

Child Rights Impact Assessment template

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STAGE 1: SCOPING (Background and Rights Framework)

Question 1: Name the measure / proposal being assessed and describe the overall aim

Development of a new single, flexible community order for children. The aim of the revised policy is to streamline and simplify the existing community sentencing framework in Northern Ireland as it applies to children, with better outcomes for children, families, victims and communities being the ultimate goal. In order to do this, we intend to:

- replace the current 7 existing community orders with one single, flexible order which can be adapted to meet the changing circumstances/needs of children in receipt of it.
- designate one organisation to be responsible for the supervision of the new single community order.
- ensure that restorative practice/victim involvement is central to the process but is delivered in such a way as to be flexible to the needs of all parties; and
- underpin the changes, including the new order, in legislation.

This document should be read in conjunction with the Equality Impact Assessment on the proposal for the single community order. This Child Rights Impact Assessment (CRIA) follows the Northern Ireland Commissioner for Children and Young People's Office guidance as set out at NICCY CRIA Guidance.

Question 2: Which children’s human rights instruments and articles are relevant to the measure / proposal?		
Human Rights Instrument	Article	Further analysis on the expected / actual effect
UNCRC	3 (the best interests of the child)	The new single order is being developed in order to improve outcomes for children who offend.
UNCRC	40 (juvenile justice)	The new order should improve reintegration of children who offend back into society by ensuring that any requirements delivered as part of the order are aimed at either supporting the child, in terms of addressing behaviours which lead to offending, or making reparation to the victim of the child who has offended.
United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)	Part 1 – Fundamental Principles 5(b)	Introduction of specialised approaches for addressing offending by children, including identification of underlying needs to prevent future offending.
United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")	Rule 5 – aims of juvenile justice; Rule 17 – adjudication	Addressing offending by children should focus on their well-being and be proportionate not only to the circumstances and the gravity of the offence but also to the circumstances and the needs of the juvenile as well as to the needs of society;
United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")	Rules 14 & 15	The child and their parent or guardian should be entitled to have a voice in the process.

Question 3: Which groups of children are most likely to be affected by the measure / proposal?		
Group of children	How are they likely to be affected?	How will you engage with them?
Children who offend whereby the nature of their offending results in a court prosecution.	Improved outcomes as a result of a simplified community sentencing framework.	Initial engagement took place when developing the commitment in the Strategic Framework for Youth Justice to simplify and streamline the community sentences available for children, which received significant support. Further engagement on the current community sentencing framework was undertaken as the consultation document was developed, and ongoing engagement will take place on the proposed new measures as they develop further.
Children who are victims of crimes carried out by other children	It is proposed that the new order will allow for victim engagement throughout the period of the order	Organisations representing victims' views will be part of the targeted stakeholder consultation. In terms of the proposed new order, the Youth Justice Agency, and Victim Support if engaged by the victim, will be supported to engage in a restorative process.

Question 4: Which stakeholder groups should be engaged during the policy development process? (e.g., parents/carers, NGOs, unions, NICCY, academics, etc.)		
Stakeholder group	What can they contribute to the process?	How will you engage with them?
Children's sector organisations	They can represent the views of children both as offenders and as victims.	They are represented on the Task and Finish group established to develop the new order and have been engaged in the pre-consultation period. They will also be contacted as part of the formal public consultation period and asked to provide their views.

Criminal justice organisations	They can provide the operational expertise and the benefit of their experience	They are all represented on our T&F group.
Academics	Research which is relevant to the issue	An academic from QUB is represented on the T&F group.
Parents/carers	They can provide information around the lived experience of supporting a child through the community sentencing process.	We have engaged with this group through the YJA parents' support group and NIACRO's family contacts, and will continue to do so as the proposals develop.

STAGE 2: CONTEXT AND COLLABORATION

Question 5: Which Programme for Government outcomes does this policy aim to impact on?	
PFG Outcome	Way in which the policy will have an impact
Safer Communities	By improving outcomes for children who offend and providing timely and effective support to prevent reoffending, we will also be improving outcomes for families and victims and making communities safer.

Question 6: Which Children and Young People’s Strategy outcomes does this policy aim to impact on? Resource: CYPS	
Children’s Strategy Outcome	Way in which the policy will have an impact
C&YP make a positive contribution to society	It is proposed the new order will provide an opportunity for children to make reparation for offending behaviour through restorative actions and/or community service.
C&YP live in safety and stability	By improving outcomes for children who offend, we hope that this will reduce reoffending thereby ensuring that more children live in safety. Also given that a significant proportion of young offenders are victims also, by offering them support we can hopefully provide more safety and stability for these children also.
C&YP live in a society which respects their rights.	As highlighted in Question 2, the new order will be designed to meet a range of international children’s rights. In addition, the new order will include a requirement for a judge to consider the child’s circumstances, family life, faith practices etc. before determining the requirements they will need to fulfil.

Question 7: What opportunities are there to promote joined up outcomes for children? Resource: CSCA		
Department and policy area	Shared outcome / cross cutting issue	How will you engage with them? (eg joint working, keep informed, consultation, etc)
Department of Health	Improving the physical or mental health of children in the justice system	Joint working through vehicles such as the Improving Health within Criminal Justice strategy, the Executive Working Group on Mental Wellbeing, the DoH/YJA CAMHS service, and work with the Mental Health Champion. The new order is intended to identify and meet the underlying needs of children, where services are available in the community.

Department of Education / Education Authority	Learning and achieving	The new order will provide an opportunity for those who are currently out of education or training to re-engage and/or to learn in a different environment as part of their activity plan.
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STAGE 3: EVIDENCE GATHERING

Question 8: What quantitative evidence have you used to inform your assessment? What does it tell you?		
Evidence collected	Evidence source	Explanation of the importance
Data on number and range of community orders served over 5 year period	Youth Justice Agency and Probation Board NI	Highlights that of the seven available community orders, a number are rarely handed down. Also a number of children are subject to multiple orders at the same time which is confusing for them and their parents. Strengthens the case for streamlining the current system.
Information on the number of orders breached in 5 year period	Youth Justice Agency and Probation Board NI	Supports measures to be put in place in the new order for dealing with breaches of community orders. It is envisaged that having a single order, and a single supervising body (YJA) will have a positive impact in terms of the number of orders which are breached, as the new order should make it easier for children to comply with requirements, and to support them to do so.

Question 9: What qualitative evidence have you used to inform your assessment? What does it tell you?		
Evidence collected	Evidence source	Explanation of the importance
Surveys of children with lived experience and their parents/carers	Survey designed in collaboration with the YJA Participation Officer	Provided the opportunity for views from those with lived experience of the current community sentencing framework, and allowed us to identify issues where improvements were required and what was currently working well.
Research into community orders operational in order jurisdictions including ROI, Scotland, England & Wales, and New Zealand	Government websites in jurisdictions in the UK, ROI and New Zealand.	Provided a basis for comparison in terms of what is offered currently in Northern Ireland and where we would like to be in the future i.e. have a more streamlined community sentencing framework. Showed examples of orders in other countries which could be adapted for introduction locally, such as the England and Wales Youth Rehabilitation Order.

Question 10: What key missing information / evidence would have been beneficial to your analysis?
A formal evaluation of the Youth Rehabilitation Order (YRO) introduced in England and Wales in 2009 would have been useful to identify issues with the order. However, engagement at official level has allowed for learning from colleagues in England & Wales in relation to the YRO to be shared.

Question 11: What existing evidence on children and young people views has been considered in the development of the proposal or measure?			
Group of children	Source of Information	Please provide a brief description of process	What were the findings?
Children with lived experience of the justice system	Survey information completed during the development of the Strategic Framework for Youth Justice (SFYJ)	As part of the consultation process on the development of the new SFYJ, children were consulted on a range of issues including a new single community order.	Most children were supportive of making the process simpler and believed that a single order could help achieve this. There were some concerns expressed about the operation of the new order and how it would work in practice.
Children with lived experience of the justice system	Survey designed in collaboration with the YJA Participation Officer	As part of the early work of the Task & Finish Group looking at this proposal, children and young people who had received court orders were consulted on their experiences and understanding of the process.	Most children were supportive of making the process simpler and believed that a single order could help achieve this.

Question 12: What groups of children and young people have been directly involved in developing the proposal or measure?			
Groups involved [✓ if those affected by the proposal]	✓	How were they involved?	What were the findings?
Children with lived experience of the justice system	✓	As per the responses to questions 9 & 11, they were surveyed via questionnaires designed with the assistance of the Youth Justice Agency's Participation Officer.	As set out in questions 9 & 11.
Young people in Hydebank Wood College		The views of a small number of young adults were included in the survey responses (as per questions 9 & 11,)	As set out in questions 9 & 11

Question 13: What stakeholder groups have been engaged in developing/reviewing the proposal or measure?		
Stakeholder group	How were they involved?	What were the findings?
The following stakeholder groups are represented on the Task and Finish Group set up to develop the new order: Voluntary & Community Sector (CLC, NIACRO, Include Youth, VOYPIC) PPS PSNI	Through their participation on a Task and Finish group to develop proposals for the new measure. The representatives were also encouraged to share a pre-consultation version with their colleagues and other interested parties to garner views before the consultation document was finalised.	As key partners in the development of the proposals, we were able to ensure that those with a stake in the new order had the opportunity to co-design and co-produce the development stage.

YJA PBNI NICTS QUB	They were also involved in the development of a child-friendly version of the consultation document	As well as providing drafting comments on the child-friendly version of the consultation document, they had the opportunity to test its design and effectiveness with a small number of children before it was finalised.
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STAGE 4: ASSESSING THE IMPACT

Complete questions 14-16 for each option being considered

Question 14: What impact will (or does) the proposal or measure have on children and young people's rights?		
Type of impact [please highlight]	Justification for Argument	likely or actual short/medium/long-term outcomes
Positive / Negative / Neutral	We envisage that the new community order will have a positive impact as it aims to streamline the process for young people, removing the risk of them being subject to multiple orders at one time and improving their chances of complying with the requirements of an order.	As legislation is required to change the current system and this is not likely to be introduced into the Assembly until 2028, then the outcomes are more likely to be long-term.

Question 15: Will there be (or are there) different impacts on different groups of children and young people?		
Group of children affected	Initial analysis of the positive impact on rights	Initial analysis of the negative impact on rights
Children as offenders	As above for question 14	No negative impacts envisaged
Children as victims	More opportunities for redress through the potential for victim engagement/restorative justice intervention at different stages of the community sentencing process	No negative impacts envisaged

Question 16: If a negative impact is identified for any area of rights or any group of children and young people, what options are there to modify the proposal or measure to mitigate the impact?	
Negative impact	What options are there to modify the measure(s) or mitigate the impact?
N/A	Click or tap here to enter text.

STAGE 5: CONCLUSIONS AND RECOMMENDATIONS

Question 17: In summary, what are your key findings on the impact of the measure or proposal on children and young people's rights?

In summary, it is envisaged that the introduction of a single, flexible community order for children will have a positive impact on the future outcomes by simplifying the community sentencing process for children and young people who are involved in offending behaviour. It will remove the current scenario whereby a child can be subject to multiple community orders at the same time, supervised by different organisations, which can result in difficulties around compliance. The new order will also be designed to better address changing circumstances and the individual needs of children. This will hopefully show reduced levels of reoffending as a result of children's needs being more adequately addressed and result in fewer child victims of offending.

It will also enable engagement in a restorative process to be undertaken at any point throughout the life of the order when victims and offenders are ready to do so, rather than being compelled to do this at the start or not at all.