restrictive, especially during the summer when they would have liked to take the children on family outings.

7.2.7 Compliance with Bail Conditions

The children are very aware that they cannot breach their bail conditions if they do not want to return to the Juvenile Justice Centre. One carer said that the police could be over zealous at times with regards to ensuring that bail conditions were met.

“For one boy I had, the police were calling every night to see if he was in the house [for his curfew]. I had to tell them to stop as I was afraid that the neighbours would wonder what was going on. They don’t know I do this. I wouldn’t want them to think they were at risk.” [Foster carer, Lurgan]

“It depends on the mindset when they get here. Many are just pleased to see a TV. A lot come from residential homes and are in and out of foster care. They’ll have problems at home and are amazed that here is just normal.” [Foster carer, Armagh].

“They’ll forget they’re on bail as its “just home.” They certainly don’t get any difference in treatment [to mainstream foster placements] from us.” [Foster carer, Armagh].

There was a feeling that bail conditions that kept them away from their friends could be quite hard for the young people to keep. They thought that it would be acceptable to let friends have supervised visits within the foster home.

“It’s hard for them. Often they’re the only consistent relationships that they’ve had. Kids in care do need each other. I really encourage their families to visit them here. It’s very important for them.” [Foster carer, Lurgan]

“He was an angel when he was here. I would have loved to have kept him but the Trust wouldn’t let him stay. Then he got back to the children’s home and a crowd of them went out and burnt a bus. He rings me all the time...never out of trouble.” [Foster carer, Lurgan]

The foster carers are happy to report any instances whereby bail conditions have been breached. The families stated that they used a common sense approach to reporting breach of bail. For example, a ten minute breach of curfew is acceptable if they believe that they can trust the child, however absconding, consuming alcohol or drugs would be reported to the police.

“They’re fine whenever they’re here and there’s the threat of Rathgael looming. It’s whenever the bail conditions are lifted that they go nuts.” [Foster carer, Lurgan]

It was thought that electronic tagging should only be used as a last resort. However both carers felt that it should be used as an alternative to custodial sentencing.

7.2.8 Arising Issues

Both carers felt that fostering was extremely time consuming and they thought that it would be very hard to work full time and continue to foster. There was also a feeling that it was extremely difficult for a child when their court case is heard and they have to leave their foster placement.

“They’re losing their home and the support and relationships that they had [with staff] at the same time. Once they come out of court they know they’ll be moved again, so sometimes they don’t look forward to coming off bail.” [Foster carer, Armagh]

This was made worse by the fact that there was often no one to take their place and yet the foster carer got paid a retainer fee for seven weeks. Carers felt that there should be an arrangement between BSS and the relevant Trust in order to make the transition easier for the child. Foster carers did not understand why there was no one lined up for a placement during the three to four weeks it took to process a child’s bail.

Foster carers also felt that the financial reimbursement attached to Remand Fostering was poor. There was a feeling that these children need a high level of support and are unlikely to be in full time education, compared to those on community placements. Carers described the fact that their income was uncertain and this placed restrictions on their own lifestyles.

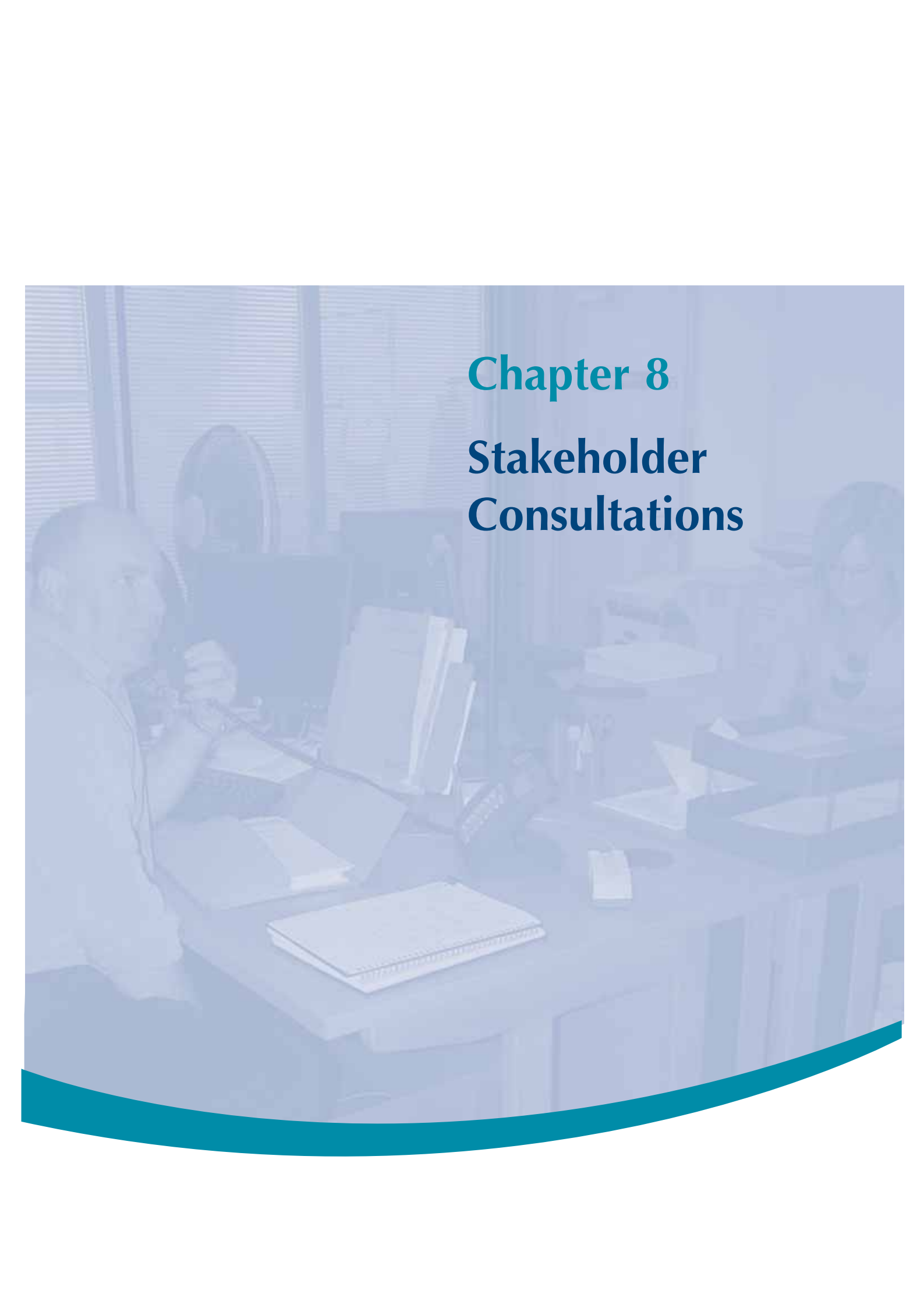
Carers also thought that the children's clothing allowance should be paid in advance, rather than four weeks into the placement. These children have very few possessions and foster carers stated that it is important to the child's self esteem that they may be appropriately dressed as soon as possible. Carers usually paid for new clothes as soon as the children arrived and then had to wait to claim it back.

7.3 Summary

It is apparent that the Remand Foster carers believe the BSS scheme to have a positive impact upon young people. However, they are realistic as to the extent of compliance that is likely from the young people on the programme.

Carers welcome the use of bail conditions as they believe they provide them with a degree of control over the young person's behaviour. In some cases there was a feeling that young people on Remand Fostering were easier to deal with than children on local authority placements, as they did not want to return to custody.

The role of the foster carer is crucial to the success of the programme and it is apparent that good quality care placements are not always readily available. Therefore, foster carers need to be provided with adequate support. Although in general, carers are happy with the type and level of support provided, many highlight that Remand Fostering can be time intensive and that the financial rewards are not always commensurate with the responsibilities placed on the individuals and their families.



Chapter 8

Stakeholder Consultations

8.1 Introduction

Consultations with relevant stakeholders to the BSS scheme took place during January and February 2006. A total of 22 interviews were undertaken with a range of individuals and agencies representing the Youth Justice Agency, policy makers, the legal system, Health and Social Services Trusts, PSNI and voluntary agencies (see Appendix 4). Each session lasted approximately one hour and a copy of the initial letter of correspondence and discussion guide may be found in Appendix 5.

Perceptions of the effectiveness of the BSS scheme are analysed according to the following elements:

- ◆ Strategy and Policy;
- ◆ Promotion of the Scheme;
- ◆ Pre-Bail Hearing;
- ◆ Bail Hearing;
- ◆ Breach of Bail;
- ◆ Inside Out;
- ◆ Remand Fostering;
- ◆ Impact and Effectiveness; and
- ◆ Future Scope of the Scheme.

8.2 Findings

8.2.1 Relationship to Strategy and Policy

It was agreed that the introduction of the Criminal Justice (Children) Order 1998 had made a positive contribution to the Youth Justice System in Northern Ireland. Custody is only to be used as a last resort for the most serious and persistent offenders for a short, determined period. Furthermore, the current system was felt to be more equitable in comparison to the old Training School Orders, whereby the initial time that the young person spent on remand was not taken into account in sentencing, unlike in adult cases.

It was thought that young people should be kept out of custody where possible due to the fact that the more young people get embroiled in the Youth Justice System the harder it is for them to change their behaviour due to the related stereotyping and labelling. There was a feeling that whereas Juvenile Justice Centre may be daunting and unpleasant for the child initially, there is a settling down period where they meet other young people further down the offending pathway and may be negatively influenced as a result. Generally, young people are unaware of the potential seriousness of the long-term consequences of being in custody, such as the detrimental affect upon employment, education and social relationships.

However, there was a recognition that there needs to be accountability for those young people who continue to break the law otherwise the courts would lose credibility and effectiveness.

The aims of the BSS scheme are consistent with overall Youth Justice policy, in that they ultimately try to ensure that remands to custody are kept to a minimum. The scheme reinforces this change in approach and is thought to be a more preferential and less expensive option compared to custody. Stakeholders were positive that NI has favoured a Restorative Justice approach with the emphasis being upon issues of engagement and accountability.

“It goes without saying that this is an important programme for young people with specific and complex needs and has at its core the protection of the human rights of young people...this can only be welcomed.” [Adolescent Unit Manager]

8.2.2 Pre-Bail Hearing

The Bail Assessment process depends upon a measured judgement in order to determine whether or not the young person is likely to need support in court. Even if it appears that the young person is unlikely to get bail, the decision whether or not to accept assistance ultimately rests with the young person, as the scheme operates a no refusal policy. The BSS team believe that in each case there is always the chance that the child may get bail.

When a young person has been admitted to the Juvenile Justice Centre and wishes to apply for bail, the BSS team begin a series of co-ordinated fact finding discussions with a range of individuals and agencies in order to assess the likelihood that they will obtain bail without BSS support. Pre-court communication between the BSS team and the Prosecution system and the PSNI is seen to be essential to the process of assisting young people remanded in custody to obtain bail. However, the BSS team have highlighted difficulties in gathering and sharing information amongst the wide range of organisations with which they are involved.

Prior to the young person's appearance in court, it is essential that BSS staff can access the Investigating Officer for the PSNI, in order to ascertain the status pertaining to bail for the young person. However, this has often been a problem in the past, particularly with regards to actually identifying and then contacting the Investigating Officer, due to the nature of the PSNI shift pattern and the fact that PSNI deal with prosecution appearances via a pool system. Finding out whether or not the police are likely to object to bail being granted is key to the development of the bail proposal, as the BSS team need to address how they propose to meet any concerns within the package.

The turnaround period from finding out that a young person is remanded in custody and their first appearance in court is usually brief. Therefore the BSS team are often under pressure to gather information on the young person from Social Services at short notice. This information is usually available from the output of LAC reviews and social services reports, but there is a feeling that the team are often calling in favours to get the paperwork that is required.

There also appears to be a lack of information available to BSS from the NI Courts Service in terms of bail applications that are refused and the reasons why. This aspect would help the BSS team further develop and target their services. Currently, the BSS scheme obtains the verbal opinion of the prosecution and defence solicitor in the case, or use their networks in the court system to gain the outcome. However, the reason why bail was refused is not recorded on the courts system database, although this would be invaluable to BSS in developing a further bail proposal for the individual.

BSS initially experienced some problems with regards to obtaining information from the Juvenile Justice Centre in a timely manner. This mainly related to obtaining daily court lists and a lack of communication regarding proposed bail applications due to staff changeovers. Young people may initially decide that they are not going to ask for bail but then change their minds and BSS often hear at very short notice. However, overall it was recognised that it takes time for processes to become established and that routine information sharing between BSS and Juvenile Justice Centre has improved. Generally BSS and Juvenile Justice Centre staff would meet on a frequent basis, with BSS attending case discussions, meeting with young people whenever they are admitted to custody and providing support to the young person's family.

BSS input was thought to be very valuable for young people's solicitors due to the fact that the BSS team advise the solicitor on the way forward, co-ordinate all the agencies involved and keep individuals' updated on progress in relation to the case. Indeed, solicitors are now approaching the BSS team when they have a client whom they think would benefit from the service.

8.2.3 Bail Hearing

In the majority of situations the BSS team will provide a written proposal to court and will be available to discuss the information with the Magistrate. BSS is believed to have a positive impact upon bail decisions and many stakeholders cited cases in which bail would have been unlikely to be granted in the absence of the BSS input.

Largely it was felt that BSS dealt with Courts' concerns with regards to juvenile offending whilst on bail due to the extra support systems put into place. Stakeholders perceived the BSS team to be well respected in the courts due to the fact that Judges and Magistrates would often call upon the team to provide additional information. They considered that the young person's behaviour during the BSS should also be taken into account in the Pre-Sentence Report and thus able to influence the court's final disposal.

8.2.4 Bail Conditions

The BSS team may also suggest relevant bail conditions to the court in order to manage the potential risk of re-offending. These will have been developed in conjunction with the child and other agencies and may include a curfew, depending upon the level of risk and age of the child.

Magistrates explained the difficulties of balancing the need to attach conditions to bail when a young person is thought to be at risk of re-offending and providing them with a degree of encouragement for the future. Generally Magistrates were reluctant to admit young people to custody as it was not thought to be beneficial for the young person's overall well-being in terms of education and social influences. Often conditions were used to allay the concerns of the prosecution and the general public. The most frequent ones implemented were thought to be abiding by the rules of the house, curfews and no alcohol consumption. However, most Magistrates are flexible with the use of conditions and will often use terminology to suit the individual case (for example, if the young person is known to have an alcohol problem the condition may be "not to consume alcohol in a public place"). There was a recognition that conditions should not be too restrictive and should be directly related to the original offence.

It was thought that Magistrates particularly like to impose conditions such as curfews and banning young people from certain areas etc., however, that careful judgement should be used in order that only those that are important in protecting the individual are used.

For example, curfews should be used in cases whereby the time when the offence took place is relevant, or where a young person may be at risk of breaking their bail conditions if they are out late. Curfew was thought to be a particularly difficult condition for young people to adhere to and that there is a danger that the defence will agree to potentially unrealistic conditions in order to keep the young person out of custody. Generally, it was thought that you needed to have different tolerance levels for these young people in comparison to other children.

Agencies involved in the subsequent care of the young person when they are released on bail were generally positive about having conditions attached to bail. They ensure that they receive a copy of the conditions and the contact person within the PSNI when the young person is admitted back into their care, in the case of a breach. They often feel that they have a lack of control over the young people in their care and feel frustrated when broken bail conditions are not acted upon, especially in specific cases in which a member of staff or a child within a unit has been assaulted. However, tolerance levels vary within residential units and it was thought that some children's homes are under pressure and may react more quickly.

8.2.5 Breach of Bail

It was believed that BSS may be harder for some children to adhere to in comparison to being in custody, due to the fact that they are likely to face the same pressures and problems as has led them to offend. As a result there was a feeling that conditions need to be kept to a minimum in order to ensure that only the most necessary are included.

It was felt that there can be a tendency to attach too many conditions to bail and that they can often “set a child up to fail”. One agency felt that absconding should not be an offence for which a child should be sentenced to custody, due to the fact that custody should be limited to only the most serious and persistent offending behaviours. However, it was believed that young people should be held accountable for their actions, but that sometimes the related consequences were quite drastic.

There was a widespread concern that the Juvenile Justice Centre can be a revolving door for some young people. Magistrates in particular reported the fact that they repeatedly saw the same faces before them in court.

“You get a sinking feeling. You’d need to have a very robust character not to let it get to you.” [R.M.]

8.2.6 Fostering

The Remand Fostering element of the BSS scheme was highly commended and supported by all stakeholders. It was recognised that accommodation issues do impact upon the granting of bail by the courts and that many children in custody have a care background. Overall, it was felt that no one should be on remand if they were unlikely to get a custodial sentence.

Stakeholders commented that the fostering element was progressive thinking on the part of the BSS team in that they have covered all the alternatives and have sought to provide a comprehensive package of care to young people. It was thought that BSS provides resources and programmes tailored to the specific needs of the young person and that other services often do not have the same resources.

“Remand Fostering is a very valuable resource as it provides the opportunity for young people to live in the community with quite a lot of support.” [Adolescent Unit Managers]

However in an early evaluation of Remand Fostering it was recommended that it should be primarily targeted at 10-13 year olds. They were thought to fit into the family environment more easily than older, more persistent offenders and policy makers within NIO were supportive of this.

Remand Fostering was seen as being a way to reduce the courts’ concerns in cases where alternative accommodation is unavailable for young people. Magistrates thought that they were often faced with a dilemma when young people are refused admission back into their previous care setting and yet their behaviour does not justify a custodial sentence. Magistrates stressed the fact that they need assurance that someone will be there to support the young person in the community. The use of hotels, for example by social services, as accommodation for young people was not welcomed due to the fact that it may pose a greater risk for vulnerable children.

Remand Fostering was thought to provide a stabilising environment for young people and it was believed that the majority of children value the opportunity to live in a family environment. For some young people it may be one of the few times that they do not offend. The fact that the placements were usually outside the young person’s area of residence was thought to be a contributing factor to the decrease in their offending behaviour as it gave them a chance to start afresh.

“The benefits of Remand Fostering are twofold. Firstly it takes young people who are low offenders out of the JJC and therefore away from more serious offenders and secondly it provides the young person with the opportunity to experience family life...something that many will not have had.” [Social Worker]

The BSS team believe that the number of foster placements available is adequate, however obtaining a balanced geographical coverage has been problematic. It has been difficult to recruit

carers within the Belfast area and within areas which have strong paramilitary influences. Consultees also recognised these difficulties and stressed that adequate support and resources needed to be provided to Remand Foster carers as well as the young people in their care:

“[The linkworker system] provides a great safety net for carers and ensures a structure that works for everyone involved.” [Social Worker]

It was felt that these young people were generally mistrusting of adults due to the array of prior care histories and the fact that they are unlikely to have much contact with their own families. The Inside Out project worker was thought to be an extremely valuable resource to foster carers under the scheme.

“People involved with Remand Fostering are hugely committed and have impressed me greatly...they are a key reason for the success of this scheme to date.” [Adolescent Unit Manager]

Individuals thought that fostering was effective in reducing re-offending and the experience is positive in increasing the young person’s self-esteem, even if the placement is only for a short period of time.

There were also concerns about the lack of support in place during the transition period after final disposal. Consultees thought that there are too few “moving-on” strategies. Additional mechanisms should be put in place as Remand Fostering is quite intensive and an abrupt ending may be unsettling for the young person. Generally, it was thought that Social Services need to have a greater degree of involvement with young people both when they are on remand and when they are in fostering. It was felt that there was often a tendency to leave preparations to just before the young person is due to appear at court for disposal, rather than to have a pre-prepared exit plan in place.

8.2.7 Inside Out

Again, Inside Out was thought to be a beneficial element to the BSS service. Magistrates in particular found the facility valuable due to the fact that many young people admitted to court will be persistent offenders and therefore it can be difficult to find other options for them. Often the prosecution will argue that there is a high likelihood of re-offending, however the crimes committed are not serious enough for a custodial sentence. It was thought that Inside Out as a condition of bail was very effective.

“Intensive Bail Support knew exactly what they could offer and made no false promises – this meant that the young person knew exactly what was available for them.” [Adolescent Unit Manager]

There was a perception that outside agencies were confused as to the difference between bail support and Inside Out. This was confounded by the fact that the Inside Out team refer to themselves as being Intensive Bail Support.

There were concerns that due to the varied geographical location of the young people a lot of the Inside Out team’s time was spent in travelling to and from placements rather than in actual activities. One possibility would be to appoint staff in different geographical locations in order to increase the availability to service users. There was also a feeling that cover should be extended to late evenings and weekends as this is a particularly vulnerable time for these young people, in terms of adhering to their bail conditions.

Some consultees felt that children referred to the Community Services projects would likely benefit from the intensive support provided via Inside Out. However there was a caution over extending services that should really be provided from elsewhere. In general there was thought to be pressure on schemes to deliver results within a short period of time, despite the fact that it takes time to build up relationships.

Overall, Extern thought that the strategic relationship between Youth Justice Agency, Extern and Down Lisburn Trust worked extremely well and were keen that Inside Out should increase their input in various ways. Indeed, many consultees believed that there is a need to ensure that support continues for a period after the young person's disposal by the court in order that the positive relationships may be continued during this vulnerable time in the young person's life. Similarly, Extern considered that they could use their range of services to provide individualised support to young people at all stages within and outside the Youth Justice System.

8.2.8 Impact and Effectiveness

There was a widespread consensus that the BSS scheme does assist children to obtain bail that may otherwise be admitted to custody. The scheme is also thought to be beneficial to a variety of other agencies related to the Youth Justice System. There is a feeling that the staff work very hard and are dedicated to providing a premium service to young people in need of support. The team are thought to be respected by the young people that they work with and overall are a very positive part of the Youth Justice Agency service provision.

The BSS team were thought to react to the needs of the young people and their families and have been inventive and creative in their approach to providing tailored programmes for young people – for example co-ordinating activities for the young person to limit the amount of free time they have to become involved in criminal behaviour.

However, young people are often involved in a vast range of services, including BSS, probation, community services, youth and social services. Consultees felt that there was a possibility of overlap and that it is important to clarify roles, responsibilities and communication channels between all professionals involved in the care of the young person.

Adolescent Unit Managers pointed out that, although BSS is invaluable, it can not be the complete answer to reducing admissions to custody and re-offending. Early identification of young people at risk and a co-ordinated, holistic approach is needed from all of those involved in order that a young person can get help before reaching the criminal justice system.

Overall, stakeholders thought that the scheme is effective in achieving its key aims – improving rates of attendance at court, reducing the number of young people in custody and reducing re-offending. It was thought that the BSS scheme was particularly effective in ensuring that court dates are kept, however it is probably less effective in reducing re-offending in the long term:

“The schemes are excellent and are effective in increasing the attendance of young people at court and reducing offending...perhaps not in totality but certainly in terms of the nature and scale of the offences committed.” [Social Worker]

The primary skill of the BSS team was thought to be their ability to mediate and negotiate with others. The team will liaise with the young people, their families and numerous agencies, in order to resolve any escalating difficulties whilst the child is on remand or, out on bail. Overall it was reported that staff were excellent at building networks and partnerships in a sensitive and professional manner.

8.2.9 Promotion of the Scheme

Stakeholders believed that the Magistrates and relevant agencies were aware of the scheme. It was thought that the High Court, solicitors, lawyers and police were less likely to have an in depth knowledge unless they have had direct experience via their clients.

At the current time it was generally felt that the scheme did not need to increase awareness amongst other agencies, however if it was to be developed further then more engagement would be needed in order to enable it to operate more effectively. Consultees thought that the scheme could then be further promoted to the Bar and the Law Society and that posters and information should be positioned in the Youth Courts and police stations.

8.2.10 Future Scope of the Scheme

It was agreed that BSS should only be used in cases whereby extra support is needed in order to achieve bail. Currently there are capacity issues with regards to the workload that the scheme generates for the two BSS workers and as such they feel that they were unable to provide the degree of supervision follow-up that they would like. BSS staff believed that they should be able to proactively review young people's bail conditions and adherence to the programme.

Furthermore, the BSS team would like to ensure that BSS has a presence in all courts where there is a bail remand decision being made. This would have dramatic resource implications for the YJA with regards to recruiting and training people in the relevant legislation and court protocol and procedures. However, it would mean that the mechanisms for liaising with relevant agencies would be in place from the outset.

Currently the scheme targets children who have been remanded to custody. It was felt that in order to bring the service forward to an earlier point of intervention the scheme would need to expand significantly. There would need to be adequate protocols set up between BSS and the PSNI. BSS would need to provide an on call service in order that they are notified as soon as a child comes into the police custody suite under PACE. One option may involve finding an overnight accommodation alternative to custody in the form of a landlady scheme or an emergency foster placement. However, it was thought that there needs to be a certain time lapse in order to make an assessment and ensure that all the necessary supports are put into place.

Furthermore, if the BSS scheme offers programmes at the first court appearance this will also have implications on existing resources with regards to the increased numbers of young people who may potentially need their services. There are 29 District Command Units across NI and it would be an immense task to provide 24 hour cover to each DCU in addition to providing overnight accommodation in each area.

There was a feeling that a continuous BSS presence in court in order to eliminate time in custody for the child was unfeasible, however a 24 hour helpline could be introduced. This service could be provided by an extended BSS team, or outsourced and managed by BSS. However, it was thought that Bail Assessments should be carried out by BSS staff.

Ensuring that young people make their court appearances is also a concern for the BSS team as compliance will effectively speed up the court system and decrease the period on bail. The delays within the courts system are identified as being a problem and it was thought to be beneficial that BSS scheme helped people during this time. Being in custody usually means that the case is dealt with sooner, than if bail is granted. Currently BSS rely on Inside Out, Trust staff or the young person's family to accompany the young person to court. However, there is scope for BSS staff to take on this role, particularly in cases in which the young person has been arrested on a bench warrant.

BSS could also expand their services to include young people who have had no previous involvement with the scheme and have received bail, but who are in danger of having their bail revoked. BSS would like to automatically receive referrals from the PSNI or social services, without having to seek them out. Another area of potential expansion is in the provision of BSS services to 17 year olds who are currently dealt with in the Young Offenders Centre.

There was the perception that youth offending does not get as much emphasis as that of adult offending. However, if young offenders are identified early there is a possibility of breaking the cycle. It was suggested that the BSS scheme could develop its services in order to target young people at risk of custody and widen the scope of its services.

Respite provisions for young people on the BSS scheme also need to be addressed. Currently Extern provides short-term residential facilities for young people for one to one breakaways or time out. However, these are usually planned activities and there is a requirement to also utilise them in emergency situations.

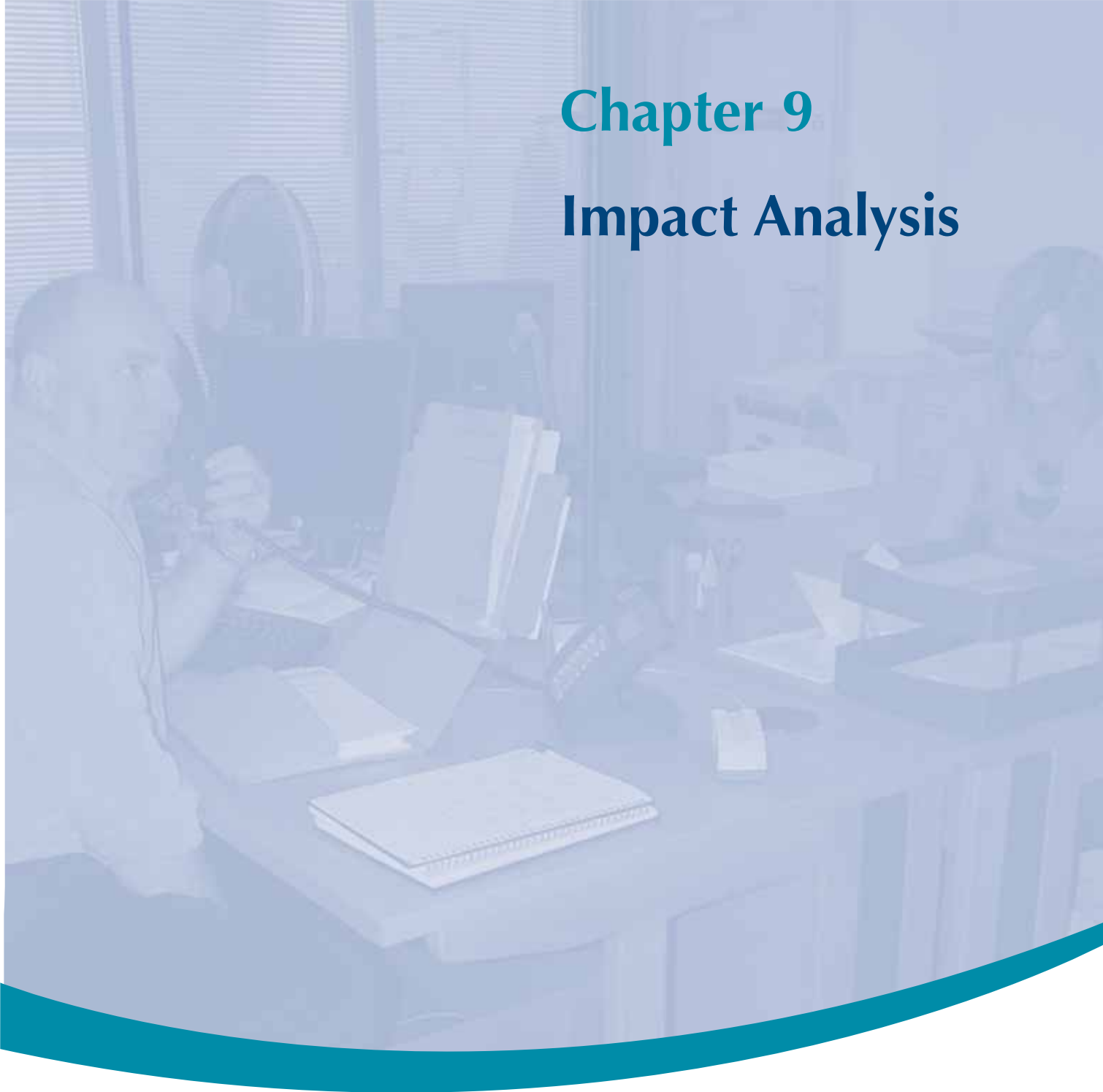
The current staffing levels within the BSS are perceived as being low, in comparison to the workload, by other agencies which have frequent contact with the scheme. However, there is a feeling that the staff cope well despite the obvious pressures.

8.3 Summary

Overall, stakeholders felt that the BSS scheme should be given a chance to succeed. Too often there is an expectation that programmes should deliver impressive results at an early stage in its development. It was recognised that the scheme's strength lies in the relationships that staff establish with the young people involved and that these take time to develop and translate into tangible progress.

It was also thought that the evaluation process should take into account that these are difficult young people to work with and that behaviour and attitudes that developed over a period of years can not be changed overnight.

There was a general feeling that the scheme is still 'a work in progress' and that it has already made a positive contribution to the Juvenile Justice System and to many young people. However, there are issues to be resolved with regard to the formal establishment of protocols and procedures with other agencies, in order to further develop the scheme. There were various suggestions as to how the scheme could expand its services but it was recognised that this could not happen with the current level of resources.



Chapter 9

Impact Analysis

9.1 Introduction

This section draws together the findings from the NIO and BSS scheme monitoring data, the young people and parent interviews and the case-study analysis. The BSS scheme's performance is evaluated according to:

- ◆ the way in which it has met its aims outlined in the Criminal Justice Review Implementation Plan;
- ◆ the way in which the BSS scheme, Inside Out and Remand Fostering have met their own aims and objectives;
- ◆ the management of the programmes, how long the processes take and resource implications regarding the take up of the BSS scheme packages;
- ◆ the impact that the programmes have made on the remand population within the Juvenile Justice Centre; and
- ◆ the availability and quality of the information used.

9.2 The Extent to which the BSS Meets the Aims Outlined in the Criminal Justice Review Implementation Plan

The Criminal Justice Review Implementation Plan tasks the YJA with taking forward the development of more effective bail arrangements to reduce the number of young people who are remanded in custody and to reduce the amount of time spent on remand by others.

The Implementation Plan also recommends the development of bail hostel accommodation, particularly in Belfast and the quick assessment of custodial remands by the BSS team in order that remands to custody may be kept to a minimum.

9.2.1 Reductions in the Number of Young People Remanded in Custody

At the moment the BSS scheme only targets young people who are remanded in custody, therefore it is unable to make a substantial impact upon the total number of admissions to the Juvenile Justice Centre. It can help reduce the numbers in custody by obtaining bail for children who otherwise may not have received it and by supporting young people in the community in order that they are not re-admitted.

The total number of admissions to the Juvenile Justice Centre has decreased year on year since the introduction of the scheme in 2000 and the percentage of young people remanded in custody who subsequently receive bail has increased over the last two years, averaging 80 per cent in 2005.

It is difficult to provide concrete evidence that these trends are a direct impact of the BSS scheme, as there has been an increasing legislative emphasis that young people should be awarded bail wherever appropriate. However, feedback from the consultations does suggest that the BSS scheme proposals enable the courts to have increased confidence that the young person will be supported in the community during the period of bail and that this is particularly valuable in cases in which there has been persistent offending behaviour in the past.

It is almost certain that the introduction of Remand Fostering has enabled young people who would have otherwise been remanded into custody to receive equality of opportunity as a result of the scheme. Consultation with Magistrates has confirmed that the courts would not release a young person on bail if they do not have an appropriate place to live during their bail period. Therefore the fostering element of the scheme provides a direct practical outcome with regards to enabling young people to receive bail within a stable family environment. A Remand Fostering placement was a more acceptable outcome for awarding bail than, for example, hotel accommodation. The courts appeared reluctant to sanction the use of hotels as an alternative to custodial remand due to the lack of supervision and concerns for the young person's safety. The BSS team, however, have never used this type of accommodation for young people participating in the scheme.

9.2.2 Reductions in the Amount of Time Spent on Remand

On average, young people spent 18 days on remand before receiving bail (2000-2005). However, the figures suggest that there has been an increase in the number of days spent on remand over the last three years (20 days in 2005).

It is difficult to determine whether the BSS scheme reduces the length of time spent on remand in the Juvenile Justice Centre, due to the fact that there is no way of knowing the duration of time that young people would have spent on remand if they had not been awarded bail through the scheme. Furthermore, delays in the court system may mean that the period of remand to bail may be subject to setbacks that are out of control of the BSS team.

The average time spent on remand until obtaining bail through the BSS scheme was 32 days. This is longer than the average young person's remand to bail period within the Juvenile Justice Centre. BSS participants who had been admitted under PACE spent an average of 39 days on remand before they were released on bail.

Delays for those children are likely to be a result of social services' delays in finding suitable accommodation.

9.2.3 Development of Bail Hostel Accommodation

The BSS scheme has developed the use of Remand Fostering, rather than to provide bail hostel accommodation. Whilst the literature and the current evidence suggests that foster placements are valuable in obtaining bail for young people without a suitable address and providing a safe secure environment, there have been problems with the recruitment of foster carers in the Belfast area.

As the majority of referrals to the BSS come through the Belfast courts, this is an issue that needs to be attended to in the future. There are benefits to having placements outside the young person's usual area of residence in order to provide a fresh start to the period of bail and to provide fewer negative influences from the child's past environment. On the other hand, the fact that the Remand Fostering placement is managed by Down Lisburn Trust means that the young person can not remain in the placement after the period of bail served, as they are now the responsibility of social services in their resident Trust area.

There may be scope to investigate the use of bail hostel accommodation for 17 year olds, but the feeling is that younger, more vulnerable children should be prioritised for foster placements.

9.2.4 Prompt Bail Assessments

The BSS team are responsible for assessing young people as soon as they are remanded in custody. This initially involves determining whether or not the young person wishes to apply for bail and ascertaining the situation as to whether bail is likely to be granted without BSS input. As such, there is a requirement for staff to have knowledge of the Juvenile Justice legislation and court processes.

If it is unlikely that bail will be awarded without support from the BSS scheme, a Bail Proposal is devised with input from social services, solicitors, probation, police, prosecution and defence representatives and Community Services projects. There will also be input from Inside Out and Down Lisburn Trust as appropriate.

Currently, the Juvenile Justice Centre staff will notify the team when a young person has been admitted to custody. Initially there were delays in receiving this information, however a system has now been set up that appears to work well. There are potential delays to the process in relation to speaking with the prosecuting officers in the case and currently there are no protocols between PSNI and the BSS team with regards to sharing information in a timely manner.

The BSS scheme does not have a formal time period under which it is required to carry out a Bail Assessment. However, staff are generally able to adhere to the 72 hours guideline contained within the National Standards for BSS in England and Wales. On the other hand, the time taken to put together the Bail Proposal tends to rely upon the complexity of the individual case and access to additional information from the other agencies involved. The BSS team believe that they would be under pressure to prepare Bail Proposals for young people remanded in custody under PACE, should that be required in the future, due to the short time period between court appearances.

Due to the staffing and information resources currently available to the BSS scheme there are restrictions with regards to the time within which the team can carry out a Bail Assessment and develop a Bail Proposal.

9.3 Extent to which BSS Scheme, Inside Out and Remand Fostering have Met Their Own Aims and Objectives

The overall aim of the BSS scheme is to provide individual programmes for those at risk of having bail denied, or where the court has concerns about failure to appear and offending on bail. The BSS aims to provide accurate information to the court in order to assist in the bail decision making process.

BSS, Inside Out and Remand Fostering share the objectives of ensuring that remands to custody are kept to a minimum and are for as short a time as possible. They aim to provide assistance to young people in order to prevent breaches of bail conditions, to reduce offending by young people under the scheme and to help ensure that young people attend court as required.

Inside Out has an additional objective to assist young people to continue to live in their own homes, with relatives or in residential care and to increase the likelihood of their reintegration into the community.

9.3.1 Provision of Individualised Programmes

The BSS scheme aims to provide tailored programmes for each young person in order to satisfy the court's concerns with regards to awarding bail. The initial Bail Assessment process will determine the BSS package that is put forward to the individual and the court.

This decision to provide bail support is based upon information gathered from liaison with all the agencies and individuals involved in the young person's case and with the young person themselves. Furthermore, the young person must agree to the contents of the scheme before it can be presented to the court on their behalf. The BSS scheme offered should be commensurate with the level of assessed need, the seriousness of the offence and any previous offending history.

The BSS does appear to have appropriate mechanisms to meet a variety of concerns that the courts might have, through the provision of referral to Community Services projects and education services, Inside Out and Remand Fostering.

From the consultation process it was clear that a lack of suitable accommodation can lead to a young person being kept in custody, where they would otherwise have been released. For these young people the Remand Fostering scheme may be the only chance for the young person to receive bail.

Another apprehension voiced by the Magistrates consulted, involved the need for constructive uses of young people's time, in order to reduce the likelihood of offending when released into the community. In these instances the Community Services projects are a valuable contribution to Bail Proposals. They require young people to attend for a specific amount of hours per week, during which their progress is closely monitored and they are provided with opportunities to engage in family work, education and diversionary activities.

The Inside Out programme provides a more intensive level of support for young people who have previously shown persistent offending behaviour and for whom individualised monitoring and attention is likely to be required in order to assist them to adhere to their bail conditions.

The BSS team operate on a “no refusal” basis. However, they aim to ensure that only the minimum level of contact is provided to the young person, in order that resources are not needlessly offered. This philosophy may be observed by the fact that the Inside Out and the Remand Fostering programmes are not used as extensively as are the less intensive Community Services projects. The degree of required support will be ascertained through the Bail Assessment process, in liaison with other agencies.

The fact that the young person needs to agree to the bail conditions put forward to the court ensures a degree of ownership at an early stage and means that the BSS can influence the bail conditions imposed.

9.3.2 Provision of Accurate Information to the Court

The BSS team currently provide written Bail Proposals to the court for every young person for whom they believe support and supervision to be necessary.

The Bail Proposal provides information on the level, nature and timing of the contacts and any other bail conditions which might be necessary. It will also detail enforcement and breach procedures and is submitted in conjunction with the bail application.

Feedback from the consultation process indicates that these reports are valuable to the courts and do have an impact upon the bail decision. Furthermore, the defence barristers and solicitors state that this provision makes their client’s position stronger in court.

However, the BSS team believe that it would be beneficial to maintain a presence at court in order that they may represent the BSS scheme verbally or to deal with any queries that arise. Currently, the BSS team will attend court wherever possible, particularly in complex cases.

Overall, it was thought that the BSS scheme that has been put into place by the YJA meets the needs of the courts with regards to providing information and advice on methods of supporting young people within the community. The fact that 98 per cent of targeted bail proposals are accepted by the courts is clear evidence of their value and credibility. However, it is likely that further work could be undertaken with regards to the scheme’s promotion in certain court areas.

The BSS scheme additionally provides details of young people’s behaviour under the scheme in a pre-sentence report for the courts consideration, in the event of a finding, or plea, of guilt. Stakeholders also believed that this was an important element of the BSS service as it would provide information on which the Magistrate could take into account when deciding upon a sentence.

9.3.3 Prevention of Breaches of Bail Conditions and Offending Behaviour

There is evidence to suggest that participation in the BSS scheme does assist some young people to adhere to their bail conditions and to reduce offending behaviour.

However, the length of time spent on a BSS scheme before being admitted to the Juvenile Justice Centre was 36 days on average. Such a short duration means that it is difficult to build relationships in order to potentially influence the young person’s attitude and offending behaviour. Furthermore, whilst on bail the young person is presumed innocent and therefore specific offence related work can not be undertaken.

Unfortunately the BSS scheme database did not contain the completion date of the period of bail for all participants. Therefore, the current analysis is unable to estimate the length of successful bail completion periods.

The data suggests that the additional services of the Inside Out and Remand Fostering services were more successful in ensuring that young people maintain their bail conditions and refrain from offending behaviour, in comparison to attendance at the Community Services projects.

Caution should be exercised when interpreting this data as the numbers involved are very small in most cases and the results may be due to individual sub-group differences. However, it is likely that the extra support and one to one relationship offered to the young person by the Inside Out project worker under both programmes and the stable home environment provided by fostering has a positive impact upon the young people's behaviour.

The data indicates that in many cases, young people were admitted into custody for breach of bail and failure to surrender to bail. This suggests that young people do have significant problems in observing the bail conditions issued by the courts. This matter has been reiterated through the consultation process and many people believe that Magistrates tend to favour particular conditions such as curfew and refraining from visiting certain areas and people. Whilst individuals recognise the fact that these conditions are in the best interests of the young person, they are also likely to be the ones that are most difficult for them to keep.

There was a general feeling that young people will agree to any conditions in order to leave custody, even if they do not realistically believe that they will be able to sustain them within the community. Therefore, the formal Bail Assessment process and subsequent recommendations for bail conditions and supports provided by the BSS team are necessary interventions which can maximise young people's chances of remaining within the community.

However, it is apparent that the young people involved have had a history of offending and breach of bail behaviour prior to entering the scheme and therefore it is unrealistic to think that there would be complete compliance whilst on the scheme even amongst the most persistent offenders.

9.3.4 Young People's Attendance at Court

Unfortunately the data provided by the BSS team was largely incomplete with regards to attendance at court. Information on this aspect is passed to the BSS team via the Community Services projects. Therefore, the current study could not evaluate the BSS' effectiveness in ensuring that court appearances are kept. Anecdotal evidence from BSS and Inside Out staff does suggest that most young people do attend court when required.

Young people believed that the majority of people do keep their court dates as they do not want to return to custody. It was generally thought that they did receive enough support regarding this aspect of their bail supervision, from the projects and the Inside Out project worker where relevant. The BSS team thought that there was scope to increase their input with regards to the supervision element of the scheme and that this could involve accompanying young people to court where relevant.

9.3.5 Assisting Young People to Remain in their Own Homes

With the exception of the Remand Fostering scheme all individuals are encouraged to remain in their usual environment throughout their period on bail. The rationale behind this being that young people need to be able to cope effectively with the issues in their lives which first led them to offend. The Inside Out programme in particular focuses upon working with the whole individual to include family support and mediation.

This aspect of the provision appears to have been successful and parents were especially appreciative of the family related services that they have been offered through the Community Services projects. They appreciated the fact that the Inside Out project workers involved the whole family, in addition to working with the child.

9.3.6 Reintegration into the Community

The Inside Out programme aims to ensure that young people can successfully live within their community, during and after their period of bail ends. The Inside Out project worker emphasises supporting and guiding young people to make the right choices in life. This approach passes control and responsibility over to the young person and provides a strategy that they can use after the programme ends.

The programme is very time intensive and a lot of resources are focused upon building up the initial trust and confidence of the individual. However, there is a concern with regards to the period after which the young people have successfully completed their period of bail. Inside Out staff believed that in certain cases there should be a transition period during which the Inside Out service can begin to reduce and subsequently end. There was a need to ensure that young people would continue to receive the help and support that they require in order to effectively reintegrate into the community particularly where remand fostering has additionally been used.

After the young person's final disposal the BSS team are no longer involved and social services will take over responsibility for the young person's welfare. It was thought that in some cases adequate provision was not put in place for the young person and Inside Out staff believed that the transition period could be difficult for vulnerable young people who had benefited from intensive one to one support under the programme. There was a risk that an abrupt ending could result in the undoing of previous progress.

There is recognition that BSS support can not go on indefinitely, however, that in all cases the child's needs should be paramount in order to ensure the successful adaptation. It was suggested that there could be a cross-over of referrals to Extern's other youth services in order that the vulnerable do not fall out of the system and risk the danger of re-offending.

9.4 Management of the Programme

The programmes are discussed with regards to their overall management, the processes involved and the resource implications regarding the take up of the BSS scheme packages.

9.4.1 Overall Management of the Schemes

The overall management of the BSS scheme is the responsibility of the YJA, with Inside Out and Remand Fostering services contracted out to Extern and Down Lisburn Trust respectively. Formal contracts exist between these parties and each organisation's role in the relationship is specified. The aims and objectives of Inside Out and the Remand Fostering programmes are complementary to the aims and objectives of the wider BSS scheme. Inside Out, Remand Fostering and the YJA Community Services projects are required to prioritise their services to provide facilities to BSS clients.

However, the wider BSS scheme does not have formal guidelines or targets to work towards with regards to service delivery.

9.4.2 Programme Processes

The BSS has developed substantially over the three years that it has been in operation. However, there are no written guidelines with regards to the procedures which are undertaken when a young person is admitted into custody, nor at any subsequent stage of the process.

Therefore, there are currently no formal accountability mechanisms between the BSS scheme and their clients.

At the moment the scheme operates on a relatively informal basis between the BSS scheme and the other agencies involved. This has not affected the professionalism or dedication of the BSS staff and the consultations indicated that people hold them and their work, in high regard. However, there have been indications that the lack of service level agreements and protocols between the BSS, the courts, PSNI and social services have meant that time is sometimes wasted trying to follow-up information.

The quality and effectiveness of the service provided to date has depended on the team's ability to successfully network and gain the confidence of the appropriate individuals. As a result, BSS staff often felt that they are "calling in favours" from people rather than having an entitlement to the information.

Timely availability of information is crucial to the scheme's effectiveness, due to the often quick turnaround period for admissions under PACE, in particular. In some cases the BSS will only have a few days to undertake the initial Bail Assessment and to develop the Bail Proposal for presentation to court. Reliance on other people to provide the relevant information can impede this process.

There also appears to have been issues with regards to the lack of information sharing with regards to young people's case histories between Inside Out and BSS in the past. However, this was thought to have been a result of initial uncertainties as to the roles and remits of the respective organisations and has subsequently been resolved.

9.4.3 Programme Resources

Programme resources are discussed in terms of staffing levels, service development and financial costs.

BSS Scheme

Currently the capacity of the BSS team is at a maximum and they are unable to provide the level of service that they would like, in terms of offering increased supervision and supports to young people and in further developing the scope of their facilities.

Two potential developments are the physical representation of young people at all courts and the introduction of the BSS scheme at an earlier stage in the process.

At the moment the BSS team provide written representation of the Bail Proposal to the courts for their consideration. The team aim to be available to present the proposal, in cases in which they believe that there may be particular issues for concern. However, it is recognised that due to current staffing levels, they are unable to provide the level of presence that they would desire. The team believe that an active court presence would increase the visibility of the scheme and develop a greater level of awareness throughout the district courts in particular.

The BSS scheme in England and Wales are involved with the young person on their initial entry into police custody. At the moment the BSS scheme in Northern Ireland does not have the capacity to provide the service at this stage. Data from the admissions to the Juvenile Justice Centre in 2005 suggests that this would have involved providing Bail Assessments for an additional 59 young people who were subsequently discharged under PACE and would require an out of hours service which would cover each of the 29 DCUs in Northern Ireland.

Fifty per cent of BSS participants were initially admitted to custody under PACE and they spent an average of 39 days in custody before being released onto the BSS scheme. If the BSS scheme did operate at initial entry into police custody, it is possible that a proportion of these young people may not have had to spend any time in remand. However, as previously stated the BSS currently targets young people who are likely to have problems in receiving bail and there is no guarantee that earlier intervention would have prevented a remand to custody.

BSS intervention at an earlier stage would necessitate substantially higher staffing levels than are currently available and would necessitate the development of service level agreements between all the relevant agencies to ensure that the BSS staff had direct access to the relevant information at short notice.

Any future plans to introduce this service would require a feasibility study in order to determine various options for its delivery, in addition to financial and staffing implications.

Inside Out

Inside Out staff also thought that a lot of their time was taken up with travelling due to the expanse of young people's geographical locations. It was felt that the recruitment of additional Inside Out project workers should be made on a geographical basis, in order to provide greater coverage. This is especially necessary in times of crisis, when staff may be required to attend the young people's home at short notice in order to mediate in difficult circumstances.

There is also evidence to suggest that the Inside Out service could be further extended to provide regular contact outside office hours and at weekends. Currently this service appears to provide weekend coverage on a reactive, rather than proactive basis. However, it would be valuable to provide regular support at the times when offending or breaches are most likely to occur.

Remand Fostering

The BSS team believe the number of Remand Foster placements to be adequate for the level of referrals. However, there have been difficulties in recruiting foster carers within the Belfast area. This may have implications for developing and encouraging relationships between the child and their parents or siblings.

Resources

Although the cost of a placement in the Northern Ireland Juvenile Justice System is not available, secure accommodation in England and Scotland has been estimated at £100,000-£150,000 per year.

The total cost of the BSS team for one year is £64,702 and a young person's attendance at a Community Services projects costs approximately £3,500 for six months.

Costs for the Inside Out and Remand Fostering programmes vary according to the numbers of young people who use the service, however it is apparent that even if a child receives the maximum amount of support available from each of the BSS services that the cost of their placement for the year is under the lower scale of a custodial cost.

9.5 Impact upon the Remand Population

As previously discussed it is difficult to estimate the effects of BSS upon the remand population as young people are already in custody when the BSS team first target them. There do not appear to be any decreases in the length of time which people spend on remand to bail, since the scheme's introduction.

It is likely that the introduction of the scheme at an earlier stage in the process (i.e. before admission of custody in the Juvenile Justice Centre) would have a greater proportional impact upon the overall numbers of young people being admitted to custody.

9.6 Availability and Quality of Information

The BSS team are responsible for collating and registering monitoring data on the scheme's activity. However, the current evaluation found that there were difficulties with regards to electronic data collection under the scheme. The extent of the BSS scheme activity was not reflected in the data held on the BSS monitoring database.

The BSS team carry out Bail Assessments on the majority of young people who are remanded to custody. However there were a total of 423 assessments on the BSS database for the three year period that it was in operation. This is estimated at one third of the actual number of Bail Assessments made.

Although the BSS team may have details of these contained in hard copy form, there is a need for them to be electronically monitored in order that the scheme may estimate the effectiveness of the assessment process. For example, the scheme can not currently provide information on the number of cases which were perceived as not requiring bail support, which were subsequently refused bail.

The scheme does not record whether or not the young person was initially refused bail and the reasons for the decision. One explanation for this is that the BSS team are not available to attend each court appearance and are often reliant upon members of the courts service to provide them with details after the event. The court service does not register reasons for refusal and this will be ascertained from the defence solicitor.

The scheme also does not consistently record the length of time which young people spend on bail support. The current evaluation ascertained this from the NIO admissions to custody database. However, only the length of time spent on bail before re-admission to custody could be estimated. There are problems with the current information gathering processes, in that in many instances the BSS team are reliant on a variety of agencies to provide them with relevant details on young people who are admitted onto the scheme.

The BSS team receive information from the Community Services Projects, Inside Out and Remand Fostering programmes. These are in paper format and some of the case details are incomplete. As a result, the current evaluation was unable to estimate the percentage of young people who attended all their court dates, which is one of the aims of the scheme.

There is an overall lack of formal protocols and procedures relating to information sharing and gathering which, if properly designed and managed could assist with initial Bail Assessments and feed into the monitoring of the scheme.

The current database has developed over time to incorporate additional variables and as a result the BSS team find it difficult to populate and manage. There is part-time administrative support for the scheme, but it is thought that the person inputting the data would need to have a good knowledge of the BSS scheme, the judiciary procedures and the histories of the young people as the case files in their current format are difficult to understand. Therefore, much of the actual inputting and follow-up of information is currently undertaken by the two BSS staff.

9.7 Summary

Overall, the introduction of the BSS scheme has had successes in terms of providing support for young people who might otherwise have difficulties in receiving bail and in reducing breaches of bail and offending whilst on bail.

It is apparent that the scheme is consistent with the spirit of the Youth Justice legislation and it is cost effective in comparison to the expenditure involved in a custodial remand.

The fact that only six per cent of BSS participants ultimately received a JJCO, illustrates the fact that the Courts use the BSS scheme in cases that do not warrant a custodial outcome.

Whilst the statistical impact is open to interpretation, in terms of the scheme's effect upon the remand population, the qualitative data provides evidence that the BSS scheme provides a valuable service to many young people and the agencies that work with them. It is apparent that the quality of the staff and the range of services offered are the major strengths of the scheme.

However, the scheme is at a critical stage in its development as the programme is currently operating to capacity. There have been various suggestions as to how the scheme could progress in order to provide a more in-depth service to young people. Recommendations are provided in the concluding section.



Chapter 10

Conclusions and Recommendations

10.1 Introduction

This section presents conclusions on the overall effectiveness of the BSS scheme as implemented by the YJA. It also sets out recommendations for improvement and describes potential next steps.

10.2 Overarching Conclusions

The BSS scheme makes a positive contribution to the Youth Justice System in Northern Ireland. Feedback from stakeholders, young people, parents and Remand Foster carers has been very complimentary and it is apparent that the service is valued by a wide range of beneficiaries.

Following analysis of the NIO and BSS monitoring data, the young people and parent interviews, case studies, foster carer interviews and stakeholder consultations we have drawn the following conclusions:

- ◆ the ethos of the BSS programme complements the current legislative requirement that custody is to be used as a last resort for only the most serious and persistent offenders;
- ◆ the BSS scheme's approach attempts to engage and support young people. It is a positive, rather than a punitive measure;
- ◆ the ideology of the scheme is supported by stakeholders representing a wide range of agencies to include the Judiciary, the Public Prosecution Services, solicitors and social workers;
- ◆ the BSS scheme provides equality of opportunity in that its services are provided to anyone remanded in custody who is deemed to be at risk of having their bail application refused;
- ◆ the different elements of the scheme can combine to deal with the courts concerns, examples of which are issues of accommodation, breach of bail, offending, diversionary activities, supervision and education. The BSS team is successful in assessing the level of support required for each individual;
- ◆ the Bail Assessment process ensures that the Bail Proposal is tailored towards the needs of the court and the young person. It also ensures that proposed bail conditions are based on measured assessments of what is appropriate;
- ◆ the courts value the written proposals submitted by the BSS team and often call on their input during the court hearing. However, at the moment the BSS scheme is unable to verbally present each Bail Proposal at court;
- ◆ the terms and conditions of the Bail Proposal and the agreed BSS scheme means that young people are held accountable for their actions and that a breach of any of the scheme's conditions are a breach of bail;
- ◆ the majority of young people wish to obtain bail in order that they may have the freedom to see their friends and family, rather than as a result of their dislike for the Juvenile Justice Centre. This may motivate young people to agree to bail conditions that they may not be able to maintain. Discussions with young people found that breach of bail is not necessarily a pre-meditated action. Additional support and activities, for example at weekends, may divert young people away from risk behaviours;
- ◆ the available data suggests that the BSS scheme does have a positive impact upon reducing offending whilst on bail and reducing breaches of bail. At the very least it offers support to young people in order to maximise the likelihood that they will adhere to the conditions of the scheme;

- ◆ satisfaction amongst beneficiaries of the scheme is high in relation to the support that young people receive in obtaining and maintaining bail. Individuals on the Inside Out and the Remand Fostering value the relationships established with the Project workers under the programmes. The evidence suggests that this intensive level of support does enable some young people to reintegrate into the community during and after the duration of the BSS scheme;
- ◆ there is a danger that children may perceive that their offending behaviour to be rewarded as a result of the activities and one to one support provided under the scheme. Parents were concerned that they could not sustain this attention once the period of bail ends;
- ◆ in its current form the BSS scheme has limited impact upon the remand population. This is due to the fact that individuals are targeted after they have been admitted to custody. They can only have an impact upon the young person's future admissions to custody (i.e. by helping them to keep their bail conditions and influencing their subsequent long term behaviour);
- ◆ it is apparent that some young people spend time on remand unnecessarily due to the fact that so many go on to receive bail rather than a custodial sentence;
- ◆ participants on the BSS scheme appear to spend longer than average on remand before being released under the programme, than the wider Juvenile Justice population. However, this is not surprising as these are young people who were likely to have bail refused without BSS support. In many cases, where the person has been in care previous to admission, there are delays due social services' attempts to secure an alternative address. Similarly, for certain offences (e.g. arson) psychiatric assessments may be required before the young person will be accepted into another care situation. However, there is no way of ascertaining the length of time they would have stayed in custody had their BSS Bail Proposal been refused;
- ◆ the delays in the court system could impact upon the effectiveness of the BSS scheme in terms of re-offending whilst on bail (i.e. the longer the time that the young person spends on bail, the more chances they may to breach their bail conditions);
- ◆ the BSS scheme is a specialist service with knowledge of the legal system and as such depends on the quality and skills of its staff;
- ◆ the Bail Assessment and development of the Bail Proposal necessitates contact with a variety of individuals and organisations and as such is time intensive and involves the large-scale co-ordination of services;
- ◆ currently the scheme's effectiveness relies on the communication and networking skills of its staff and the goodwill of information suppliers. Relationships between staff and other relevant organisations are very positive, however it would be beneficial for the scheme to have formal procedures put in place;
- ◆ in some instances the quality of the BSS scheme data was poor due to reliance on other data providers. The BSS scheme's reliance on hard copy case files, delays the information gathering process and makes it difficult to quickly access data and to monitor individual cases. As a result the data gathering and monitoring processes need to be developed further;
- ◆ the BSS team are working to full capacity and are finding it difficult to undertake the supervision element of the BSS scheme and are therefore having to rely on Community Services projects and Inside Out to undertake this element;
- ◆ externally, there is some confusion as to the distinction between the BSS scheme and the Intensive Bail Support scheme (Inside Out). As a result the BSS team do not always receive credit for the work that they have done in obtaining bail for the young person. The Inside Out service is the more visible of the two although this would change if the BSS team were to develop their supervisory role;

- ◆ there appears to be a gap in the service provided to young people who have left the BSS scheme on completion of their bail period. These young people do not fall under the remit of the YJA, however, the BSS scheme should ensure that appropriate services are put into place for the young person within the community prior to discharge;
- ◆ remand Fostering is a specialist service and relies on dedicated and understanding individuals. The financial rewards and supports should reflect this. Foster carers believe that Remand Fostering is made more difficult by the fact that many of these young people are not in full-time education and therefore tend to spend more time in the home with the carer, which can be emotionally draining; and
- ◆ the BSS scheme is financially more cost effective in comparison to a custodial remand.

10.3 Recommendations

Recommendations are made to address the issues raised under the following headings:

- ◆ Awareness Building;
- ◆ Inter-Agency Partnerships;
- ◆ Operational Management;
- ◆ Service Integration;
- ◆ Monitoring and Evaluation; and
- ◆ Service Development.

10.3.1 Awareness Building

There is a feeling that the scheme is well known within certain circles. However it is likely that some individuals (e.g. solicitors, social workers, police officers) will only have knowledge via particular clients. Although the current mechanisms for the scheme's promotion have been effective to date, there needs to be a strategic focus upon its marketing, if it is to develop further. We suggest that the YJA consider the following:

- ◆ provision of BSS information (e.g. leaflets, posters) in all police custody suites and at all courts;
- ◆ targeted awareness building programmes for all agencies with involvement in Youth Justice system, with representation from BSS team, Inside Out and Remand Fostering;
- ◆ promotion of the scheme within relevant Bulletins (e.g. The Writ);
- ◆ targeted physical representation at all courts in Northern Ireland in order to promote and clarify issues on the scheme;
- ◆ promotion of the scheme to the parents of children at risk from having their bail revoked; and
- ◆ promotion of the Remand Fostering scheme to foster carers networks.

10.3.2 Inter-Agency Partnerships

The success of the BSS scheme relies on timely information collection. There is evidence that there can be delays in this process, especially at the Pre-Court stage. This ultimately has an effect upon the efficiency of the service provided. Effective strategies will ensure that important decisions will occur within a good practice framework. We suggest that the YJA consider the following:

- ◆ an inter-agency working group (e.g. NI Courts Service, PSNI, Social Services, NI Probation Board) to be set up which would investigate the information requirements of the BSS scheme in relation to each organisation with the aim of providing practical solutions to obtaining necessary information in a timely manner. It may be possible to build on the process mapping exercise currently being undertaken by NIO for the Youth Justice System;

- ◆ service level agreements to be devised on the basis of the outcomes of the Inter-Agency working group, to include the person responsible for information provision in each organisation, the format of the data and the time-frame in which it will be provided; and
- ◆ the working group should enable links to be established between organisations and provide an opportunity for feedback and discussion on practical operational issues.

10.3.3 Operational Management

Recommendations are provided with regard to the BSS scheme's internal management processes. To date the scheme has operated effectively by working towards the aims and objectives of the programme. However, in order to provide fully accountable services to young people there should be written guidance on the scheme's procedures and targets set for their implementation. We suggest that the following recommendations should be considered:

- ◆ there should be formal protocols and procedures for the implementation of the BSS scheme which detail the way in which the scheme will meet its aims and objectives;
- ◆ evidence based targets should be set under each aim and objective of the scheme;
- ◆ formal written protocols should be established for Bail Assessment, pre-court interviews, development of the Bail Proposal, post bail acceptance interview, review procedures and breach procedures;
- ◆ time-bound targets should be established for Bail Assessment, pre-court interviews, development of the Bail Proposal, post bail acceptance interview, review procedures;
- ◆ the Bail Assessment process is based upon a subjective judgement after weighing up the evidence from other parties. In order to remain accountable and to ensure equality of opportunity there should be clear written guidance as to which outcome is to be undertaken within each scenarios;
- ◆ more than one individual should sign off the Bail Assessment form for quality assurance purposes; and
- ◆ all staff with a responsibility of working with young people who are under the BSS scheme should be adequately trained to deliver bail support and supervision. The components of the training will vary, however it may include bail and associated legislation, remand management, court and police procedures, verbal and written presentation at court, Bail Assessment, risk assessment and management and breach of bail procedures.

10.3.4 Service Integration

The different programmes under the BSS scheme appear to perceive themselves as being separate entities, whereas in reality they are complementary initiatives. As such we suggest that efforts are made to reinforce the importance of each component to the overall success of the scheme. This could be achieved by:

- ◆ encouraging internal communication between the BSS team, the Community Services projects, Inside Out and Remand Fostering, to include sharing good practice, individual successes and potential service developments; and
- ◆ encouraging information sharing with regards to individuals at risk of re-admittance to custody with the aim of proposing further supports (with agreement by the courts). For example, increased supervision by the BSS team, a new referral to Inside Out or for those on intensive support an increased amount of contact with the Inside Out project worker.

10.3.5 Monitoring and Evaluation

There should be a comprehensive monitoring and evaluation strategy, in order to evidence anti-discriminatory practice and equality monitoring requirements. We recommend that:

- ◆ the current data collection processes are revised and a database(s) devised which will meet future monitoring and evaluation requirements;

- ◆ a research assistant is appointed with responsibility for data collection, co-ordination, input, maintenance and analysis of all the information collected under the scheme;
- ◆ information should be electronically collected on each Bail Assessment that is carried out, in order that this stage of the process can be effectively monitored;
- ◆ the requirement to provide quality data in an appropriate format for analysis should be introduced as a requirement of funding for Inside Out and Remand Fostering;
- ◆ Community Services projects should ensure that a designated individual is responsible for the provision of quality data in an appropriate format to BSS. This should be built into the job description;
- ◆ quality data should be collected on court attendance, the closure date of the BSS scheme and the reason for termination stated (i.e. re-offending, breach or successful completion) and the reasons why bail applications are refused in court;
- ◆ the value of quality monitoring data for the purpose of service development and review should be reinforced to partners; and
- ◆ data should be analysed according to the effectiveness of the service in meeting its aims and routine data should be provided to the YJA on a quarterly basis.

10.3.6 Service Development

As previously noted the BSS scheme is at a critical point in its development and there have been various suggestions as to the way in which the service could expand. The current evidence suggests that the BSS scheme should continue to target young people who have been admitted to the Juvenile Justice Centre, rather than when they are initially admitted into police custody. This is not to say that it would not be beneficial to target young people at this early stage in order to reduce the overall numbers who are admitted to custody and to eliminate unnecessary remands. However, it is felt that the scheme needs to prioritise the development of internal protocols and external systems in order that it can effectively manage its current activity.

Before proposing that BSS should operate when young people enter into police custody, a detailed feasibility study would need to be undertaken in order to investigate the full implications and costs of providing this service. Preliminary discussions with stakeholders have highlighted significant operational and resource implications which would require in-depth analysis.

BSS scheme

In general, we recommend that an additional BSS scheme worker should be employed in order that the scheme can develop in the following ways:

- ◆ the BSS team should have proactive responsibility for closely supervising young people taking part in the scheme and in particular, those who have been referred to the Community Services projects, as opposed to Inside Out. It is envisaged that this supervision would take the form of a minimum number of contacts per week;
- ◆ the BSS team should take personal responsibility for accompanying young people to court in cases where there is a high risk of non attendance;
- ◆ BSS scheme should take referrals for young people who are in danger of having their bail revoked in cases where there has been no previous involvement;
- ◆ BSS should provide their services to 17 year olds who are remanded to custody in the Young Offenders Centre;
- ◆ consideration should be given to geographical location when recruiting staff, in order to ensure equal geographical coverage;
- ◆ integrated aftercare needs to be considered a significant aspect of the BSS scheme's development and as such young people should be assessed by the BSS team, in order to determine whether or not they are at risk of subsequent offending, prior to leaving the scheme;
- ◆ there should be support mechanisms in place for all young people, after they come off the BSS scheme. This could be a reduced service or referrals to other organisations in order to ensure that young people may smoothly re-integrate into the community; and
- ◆ if, in the future, it is proposed that the BSS should operate at the point of entry into police custody, a feasibility study should be commissioned investigating the resource and operational implications upon service delivery in relation to the anticipated benefits.

Inside Out

- ◆ the Inside Out programme should provide regular contact arrangements and activities at weekends and evenings as required; and
- ◆ consideration should be given to geographical location when recruiting staff, in order to ensure equal geographical coverage.

Remand Fostering

- ◆ there needs to be an emphasis on recruiting foster carers in the Belfast area;
- ◆ the remuneration package for Remand Foster Carers should reflect the complexity of skills and dedication required by the carer and their family; and
- ◆ regular respite provision should be provided for Remand Foster Carers.

10.4 Next Steps

There has been widespread agreement that the BSS scheme introduced by the YJA yields benefits for participants and a variety of other agencies involved in the Youth Justice System. However, the ultimate impact of the scheme upon behaviour is likely to be gradual rather than immediate.

It is recognised that the overall impact of the BSS scheme approach is hard to measure, due to the fact that we can not determine what would have happened had the scheme not intervened.

We suggest that the next steps are:

- ◆ to give consideration to the recommendations resulting from the current research;
- ◆ to devise a time-bound action plan on the recommendations;
- ◆ to review the current level of BSS staffing resources; and
- ◆ to regularly review the impact of the scheme and the implementation process within short and long term performance aims.

Within any future evaluation of the BSS scheme sufficient weight should be given to qualitative evidence as perceptions and attitudes are extremely beneficial in gauging acceptance and support of the scheme, in addition to determining their perceived effectiveness.



Appendices

Appendix i: Structured Questionnaire for Young Person Interviews

Appendix ii: Discussion Guide for Parent Interviews

Appendix iii: Discussion Guide for Remand Foster Carer Interviews

Appendix iv: List of Stakeholders

Appendix v: Communication to Consultees and Discussion Guide

Structured Questionnaire for Young Person Interviews

REF:

Project
Inside Out
Fostering

Hello, my name is X from Deloitte and I am trying to find out what young people think about the Bail Support Scheme on behalf of the Youth Justice Agency. The information that you give me will be completely confidential and although I will take notes of our conversation, anything that you say will be treated anonymously and will not be fed back to anyone as your own personal views. You don't have to answer any questions that you don't want to and can ask me to explain anything that you aren't clear about.

I want to ask you about the last time you were on Bail and involved in the Bail Support and Supervision Scheme. [get background information & establish specific time]

Q1	Thinking about the last/current time you were remanded in JJC, can you remember your first meeting with John McCourt or Marie Louise Miskelly	Yes	Q2a
		No	
Q2a	Did someone explain to you about Bail and how it works?	Yes	Q2b
		No	
Q2b	Who?		Q3a

Q3a	Did someone explain to you about Bail Support and how that works?	Yes	Q3b
		No	Q3c
Q3b	Who?		Q3c
Q3c	Did you understand what Bail Support meant?	Yes	Q4
		No	Q3d
Q3d	What part did you not understand?		Q3e
Q3e	What would have made it clearer for you		Q4

Q4	Why did you want to apply for bail?	Didn't want to stay in JJC Parents Social worker PSNI Probation Friends Don't know Other (state)	Q5a
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Q5a	When you got bail were there any bail conditions?	Yes	Q5b
		No	Q6a
Q5b	Did you think they were generally		Q5c
Q5c	Why do you say that?		Q6a

Q6a	Who would you have most contact with as a result of Bail Support Scheme?		Q6b
Q6b	Frequency of contact	Daily Every other day Every 2-3 days Every 2-5 days Every 5-7 days Less often (state)	Q6c
Q6c	How do they help you (tick all that apply)	Court reminder Court attendance Home visits Parental support Support/advice to child Education Any other help (state)	Q6d
Q6d	Do you feel you get enough support from them?	Yes	Q6e
		No	Q6e
Q6e	What part did you not understand?		Q3e
Q6e	Why do you say that? What need more/less of?		Q7
Q7	Do you think you would have got bail without John or Marie Louise?	Yes No Unknown	Q8
Q8a	Some people out on bail commit crimes. What prevents offending on bail? (please tick all that apply)	Supervision Parents/carers Being away from certain people Being away from certain places Doing activities Having support Threat of JJC Other (state)	Q8b
Q8b	Do you think coming here/being on Inside out has helped you not to re-offend while on bail?	Yes No Unknown	Q9
Q9a	Sometimes people on bail don't turn up for their court dates. What do you think would make young people attend court (please tick all that apply)	Supervision Transport Parents/carers Being away from certain people Being away from certain places Doing activities Having support Threat of JJC Other (state)	Q9b
Q9b	Do you think coming here/being on Inside Out has helped you keep your court dates?	Yes No Unknown	Q10a

Structured Questionnaire for Young Person Interviews

Q10a	Would you rather be on bail than in JJC?	Yes	Q10a
		No	Q10a
Q10a	Why do you say that?		Q11a
Q11a	Overall how do you rate (name of project)	V Good Good Average Poor Unknown	Q8b
Q11b	Why do you say that?		Q14a INSIDE OUT Q15a FOST Q16a NOT
Q12a	Overall how do you rate the help you got from John & Marie-Louise?	V Good Good Average Poor Very Poor Unknown	Q12b
Q12b	Why do you say that?		Q15a FOST Q16a NOT
Q13a	Overall how do you rate Inside Out?	V Good Good Average Poor Very Poor Unknown	Q14b
Q13b	Why do you say that?		Q15a FOST Q16a NOT
Q14a	How would you rate Bail Fostering?	V Good Good Average Poor Very Poor Unknown	Q15b
Q14b	Why do you say that?		Q16a

Q15a	Overall how satisfied are you with the Bail Support scheme?	V Satisfied Satisfied Average Unsatisfied Very Unsatisfied Unknown	Q16b
Q15b	Why do you say that? What works? What doesn't work?		Q17
Q16	Is there anything else you would like to say about Bail Support Scheme, Inside Out or Bail Fostering?		END

TOPIC GUIDE FOR PARENTS/GUARDIANS

Tell me about your child's last time in police or court custody

- What was the nature of the offence?
- Why do you think it was suggested that your child get involved in BSS?
- Were you aware of the scheme beforehand?
- Why did you agree for them to take part?

[For those on Inside Out & Fostering: Awareness that they were referred to Inside Out via the BSSS?]

Tell me about your child's current or last BSS agreement

- Name of project?
- How often attend? Was attending a condition of bail?
- Activities:
 - Family work- value of this
 - Education/Training/Employment
 - Social Skills
 - Health & substance misuse interventions
 - Offence awareness
 - Teambuilding, leisure
- Any additional conditions- Inside Out, Fostering, curfew, avoiding areas/people etc.

Who would you have most contact with?

- Frequency of contact?
- How do they help you? Reminder of court appearance etc.
- Family mediation/parenting skills/support through Bail period
- Tell me about specific times you've requested support
- Do you feel you have enough support from them?
- What elements would you like more/less of
- Extent to which you feel involved
- What do you see your role as being?

Breach of Bail

- Are you aware of any times when your child has failed to comply with their bail conditions?

Aims of BSS

- How effective do you think BSSS is in achieving these aims?

Overall Satisfaction with BSSS

- How effective do you think that the BSSS was in obtaining bail for your child?
- In your opinion what elements of BSSS work?
- What doesn't work? How improve?

[Inside Out & Fostering: Additionally prompt on their views of these aspects of BSSS]

TOPIC GUIDE FOR FOSTER CARERS

Main Issues for Discussion (refer to detailed points below)

- How did you first become aware of Bail Fostering?
- What made you decide to do it? Family decision?
- What process did you have to go through- training, evaluation etc.
- Perceptions of what fostering would be like
- Bail fostering experiences to date
- Frequency and type of support received from others (YJA, Inside Out/Extern and others)
- What do you see your role as being?
- Role of other family members, dynamics & implications
- Value of Bail Fostering Scheme /Inside Out & what could be improved upon

Fostering Experiences to Date:

- What was the nature of the offence?
- Project attended?
 - How often attend? Was attending a condition of bail?
 - Activities:
 - Family work- value of this
 - Education/Training/Employment
 - Social Skills
 - Health & substance misuse interventions
 - Offence awareness

Teambuilding, leisure

- Any additional conditions- Inside Out, Fostering, curfew, avoiding areas/people etc.
- Why do you think these particular conditions were included?
- Did you feel that the child could meet all requirements?
 - What did you think they would struggle with?
 - Did you feel able to raise your concerns?
- What was your understanding of the breach of bail implications?
 - Are you aware of any [written] information?
 - Contact arrangements
 - Commitments & obligations
 - Procedures for lateness/sickness, non compliance & breach
 - Signing of agreement
 - Agree review periods
 - Assignment of Key worker
- Contact and Support from YJA, Inside Out/Extern & Others
 - How do they help you? Reminder of court appearance etc.
 - Mediation/fostering skills/support through Bail period
 - Tell me about specific times you've requested support
 - Do you feel you have enough support from them?
 - What elements would you like more/less of
- Breach of Bail - Are you aware of any times when the child(ren) you foster has failed to comply with their bail conditions
 - In what way(s)?
 - Why do you think they were unable to adhere to the conditions?
 - Did anything happen as a result?

Phone call, letter from YJA project/Inside Out...police exercised powers of arrest?
Did they go to Court for breach of bail conditions?
Are you able to influence their compliance?

Views on Effectiveness of Bail Fostering / Inside Out:

- Impact on key objectives:
 - Prevent offending on bail
 - What prevents offending on bail? Supervisor, parents, being away from certain people/places? Diversion, structure, support
 - Ensure the appearance of the young person at Court
 - What helps young people attend - supervision, transport etc
 - Ensure remands to custody & secure remands are kept to a minimum
- How effective do you think Bail Fostering/Inside Out is in achieving these aims?
- In your opinion what elements of Bail Fostering/Inside Out work?
- What doesn't work? How improve?
- Thoughts on electronic tagging, more intensive supervision arrangements?
- Do you think involvement in Bail Fostering/Inside Out is preferable to being remanded in custody? Why/why not?

LIST OF STAKEHOLDERS

Organisation
YJA
NIO – Youth Justice
Lakewood Centre
Down Lisburn Trust
NICCY
Solicitor
Ballee Adolescent Unit
DHSSPS
JJC
Extern
PSNI
Children in NI
Solicitor
Solicitor
Solicitor
Ulster Community Hospital
Homefirst
Knockbracken Healthcare Park
Laganside Courts
Bar Library
Royal Courts of Justice
BSSS

09 January, 2006

Our Ref:

Dear XXXXXXXXXXXXXXXX

Deloitte has been commissioned by the Northern Ireland Office to evaluate the effectiveness of the Bail Support & Supervision Scheme (BSSS).

The BSSS was created in June 2002 as a result of the recommendations to reduce juvenile remands in the Criminal Justice Review. The scheme is targeted at children and young people held in custody on remand and aims to provide the courts with a viable and effective alternative to remands in custody where appropriate. BSSS also aims to help young people, awaiting trial or sentence, to successfully complete their time on bail without missing court dates or offending whilst on bail.

An important part of the BSSS evaluation involves asking various stakeholders in the Juvenile Justice and related sectors about their views on the initiative. These interviews will focus on the approaches adopted by both the BSS scheme and the Intensive BSS scheme. We will be investigating the bail proposals made to the courts throughout Northern Ireland under these schemes and will also be exploring the concept of Bail Fostering. I have attached a copy of the proposed areas of discussion for your information.

We would like to invite you to take part in a consultation interview lasting approximately one hour.

X will be in contact with you over the next couple of days to see when you, or a nominated representative, would like to take part. Please do not hesitate to contact me if you would like further details on the research.

Yours Faithfully

XXXXXXXXXXXXXXXXXX

Proposed Areas for Discussion

Please note that there will be proportionate emphasis on these areas according to the focus of the relevant organisation.

Strategy & Policy:

- How does BSS relate to Policy & Strategy
- Integration with other schemes & developments

Pre-Bail Hearing:

- Liaison between BSS Team and custody / police / courts / defence / prosecution
- Availability of information on the young person and on the likelihood of obtaining bail prior to the bail hearing
- System shortcomings and improvements

Bail Hearing:

- Usefulness of BSS Team's bail proposal input to support court's decision
- Process and output improvements

Promotion of the scheme

- Level of awareness of courts, solicitors, police etc of the scheme and how it operates

Scope of BSS schemes

- Capacity, availability and staffing levels of BSS generally

Breach

- Clarity of processes for managing breaches of BSS attendance
- Clarity of processes to report non-compliance with other conditions of bail (i.e. not related to BSS) – eg. curfew, other offences

Intensive BSS / Bail Fostering

- Impact of accommodation issues on granting bail
- Need and demand for the more intensive option and for fostering

Impact & effectiveness of BSS

- Effectiveness of BSS against its 3 key aims (ie. reducing re-offending whilst on bail; improving rates of attendance at court and reducing the number of young people in custody)

Recommendations

- Improvements to the scheme delivery processes and any potential for expansion

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