



Department of  
**Justice**

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

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# Consultation on Court-ordered Community Sentences for Children

**Reducing Offending Division**  
**Department of Justice**  
**11 April 2025**

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## CONSULTATION ON NEW SINGLE YOUTH COMMUNITY ORDER

### 1. Introduction

1.1. The Department of Justice *Strategic Framework for Youth Justice*, published in March 2022, contained an action to simplify and streamline the sentencing framework for children's community disposals through the introduction of a new, single order to replace the seven orders currently available to courts.

1.2. This paper sets out the background and rationale for that action, along with what the work is intended to achieve. It also outlines the Department's proposals for what the new single order would look like and how it would operate in practice. These proposals have been shaped by discussions with a range of statutory and third sector partners, including those who will be responsible for supervising children serving the new order.

1.3. We are now seeking the views of all stakeholders and those with an interest in the issue through a public consultation.

### Responding to this consultation

1.4. This consultation is open to everyone and is particularly relevant to anyone who is involved in or interested in the operation of the youth justice system in Northern Ireland. The consultation will run for 12 weeks from 11 April 2025 to 4 July 2025. All responses should be submitted by Friday 4 July. The Department asks that wherever possible, responses are made through the Citizen Space portal [here](#).

1.5. An electronic version of this document is available from the [Department's website](#). A child-friendly version is also available through the same link.

1.6. If it would assist you to access the document in an alternative format or language other than English, or if you have any other enquiries about the consultation, please contact the Department's Youth Justice Policy Unit: [yju@justice-ni.gov.uk](mailto:yju@justice-ni.gov.uk)

1.7. If you have any concerns about the way this consultation process has been handled, we would ask that you should send them to: [Governance.Unit@justice-ni.gov.uk](mailto:Governance.Unit@justice-ni.gov.uk)

## **Impact Assessments**

### **(i) Equality**

1.8. Section 75 of the Northern Ireland Act 1998 requires public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality between all the Section 75 groups. The Department has carried out an Equality Impact Assessment (EQIA) screening exercise prior to the launch of this consultation. The purpose of this screening was to identify those policies that are likely to have an impact on equality of opportunity and/or good relations impacts associated with changing the community sentencing framework for children.

1.9. The Equality Screening of the impact of the proposals in this consultation is available from the [Department's website](#) . At this point, we do not consider that a full EQIA is required. While a number of minor impacts and one major impact were identified in respect of the new proposals, these were all positive impacts and should lead to better outcomes and life chances for the particular section 75 categories concerned. There were no negative impacts identified. Following the conclusion of this consultation, we will review the screening exercise to assess the consultation responses to make sure the initial assessment of the proposals remains accurate.

### **(ii) Data Protection**

1.10. The Department have carried out a Data Protection Impact Assessment (DPIA) screening when considering the amendments proposed in this consultation document. As these draft proposals do not require any changes to the way in which the Department currently processes a child's personal information, a full DPIA has been screened out.

### **(iii) Rural Communities**

1.11. The Department considered a Rural Needs Impact Assessment as part of the implementation of these proposed regulations. It identified that there would be no

significant adverse or differential impact on children living in rural communities, as a result of our proposals, compared with those in an urban setting. The Rural Needs Impact Assessment setting out the impact of the proposals in this consultation is available on the [Department's website](#) .

### **Privacy, Confidentiality and Access to Consultation Responses**

1.12. For this consultation, we may publish all responses except for those where the respondent indicates that they are an individual acting in a private capacity (e.g. a member of the public). We will remove email addresses and telephone numbers from these responses; but apart from this, we may publish them in full. For more information about what we do with personal data, please see our consultation privacy notice at **Annex D**.

1.13. Your response, and all other responses to this consultation, may also be disclosed on request in accordance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR); however all disclosures will be in line with the requirements of the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) (EU) 2016/679.

1.14. If you want the information that you provide to be treated as confidential it would be helpful if you could explain to us why you regard the information you have provided as confidential, so that this may be considered if the Department should receive a request for the information under the FOIA or EIR.

## 2. Background and current community sentencing framework

2.1. The current sentencing landscape for youth court disposals is complex, particularly the range of community (i.e. non-custodial) orders that are available for children. In addition to orders which provide an ‘instant’ disposal with no supervisory requirements, such as absolute and conditional discharges, and fines, which will remain available to the court in their existing format, there are currently seven community orders available to the courts, some of which are rarely, if ever, used.

2.2. A brief synopsis of the current seven community orders available in Northern Ireland is provided below, while a table attached at **Annex A** provides more detail on each of these.

<b>Name of Order</b>	<b>Duration</b>	<b>Key Components</b>
Youth Conference Order	Max 1 year	Child’s consent required. Opportunity for victim engagement and input to plan. Plan contains a number of requirements to be fulfilled by the child.
Attendance Centre Order	12-24 hours	Requires child to attend a YJA venue up to 3 hours a time for a number of hours determined by the court.
Community Responsibility Order	20-40 hours	Child’s consent required. At least 50% of the order is to be for instruction in citizenship, with the remaining time to be spent on a practical/reparative activity.
Reparation Order	Up to 24 hours	Consent required from both child and the person to whom they are making the reparation. Must be completed within 6 months.
Community Service Order	40-240 hours	Child must be 16 years plus and give consent. Must undertake unpaid work in the community, completed within 12 months.
Probation Order	6 months to 3 years	Applies to all ages, but consent required of children aged 14 years plus. Must be supervised and comply with any additional requirements set by court.
Combination Orders	Supervision – 1 – 3 years Community service of 40 – 100 hours	Child must be 16 years plus and give consent. Combines features of probation order and community service order.

2.3. These seven orders are created through different pieces of legislation, some of which are more adult- than child-oriented. They are supervised by two different organisations, with the Probation Board for Northern Ireland (PBNI) responsible for probation, combination and community service orders and the Youth Justice Agency (YJA) responsible for the rest. Each of the orders has specified components and requirements, some of which are unique to a particular order, and others that may be common to more than one order. Whilst much of the success of the youth justice system in Northern Ireland in recent years has been underpinned by our restorative approach, not all of the current youth community orders require or explicitly allow for victim views or engagement. The current system also allows children to be subject to multiple and differing orders at any one time.

2.4. This community sentencing framework was examined as part of an end-to-end review of the youth justice system in 2015/16. Whilst some positives were identified, particularly the use of restorative approaches and engagement with victims, there were a **significant number of issues identified with the current system**, as detailed below.

2.5. Multiple Youth Conference Orders: Youth Conference Orders were, and remain, the most frequently used disposals at court, typically representing over 90% of all community orders supervised by YJA (see figures at **Annex B**). On an admission or finding of guilt, the Youth Court is required, in the majority of cases, to offer a Youth Conference Order. This order is intended to help children understand their actions, take steps to avoid future crime, and make amends to their victims. It begins with a youth conference, which is a meeting or a series of meetings, involving the child, family members and in most cases, the victim or their representative, and usually results in a conference plan that contains a number of requirements and which must be ratified by court.

2.6. However, some difficulties have been identified around the practice of imposing multiple Youth Conference Orders where children have been found guilty of a number of offences with different victims. As a result of the current statutory imperative for courts to offer youth conferencing, a child may be involved in multiple youth

conferences and have multiple plans at any one time. This can cause confusion and frustration and lead to a small number of individuals disengaging and consequently being drawn further into the youth justice system. This can also lead to dissatisfaction with the justice process for the victims of crime. Whilst the operational experience of YJA staff has helped to address some of these issues in recent years, for example by streamlining all requirements into a single conference plan, nevertheless the issue of multiple orders is still pertinent.

2.7. Orders that are rarely imposed: As already mentioned, a number of the disposals currently available to the Youth Court are rarely, if ever, used. Information on the type and number of these orders given to children can be found at **Annex B**. The popularity of many of these orders has decreased in line with the falling number of cases being heard by the Youth Courts in recent years. The components of some of these orders can also form a requirement of a Youth Conference Order, which may be a factor in their relatively low level of use in recent years.

2.8. Duplication in supervision responsibility and service provision: Within the current arrangements, a child may find themselves subject to a number of orders and under the supervision of both PBNI and YJA staff at the same time. This can cause confusion for the individual under supervision, as well as parents and other professionals, and can lead to duplication in service provision, responsibility and resourcing for PBNI and YJA staff. Again, operational experience of staff has addressed the issue to a certain extent, through good working relationships and the establishment of a Memorandum of Understanding between the two organisations in relation to supervision responsibilities, with the YJA now providing supervision for the vast majority of children serving community orders. There is no doubt, however, that the situation would be further simplified for children and families through a single order and the appointment of the Youth Justice Agency as the single supervisory agency.

2.9. Judiciary Discretion: Comments and feedback from the judiciary, including a former Lord Chief Justice, have indicated that they would welcome a greater degree of discretion than that which currently exists within the legislation underpinning youth conferencing. For example, the requirement that a court must impose a Youth



Conference Order for the majority of offences, regardless of the context, offending history and views of the victim, could be addressed in some way. The operational experience that has been gathered since the introduction of youth conferencing would be vital in informing any potential changes.

2.10. Victim involvement in youth court disposals: The evidence base and experience from Northern Ireland's youth justice system and beyond highlights the value of using restorative approaches, to both prevent and address offending behaviour, and to repair the harm that it causes to individuals and communities. Whilst restorative approaches are currently embedded within youth justice legislation in Northern Ireland, not all of the current community orders available as Youth Court disposals require or explicitly allow for victim views to be sought or considered in their delivery.

2.11. Complexity of cases: Changes in policy and practice, in particular the emphasis on pre-court diversion, has seen a very welcome fall in the number of cases coming to court over the past decade, but those cases now tend to be of greater seriousness and the individuals show increased complexity of needs. An additional factor is the high proportion of children in the system with learning difficulties, special educational needs, neurodiversity and speech, language and communication needs. This reflects a change from when the current legislation was introduced. Individuals presenting today, therefore, require less punitive, more needs-based intervention and support, particularly in relation to mental health, drug and alcohol use and violent behaviour as an expression of unmet need. While some community orders allow for more complex needs/risks or prolific offending to be addressed sufficiently, this is not the case with all of them.

2.12. Having considered these issues, a commitment was included in the Strategic Framework for Youth Justice to replace the seven existing community sentences with a single, flexible order, consisting of a range or 'menu' of requirements that could be added/removed in a proportionate, tailored response to children's needs alongside evidence of compliance or further offending.

2.13. In proposing the introduction of a new single community order, the intention is not to undermine or erase the success of youth conferencing, which is known world-wide. Rather, the intention is to take the best aspects of this process, along with best practice from elsewhere, to create a new, improved order. The past two decades of youth conferencing have provided a wealth of operational experience, including where there is room for improvement or a need for greater flexibility. During that time, the relevant legislation has never been amended or updated; the proposed introduction of this new order will enable these issues to be addressed and underpinned in legislation. However the basic principles on which youth conferencing is based, and which has seen so much success, will not change. These include a victim-centred approach, early engagement with children and families to inform a needs-based assessment, and enabling the views of all sides to feed into the planned order requirements.

2.14. The introduction of a new single order is intended to address the issues identified with the current system above, to:

- provide a more flexible option to the judiciary;
- simplify the sentencing framework;
- reduce the incidence of multiple orders;
- enable the Youth Justice Agency to become the single delivery agency; and
- if a restorative conference does not take place at the start of the order process, to enable a restorative intervention to be considered and delivered later in the order if or when both parties are ready to engage.

2.15. Detailed consideration will need to be given as to how the new order will be integrated into legislation to ensure these principles and positive aspects of the youth conferencing process are maintained, but that will be for future deliberation. The aim of this consultation process is to determine, at a relatively high level, the potential construction of the new order and what it should entail.

2.16. Readers should note, however, that this new order is only intended to upgrade the Youth Conference Order, which is a formal community sentence available to courts; there will be no change to the PPS-led diversionary youth conferencing arrangements. A diversionary youth conference is similar to a court-ordered Youth

Conference Order, but it happens at an earlier stage in the youth justice process where the PPS decides that diverting the case to be dealt with out of court is more appropriate than prosecution. Both types of disposals begin with a youth conference between the parties involved, and usually result in a conference plan, but in the case of a diversionary youth conference, the plan must be approved by the PPS (rather than court). If rejected, or the child fails to go along with the approved plan, the PPS can refer the case to the court for formal adjudication.

2.17. This consultation, and the order being developed, is not intended to impact on, or change the operation of diversionary youth conferences in any way. Again, this is something which will require detailed consideration as part of the development of the new order to ensure there are no unintended consequences, particularly given the separate, but linked, operation of the two types of youth conferences and the aspects of legislation that they share. But that work is outside the remit of this consultation, which focuses only on court-ordered community sentences.

#### Work to date

2.18. A Task and Finish group was established to examine the relevant issues identified in the Strategic Framework and elsewhere, and come to an agreed position on how best to deliver a new single community order. Membership of the group included:

- Department of Justice (Reducing Offending Division)
- Youth Justice Agency
- Police Service NI
- Public Prosecution Service
- Probation Board NI
- NI Courts and Tribunal Service
- Voluntary and Community Sector
- Queen's University Belfast

2.19. As part of this work, members considered the delivery of current youth community sentences both within the United Kingdom and across other jurisdictions such as the Republic of Ireland and New Zealand, their operational experience and

effectiveness, and potential applicability for a new youth community order for Northern Ireland.

2.20. Members concluded that the community sentence which most closely resembled the characteristics we would wish to see in a new order in Northern Ireland was the Youth Rehabilitation Order (YRO). A Youth Rehabilitation Order is a single court order, operational in England and Wales, introduced in 2009 to simplify the sentencing options available to courts. The order can be made for any period up to three years and can contain one or more requirements, taken from a statutory list, as imposed by the court. The requirements included within the order and the length of the order must be proportionate to the seriousness of the offence and they can be tailored to address the needs of the individual child, the risk of harm and the risk of re-offending. Only one Youth Rehabilitation Order can be in force at any time. However, Youth Rehabilitation Orders are not restorative, and do not reflect the voice of the victim in the same way as Youth Conference Orders can. More information about Youth Rehabilitation Orders and the requirements that can be included is provided at **Annex C**.

### **3. Consultation with children, young people and parents/carers**

3.1. The stakeholders that will be most affected by a change to the sentencing framework are the children and young people who will serve the order, and their families or carers that support them through the justice process. It was therefore vital to consult with these key groups on their experience to date. We wanted to first understand the current processes and experiences from the perspective of the child and their parents/carers, and to gather their views to inform the development of the new order.

3.2. There was widespread support for the proposal to replace multiple orders with a single order. Often there was a lack of understanding about the sentences the court had given and what they involved, and having multiple orders in force at the one time added to the confusion. It was felt that a single order would be easier to understand, and to complete. That said, the majority of children and parents felt that the orders received, and the activities to be undertaken as part of them, were fair overall, and many parents were pleased to be able to have a say in what should be included in their child's plan.

3.3. In seeking to improve on current arrangements, these stakeholders were asked about the particular components of their order(s) which helped, or which could help others, to stop offending and improve their lives. There were two common themes in the responses to this question – the need for early and sustained personal support, and the desire to have constructive activities to ensure the time was spent on positive undertakings.

#### 4. Overarching considerations for a new single order

4.1. Taking on board the comments received from these consultation exercises, there followed significant discussion amongst Task and Finish Group members on the content and structure of any new single order and also what it should aim to achieve. The key issues identified are summarised as follows:

- The best interests of the child must be a key consideration at all times during the development of a new community order.
- There is a need to simplify and streamline the disposals available whilst building in flexibility to meet changing need and risk. This includes a recognition that an individual can be involved in a number of justice responses at different stages of the justice continuum at the one time.
- Legislation needs to be simplified to avoid confusion and duplication, and produce better outcomes for children who offend and for the victims of crime.
- A single organisation – the Youth Justice Agency – should have responsibility for dealing with children who have offended and for supervising community disposals.
- Restorative approaches and victim involvement should remain central to the process, but should be flexible enough to allow this to happen at an appropriate stage of the disposal, not limited to the early stage.
- Any new disposal should be underpinned by evidence of ‘what works’ to effectively address offending and promote positive behaviours, and enable an individual’s assessed needs and risks in their entirety to be met – not just their criminogenic needs.
- Provision of support services as part of the order should not label children under a justice banner and should be provided by those services that are assessed as best to meet children’s needs, through mainstream providers outside of justice, where possible.
- Organisations should aim to work together to improve outcomes for children and young people, without stigma, in line with the aims of the Children’s Services and Co-operation Act 2015.

- A new disposal should be tiered, with the capacity to add on additional requirements if there is further offending.
- It should also be tailored to the individual and should be proportionate in terms of requirements, length and complexity.
- Any new disposal should not contribute to delay, but should be sufficiently flexible to allow time for relationship building (between child/supervising officer/victims), in order to increase effectiveness.
- Any new disposal should maximise all avenues to ensure that custody is used as a last resort. This could include, for example, greater use of curfews and electronic monitoring to restrict a child's movements whilst still enabling them to remain at home or within their community.

4.2. In keeping with the **principles** underpinning the Strategic Framework, we would also wish to deliver a new approach to community sentencing which:

- improves outcomes for children, families and communities;
- improves outcomes for victims of crime, by enabling their engagement in the process through restorative means;
- takes account of the views of children, both in the development of a new order and where they are subject to one following a court decision; and
- uses child-appropriate language that avoids the unnecessary labelling of children and promotes their resilience to avoid re-offending e.g. an emphasis on providing support rather than solely focusing on managing risk.

4.3. The next section takes a detailed look at the potential new order and asks respondents to consider specific questions in relation to its structure and content.

## 5. Structure, content and operation of the new order

5.1. This section of the consultation document sets out a number of proposals for the structure of the new order in terms of its maximum and minimum duration, and its content i.e. the type of requirements that can be included. It also explores the rationale behind these proposals, and considers how the order will operate in practice. For each proposal, respondents are asked to consider the rationale provided and respond to the specific questions posed.

### Structure of the order

5.2. Turning first to the overarching **structure** of the new order. The first question is, do we need a minimum duration? There is no minimum for Youth Rehabilitation Orders (available in England and Wales) although, in practice, orders shorter than three months are rarely made. There is also no specified minimum duration for Youth Conference Orders and these have been operating without issue for over two decades. Feedback from the Youth Justice Agency has indicated that this position works well as it provides autonomy and flexibility for sentencers, and incentivises children to complete their order in the least amount of time necessary to meet their needs and deliver on the requirements of the order. This being the case, **we propose that there is no need to specify a minimum duration in legislation for the new order.**

***Q1: Do you agree with this proposal? If you disagree, please provide your reasons.***

5.3. What should be the maximum duration? Duration periods for existing community orders are highlighted in the table in Annex A. In England and Wales, a Youth Rehabilitation Order can be given for up to three years. Within that order, different requirements can be for different periods, with the end date of the order being the same as the longest requirement. The most frequently handed down order in NI, the Youth Conference Order, has a maximum duration of one year, but if we are limiting the number and type of orders available to court, should consideration be given to extending it to (at least) two years? While children can currently receive probation orders for a duration of up to three years, feedback from the Probation Board NI has



indicated that probation orders for under 18s are rare, and they could not recall a child serving a recent order as long as three years. This would support the view that there is no need for an order of that length to be available in Northern Ireland.

5.4. Under the current arrangements, most children work intensively with the Youth Justice Agency to address the issues that led to their offending, and often the requirements of the order are completed well within the year. Views have been expressed that making the order longer than the current maximum of one year could be setting children up to fail by 'dragging out' the order, especially if they are trying to move forward with education or a career. It would also extend the formal period of rehabilitation under the Rehabilitation of Offenders Order 1978, and could delay the process filtering of criminal records, particularly for regulated work.

**Q2: Have you any views on what the maximum duration should be for the new order?**

#### **Content of the order**

5.5. As is currently the case with Youth Conference Orders, the **content** of the new order will be made up of a list of requirements that will form a flexible 'menu' of options available to the judiciary. This will enable them to set the content of the order at a level that is appropriate to the nature and seriousness of a child's offending, including their previous history, and other factors such as their age, maturity and understanding, ability and family circumstances. It should also allow the judiciary to take account of any adverse childhood experiences (ACEs) or significant trauma the child may have experienced, enabling them to include requirements that will offer protective factors against further trauma and ensure the best interests of the child are a key consideration. The order will enable a 'tiered' approach with the capacity for judges to add on additional requirements if there is further offending, rather than giving the child multiple orders. It should be tailored to the individual and should be proportionate to the level of offending in terms of requirements, length and complexity.

5.6. In England and Wales, before making a Youth Rehabilitation Order, the court **must obtain and consider information about the child's family circumstances**

**and the likely effect of such an order on those circumstances. They must ensure any requirements are compatible with each other and do not conflict with the child's religious beliefs or interfere with their education.** Similar provisions exist in Northern Ireland legislation for some of the youth community sentences, including Youth Conference Orders, Attendance Centre Orders and Community Responsibility Orders. **The intention would be to replicate this approach for the new order.**

***Q3: Do you agree with this approach? If you disagree, please provide your reasons.***

5.7. The full list of requirements which can be included as part of a Youth Rehabilitation Order are attached at **Annex C**. The order must contain one or more requirements from the list – although called 'requirements', they do not all need to be included. Indeed, the order should contain the minimum amount of requirements needed to be proportionate and relevant to the offence. Guidance to courts in relation to determining the nature and extent of requirements contained in a Youth Rehabilitation Order states that consideration should be given to the likelihood of the child reoffending and also the risk of them causing serious harm. A higher risk of reoffending does not, in itself, justify a greater restriction on liberty or increased requirements than is warranted by the seriousness of the offence.

5.8. Task and Finish Group members compared the full list of Youth Rehabilitation Order requirements to those currently available as part of a Youth Conference Order and considered the merits of each. The resulting rationale for including or excluding a requirement in the new order is detailed for each in the paragraphs below and respondents are asked for their views.

5.9. Education requirement: Youth Rehabilitation Orders (England & Wales) include the option of an education requirement as part of the order, with compulsory attendance at a specified school up to the July of the year the child turns 16. We propose that this should not be included in our new order. There are alternative ways of addressing poor school attendance, perhaps through the provision of support to address the issues which are a direct factor in poor attendance, other than through

requirements set out in court orders. We believe that, if school attendance is already an issue, which it often can be for children who offend, then including such a requirement would be setting the child up to fail from the outset. This has been the experience in England and Wales, with this requirement often leading to breaches of the order.

***Q4: Do you agree that educational attendance should not be included as a requirement in the new order? If you disagree, please provide your reasons.***

5.10. Activity requirement: Both Youth Conference Orders and Youth Rehabilitation Orders contain an activity requirement as an option. This instructs the child to undertake a set number of hours on particular activities which could be for a number of reasons, including addressing offending behaviour, supporting their education or training, or helping to meet a child's identified needs e.g. through enabling voluntary treatment through mental health or addiction services.

***Q5: We propose that an activity requirement should be included in the new order – do you agree? If you disagree, please provide your reasons.***

5.11. Programme requirement: Both Youth Conference Orders and Youth Rehabilitation Orders can include a requirement that a child completes a specific programme on a set topic, for example anger management or victim awareness. Whilst this is a separate, specific requirement in a Youth Rehabilitation Order, in Northern Ireland it is covered by the more general provision that a child must "participate in activities" (see above). Having discussed the differences, Task and Finish Group members were content that the current construction of the Youth Conferencing legislation enabled this work to be delivered, and should be replicated in the new order, **without the need for a specific programme requirement**. In doing so, they felt that this would allow work to both address offending behaviour and also help meet a child's needs through, for example, enabling voluntary treatment for mental health or addiction issues without the risk of a breach if non-compliant with a specific requirement.

**Q6: We propose that there is no need for a separate programme requirement as this is already provided for – do you agree? If you disagree, please provide your reasons.**

5.12. Supervision requirement: Both Youth Conference Orders and Youth Rehabilitation Orders contain a supervision requirement as an option. This means a child is required to attend appointments at times and in locations as specified by their youth justice key workers. This allows for an assessed intervention based on the child's needs; it can be used in a way that supports those with the most complexity to ensure they engage with the Agency and address their needs, but not set them up to fail. Supervision arrangements are agreed with the child, their parent/carer and their YJA worker. Youth Justice Agency representatives on the Task and Finish Group have indicated that this general requirement currently works well so **we propose to include a supervision requirement in the new order.**

**Q7: Do you agree with the proposal to include a supervision requirement? If you disagree, please provide your reasons. If you disagree, please provide your reasons.**

5.13. Attendance Centre requirement: Youth Rehabilitation Orders can contain an attendance centre requirement, which means a child is required to attend a location designated as an Attendance Centre for a specified number of hours over the duration of the order, where they engage in appropriate activities and programmes. In Northern Ireland, we currently have stand-alone Attendance Centre Orders, which is one of the orders we are planning to repeal and replace with this new single order. Given that we are proposing to include an activity requirement in the new order, which can be used for the same purpose, **we do not propose to include a separate attendance centre requirement in the new order.**

**Q8: Do you agree that a separate attendance centre requirement is not necessary? If you disagree, please provide your reasons.**

5.14. Curfew requirement: Both Youth Conference Orders and Youth Rehabilitation Orders can include a curfew requirement as an option, although the length of time a child can be under a curfew differs – up to 12 hours per day in Northern Ireland, up to 16 hours per day in England and Wales. Discussions in the Task and Finish Group highlighted that curfews are rarely, if ever, used in youth court orders, although they are often a feature of bail conditions. PBNi reported that for adult orders, curfews are generally set at 10pm to 7am i.e. nine hours. Considering this, a maximum of 12 hours for a child seems proportionate, given that you would expect children to be at home earlier in the evenings than adults. Having discussed this requirement, Task and Finish Group **members were content that it should be retained as a requirement option**, but that it should be clear that any such requirement should take account of the child's circumstances to ensure they are not being set up to fail should they break curfew.

***Q9: Do you agree with the inclusion of a curfew requirement in the new order? If you disagree, please provide your reasons.***

***Q10: Have you any views on the daily maximum length of time a child should be held under a curfew? If you wish to see a change to the current maximum period of 12 hours, please explain your reasoning.***

5.15. Exclusion requirement: An exclusion requirement means an individual is restricted from entering specific areas such as particular streets, towns, or shops. Restrictions on movement and association should not be punitive but should be based on the protection of the young person or others, from harm and the risk of reoffending. Both Youth Conference Orders and Youth Rehabilitation Orders can include an exclusion requirement as an option, although in Northern Ireland it is not specifically mentioned as a requirement in legislation but rather it is covered by a more general provision that a child submits themselves to restrictions on "conduct or whereabouts".

5.16. The YJA reports that exclusion requirements are frequently used as part of Youth Conference Orders. It is often a requirement requested by the victim to ensure their safety, or their perception of it. YJA experience is that such requirements are

generally respected by the child and adhered to, possibly due to the fact that they are part of a restorative and participative process in which the child has a voice. An exclusion requirement can only be applied for a maximum of three months under a Youth Rehabilitation Order in England and Wales, whereas there is no maximum stated under a Youth Conference Order in NI. Such requirements can last for the duration of the order, particularly if this is required to support the victim's wellbeing/recovery and is deemed appropriate and proportionate.

***Q11: Do you agree with the inclusion of an exclusion requirement in the new order? If you disagree, please provide your reasons.***

***Q12: If you agree with the inclusion of an exclusion requirement, do you think it should be a stand-alone requirement or continue to be covered by the general provision around 'conduct and whereabouts'?***

***Q13: Have you any views on the maximum length of time an exclusion requirement should be applied in the new order?***

5.17. Electronic monitoring: Both Youth Conference Orders and Youth Rehabilitation Orders can include electronic monitoring ('tagging') as a requirement, although it cannot be imposed as a sole requirement – it is usually combined with a curfew or exclusion requirement (above). Whilst it is an option that is used more regularly for individuals on bail rather than as part of a community order in Northern Ireland, Task and Finish Group members believed it could be a useful tool, particularly if reoffending necessitates an escalation of requirements in an order. For that reason, **we propose to include an electronic monitoring option alongside curfew or exclusion requirements in the new order.**

***Q14: Do you agree with the proposal to include an electronic monitoring option? If you disagree, please provide your reasons.***

5.18. Prohibited activity requirement: Both Youth Conference Orders and Youth Rehabilitation Orders can include a requirement that a child agrees not to do certain

things, such as get in touch with certain people or travel on certain public transport routes. Again, in Northern Ireland this is included in the general requirement of restrictions on "conduct or whereabouts", rather than the stand-alone requirement in a Youth Rehabilitation Order. No issues have been reported with the current provisions so **we propose that there is no need for a separate prohibited activity requirement in the new order.**

***Q15: Do you agree that there is no need for a separate prohibited activity requirement? If you disagree and believe there is a need, please provide your reasons.***

5.19. Mental health treatment requirement: Both Youth Conference Orders and Youth Rehabilitation Orders can include a requirement that a child submits themselves to mental health treatment. However, since the legislation was enacted, certain issues have cast doubt on such requirements. Task and Finish Group members pointed to human rights issues in compelling an individual to undertake health treatments, along with the potential for breaching the order if they did not agree to do so, or if the service provision was not available in a timely way, or indeed at all. There was a clear preference for this work to be undertaken on a voluntary basis while a child is engaging with the Youth Justice Agency (e.g. under the activity/programme requirements above), rather than them being compelled to do so under an order. While many children present with mental health and substance misuse issues, they can still be helped without the potential for criminalising them by breaching the requirements of an order.

***Q16: We therefore propose that there is no need for a mental health treatment requirement in the new order – do you agree? If you disagree, please provide your reasons.***

5.20. Drug treatment requirement / intoxicating substance requirement: Both Youth Conference Orders and Youth Rehabilitation Orders can include a requirement that a child submits themselves to treatment for dependency on drugs or alcohol. In addition, the Youth Rehabilitation Order can include a requirement for regular drugs tests as

part of the order. Again, Task and Finish Group members were content that for the purposes of the new order, there was no longer the need for a specific drug or alcohol treatment requirement, as any treatment identified could be taken forward under a programme of work as part of an activity requirement.

***Q17: We therefore propose that there is no need for a specific drug treatment requirement in the new order – do you agree? If you disagree, please provide your reasons.***

5.21. Members also considered the need for a potential introduction of drugs testing as part of the new order, as currently exists in England and Wales. Whilst some thought it could be a useful tool, there were stronger arguments against its introduction, the main one being that there was no evidence of any significant benefit through its use in Youth Rehabilitation Orders. Other reasons included the potential for breakdown in trust affecting staff relationships with children, as well as potential for false positives where a child could absorb some drugs if living in a family environment where drug taking was prevalent. There was also likely to be significant resource costs incurred, such as the cost of testing, implications for management/staff, and staff training requirements. Given that drug testing of children was not currently undertaken here, and there was no evidence of its benefit as part of a Youth Rehabilitation Order, **we propose that there is no need to introduce drug testing as part of the new order.**

***Q18: Do you agree with the proposal not to introduce drug testing? If you disagree, please provide your reasons.***

5.22. Unpaid work requirement: Both Youth Conference Orders and Youth Rehabilitation Orders can include a requirement that a child performs unpaid work or service in the community. In Northern Ireland, this requirement can only apply to children aged 16 or over, whereas in England and Wales it only applies to 17 year olds. Both orders currently have a maximum of 240 hours, which both Youth Justice Agency and Probation staff reported as often being problematic to deliver. This was particularly the case where an order had to be completed in a year, or where the



individual was already in full-time education, training or employment and therefore had limited capacity.

5.23. The Youth Justice Agency were asked to provide information on the current usage of unpaid work as a requirement, in order to assess the frequency and duration when included in Youth Conference Orders. The figures showed that of the 734 Youth Conference Orders given over the past two financial years (2022/23 and 2023/24), 144 had an unpaid work requirement. The duration of this work ranged from 1 to 120 hours, with the overall average being just under 24 hours. Clearly, this is significantly less than that 240 hour maximum available, which may reflect a proportional approach given the age of the recipients.

5.24. In discussing options, members also pointed to the current Combination Order, which was a combination of probation and community service. The current limit on the community service element – which is equivalent to unpaid work – is 100 hours for everyone aged 16 or over. In comparison, the unpaid work requirement of a youth order of up to 240 hours seems excessive. That said, and in recognition of the fact that the new order is intended to become the sole youth community order, some flexibility would be required, particularly to enable additional requirements to be available should offending behaviour escalate. It was therefore proposed that the new order would have a limit of 100 hours of unpaid work where that was combined with other requirements, but could extend up to the current maximum of 240 hours if given as the sole requirement in an order. The age limit of 16 should remain.

***Q19: Do you agree with these proposals? If you disagree, please set out your reasons/alternative proposals?***

5.25. In addition to the requirements discussed above, a Youth Rehabilitation Order can also include an intensive supervision and surveillance (ISS) requirement in certain circumstances, namely the offence must be a custodial one, and for children aged under 15, they must be considered to be a 'persistent offender' before such a requirement can be applied. Discussions at the Task and Finish Group referenced a previous similar approach (the Priority Youth Offenders Project) which had not been

successful. Currently the YJA and PBNI co-manage some serious cases effectively, without the need for such requirements. Members felt that the levels of risk and need could already be managed by the other requirements that were being proposed for the new order, such as those for supervision, curfew and electronic monitoring, and therefore **agreed that there was no need for a specific ISS requirement**, which could also be very costly to implement.

***Q20: Do you agree that there is no need for a specific ISS requirement? If you disagree, please provide your reasons.***

5.26. There are three further requirements which can be included in a Youth Rehabilitation Order but which were not considered for inclusion in our new order. These are: a residence requirement; a local authority residence requirement; and a fostering requirement. Each of these direct where a child should reside for some or all of the order. Given the different structures and provisions, including social services provision, in Northern Ireland compared to England and Wales, it was felt that these were not relevant or suitable to be included in a criminal sanction, particularly as the intention is to include a requirement which restricts a child's whereabouts, should a court wish to be prescriptive about locations.

***Q21: Do you agree that these are not relevant or suitable for Northern Ireland? If you disagree, please provide your reasons.***

5.27. One element which can currently be included in Youth Conference Orders, but not Youth Rehabilitation Orders, is to make a financial payment to a victim. This is not a fine, which is a separate order of court. Rather it is victim-centred restitution, and can be made by the court for losses incurred by the victim. The current provision enables a payment to be included in an order as long as it does not exceed the cost of replacing or repairing any property taken, damaged or destroyed in committing the offence. The restitution can also be symbolic, for example, where a child donates a small amount of money to a charity nominated by the victim.

5.28. The Youth Justice Agency were asked to provide information on the current usage of this requirement. Over the past two financial years (2022/23 and 2023/24), 59 of the 734 Youth Conference Orders contained a requirement for some type of financial payment or restitution. These payments ranged from a nominal amount of £1 up to £1,000, with the average being just under £80.

5.29. Task and Finish Group **members were in agreement that this should remain as an option for the new order**, but that it should be limited to those aged 16 or over, and should be based on their ability to pay.

***Q22: Do you agree that this should remain as an option for those aged 16 or over? If you disagree, please provide your reasons.***

5.30. Two further elements are currently included in Youth Conference Orders but not in Youth Rehabilitation Orders. These are a requirement to make an apology to the victim or anyone affected by the offence, and a requirement to make reparation to the victim, any relevant person, or the wider community. The inclusion of these requirements in a youth conference plan, which is then subject to approval by court, is currently done on the basis of having been agreed between the parties – including the victim wherever possible – in a restorative youth conference, which takes place before sentencing.

5.31. The process of agreeing the requirements of the new single order is likely to operate somewhat differently, given that one of the key intentions is to allow this restorative engagement to take place at any stage of the order, not necessarily at the start of the process. Therefore, it may not be known whether an apology or reparation will be offered by the offender, or indeed welcomed by the victim, at the point at which the court sets the requirements of the order. This being the case, members of the Task and Finish group questioned whether these two elements should continue to be listed as specific requirements for the new order, given that 'requiring' someone to make an apology or reparation goes against the fundamental principles of restorative justice, which must be voluntary for all parties.

5.32. That said, members recognised the importance of these acts when offered genuinely, and were loath to lose them. The YJA reported that they were also popular with the judiciary when included within Youth Conference Orders. **It was therefore proposed that they should continue to be delivered as part of the new order, but would be covered by the general 'activity' requirement, and that this could happen at any point in the order, dependent on when a restorative conference takes place.** The introduction of this flexibility could actually increase the number and/or the sincerity of the apology or reparation, if it could be done at a time when the child is ready to face the consequences of their actions, or when the victim was receptive to it, which may not be at the start of the process.

***Q23: Do you agree with this approach? If you disagree, please provide your reasons.***

5.33. Finally, in relation to the structure and content of the new order, the fact that it is likely to differ in some respects from the current Youth Conference Order, led to a discussion on the inclusion of a specific restorative justice/victim engagement requirement. There is a statutory imperative with the current order to hold a restorative conference at the start of the process, after a finding or admission of guilt, but before the sentence. This allows for the views and experience of the victim to be taken into account and allows each party to share their experience of the event. It also enables the victim to have a say in what they need (in terms of the plan) to repair the harm caused by the offence. Restorative justice is therefore inherent to the process of youth conferencing.

5.34. This will not change, but there is a desire to introduce more flexibility to the order, particularly where individuals are not ready to engage in a restorative intervention at the start of the order. If we are changing this process to enable the victim and offender engagement to happen at any stage of the order, when both parties are ready, then **members felt that the new order should include a specific requirement to explore opportunities for a restorative engagement between the parties – possibly as a compulsory requirement of the new order.**

**Q24: Do you agree that the consideration of restorative justice/victim engagement should be a specific requirement in the new order? If you disagree, please provide your reasons.**

**Q25: If you agree, do you think this should be a compulsory requirement for each order?**

### **Final thoughts on content/structure of the order**

5.35. The proposals in relation to the content and structure of the new single flexible community order are the result of many discussions by Task and Finish Group members over a period of time. While we believe them to be comprehensive, we are aware that there may be requirements which we have not considered and would invite respondents to share thoughts on this.

**Q26: Are there any other things that need to be considered in relation to the structure or content of the new order?**

### **Operation of the Order**

5.36. One of the main reasons behind creating this new order is to simplify and streamline the youth community sentences framework. We are proposing to remove multiple types of different orders and introduce a new single order which is capable of being added, to should the need arise due to further offending. That being the case, the intention is that there should only ever be one community order in force at any time.

5.37. This is similar to the current position in England and Wales, where if a child commits a further offence(s) whilst serving a Youth Rehabilitation Order, the court can impose any sentence for the new offence, but can only impose a new Youth Rehabilitation Order if they revoke the existing order. In doing so, they can re-sentence the original matter at the same time as the new offence. To provide flexibility, we propose that the new provisions will enable a court to either revoke the existing order and re-sentence for all offences or add to/amend the existing order to take account of the new offence(s). No child will be subject to multiple community orders.

**Q27: Do you agree with this approach? If you disagree, please provide your reasons below.**

5.38. The final issue in relation to how the new order will operate is what happens if there is a breach i.e. if a child does not follow through on one or more of the agreed requirements? Currently, YJA staff work extremely hard to engage children serving their orders to minimise the likelihood of a breach. The success of this is demonstrated by the very low number of breaches processed through court each year. The table below sets out the total number of community orders given by courts that are supervised by the Youth Justice Agency, alongside the number that have been breached and subsequently revoked by a court, for the five years from 2019-20 to 2023/24. As the figures demonstrate, an exceptionally low number of community orders, supervised by the YJA, are revoked each year - less than 2% of all orders over this five year period. For comparison, figures have also been included for those orders where PBNi are the supervisory agency and have undertaken breach proceedings:

**Orders Supervised & Revoked 2019-2024 (YJA)**

<b>Period</b>	<b>All Community Orders Supervised by YJA</b>	<b>No of Orders Revoked</b>
2019-20	504	18
2020-21	316	0
2021-22	386	1
2022-23	388	5
2023-24	379	8
<b>5 year total</b>	<b>1,973</b>	<b>32</b>

**Orders\* Supervised & Revoked 2018-2023\*\* (PBNI)**

<b>Period</b>	<b>PBNI Supervised Community Order</b>	<b>No of Orders Revoked</b>
2018-19	34	2
2019-20	23	2
2020-21	16	11
2021-22	14	1
2022-23	21	5
<b>5 year total</b>	<b>108</b>	<b>21</b>

\*Combination Orders, Community Service Orders and Probation Orders involving service users aged under 18 at the time of the order start date.

\*\*Complete data for 23/24 in relation to breaches is not yet available.

5.39. In Northern Ireland, breaches of current community orders can be dealt with in a number of different ways, dependent on the original order and relevant legislation. Some of them have a complex interrelationship, for example a breach of a reparation, community responsibility or youth conference order can be dealt with through an attendance centre order or, in the case of the latter two orders, by a community service order.

5.40. Alternatively, if an order is still in force, a court can revoke it and re-sentence for the original offence. For some orders, the court also has the option to revoke it without imposing a further sentence (for example, if a child is leaving the jurisdiction and will no longer be able to undertake specific requirements); to amend it by adding or removing requirements; or to extend the period of the order to allow a child to complete it as long as this does not exceed the maximum period.

5.41. The court’s decision is informed by relevant reports, in particular from the YJA to indicate how well, or otherwise, a child has been complying with the order and whether there are mitigating circumstances for breaching which can be overcome with an amendment to the order.

5.42. In England and Wales, a court has the following options where there has been a breach of Youth Rehabilitation Order:

- Take no action and allow the order to continue in its original form.
- Impose a fine (and allow the order to continue).
- Amend the terms of the order – any new requirements must be capable of being completed before the expiry of the overall period.
- Revoke the order and resentence for the original offence.

5.43. For Youth Rehabilitation Orders, if the offender has turned 18 by the first breach hearing, it must be held in an adult magistrate's court, although if it chooses to revoke and resentence, its powers are limited to those available to the court at the time of the original sentence.

5.44. Clearly new arrangements will need to be established in Northern Ireland for a breach of the new single order. The use of alternative community sentences will not be an option, as we plan to remove them all. Therefore the options identified for courts are:

- Take no action and allow the order to continue in its original form.
- Amend the requirements of the order. This could be to add or remove requirements, or to extend the duration of the order, to enable compliance (subject to the agreed overall maximum duration applicable to the order).
- Revoke the order and re-sentence.
- Revoke the order with no further action.

5.45. It was agreed by Task and Finish group members that the option to impose a fine alongside the continuation of the order, as per breach of a Youth Rehabilitation Order, should not be included as an option for the new order. This is because our youth justice policy is to reduce the use of fines generally for children, particularly for younger children, as it is usually the parents that become liable. Research has shown that families with members in the criminal justice system are often already facing multiple deprivation factors, including financial instability, so we would not want to place a further financial burden on them. That said, a fine could still be imposed if the



court chooses to revoke the order and re-sentence the child for the original offence, so we are not removing the option altogether.

***Q28: Do you agree with the options for breach of the new order as set out above?***

***Q29: Do you have any other suggestions in relation to how a breach should be addressed?***

## 6. Monitoring outcomes

6.1. In addition to giving consideration to the structure, content and operation of the new single order, the Task and Finish Group looked at the overall objectives of this programme of work to consider what anticipated benefits it could bring and how outcomes could be measured to see if these benefits had been realised. This will bring the legislation into line with best/current practice already being delivered by the YJA. The suggestions provided by members are listed below.

### Programme objectives:

- To replace the current seven existing community orders with one single, flexible order which can be adapted to meet the changing circumstances/needs of children in receipt of it.
- To designate the Youth Justice Agency as the single organisation which will be responsible for the supervision of the new community order.
- To ensure that restorative justice/victim engagement is central to the process but is delivered in such a way as to be flexible to the needs of the parties.
- to ensure that children and parents/carers are able to play an active role in the development of any plan to address the requirements of the new order.
- To underpin the changes, including the new order, in legislation.

### Anticipated benefits:

- Improved understanding of, and compliance with, community orders amongst children subject to them, and their families/carers, with only one order ever in place.
- The needs of victims are more adequately met through increased opportunities to engage in the process at a stage, and a pace, that suits them.
- Reduced levels of reoffending as a result of children's needs being more adequately addressed.
- Greater clarity for the judiciary on any existing order being served, and more flexibility in terms of selecting key components to be dealt with as part of a community order.
- Greater clarity with regards to rehabilitation periods and the disclosure process.

- Parents/carers feel more involved in decisions being made about their child's order, future and outcomes.

**Measurable outcomes:**

- A change in the legislation resulting in the revocation of the current seven orders and the introduction of a new community order.
- An increase in the number of cases where restorative justice/victim engagement was successfully implemented as part of a community order.
- A more positive experience for victims of crime.
- The needs of the young person have been adequately addressed.
- A more positive experience for young people subject to community orders with potentially fewer conferences and less need to repeat their story at different stages of the process.
- Increased clarity and flexibility for members of the judiciary when it comes to sentencing young people.
- Increased clarity and improved efficiency for YJA staff as a result of supporting young people to comply with a single order, as opposed to multiple orders.
- Fewer orders revoked as a result of non-compliance with requirements.

6.2. There are likely to be a number of other benefits and measures which could be used to assess the success, or otherwise, of the new single order.

***Q30: Your views would be welcome on potential benefits and measures of success.***

## 7. Conclusion

7.1. If we move to develop a new single community order as envisaged by the work to date, it offers the opportunity to address a range of current issues and deliver a number of potential benefits.

7.2. It would, of course, simplify the current number and complexity of community disposals available, thereby providing a more streamlined legislative framework – one which would be easier to understand and comply with. It is intended, however, that the new order will provide sufficient flexibility to incorporate elements of the existing orders to ensure that no best practice is lost.

7.3. It offers the opportunity to designate one organisation with responsibility for delivery and for the supervision of children within the community, which would further simplify the system and eradicate duplication. It would aim to promote better outcomes for children, and meet underlying needs, with assessments undertaken by one agency which could inform all court decisions regarding community disposals. This will be particularly important if or when a court is considering the addition of further requirements, should the child reoffend during the course of the order.

7.4. It would provide greater opportunities for restorative practice to be built into the system than is currently available, and potentially increase the capacity for victim involvement to be facilitated throughout the duration of the order, not just at the outset, as is the case with the current Youth Conference process.

7.5. Finally, it would enable the youth justice system to review legislation and practice that has been in place for two decades. It would also bring them into line with the latest evidence and best practice.

7.6. Your views on this work will be invaluable as we look to implement the commitment to action in the Strategic Framework for Youth Justice.

***Q31: Do you have any final comments to make which have not already been covered?***

**Reducing Offending Division**

**Department of Justice**

**11 April 2025**

## YOUTH COMMUNITY ORDERS – LEGISLATION AND CHARACTERISTICS

Current Community Disposal	Legislation	Supervisory Responsibility	Duration	Specific Requirements	Explicit Victim Engagement
<b>Youth Conference Order</b>	Criminal Justice (Children) (Northern Ireland) Order 1998 as amended by the Justice (Northern Ireland) Act 2002.	YJA	Not more than one year	Child's consent required. Formal Youth Conference meeting(s). Agree a Youth Conference plan to repair harm done with a menu of requirements. Signed off by court and monitored by YJA.	Yes
<b>Attendance Centre Orders</b>	Children and Young Peoples Act (Northern Ireland) 1968;  Criminal Justice (Children) (Northern Ireland) Order 1998.	YJA	12 - 24 hours.	Must attend a designated 'Attendance Centre' (all YJA venues) up to three hours at a time for court appointed number of hours.  Must not interfere with education, work, religious beliefs etc.	No
<b>Community Responsibility Orders</b>	Criminal Justice (Children) (Northern Ireland) Order 1998 as amended by the Justice (Northern Ireland) Act 2002.	YJA	20 – 40 Hours	Child's consent required.  At least 50% of order should be for instruction in citizenship, with remainder for practical / reparative activity.  Cannot be combined with any other order and must not interfere with education, work, religious beliefs etc.	Yes
<b>Reparation Orders</b>	Criminal Justice (Children) (Northern Ireland) Order 1998 as amended by the	YJA	Up to 24 Hours	Consent required from both the child and the person to whom they are making reparation.	Yes

Current Community Disposal	Legislation	Supervisory Responsibility	Duration	Specific Requirements	Explicit Victim Engagement
	Justice (Northern Ireland) Act 2002.			Must be completed within six months. Cannot be combined with any other order and must not interfere with education, work, religious beliefs etc.	
<b>Community Service Order</b>	Criminal Justice (Northern Ireland) Order 1996 (Article 13)	PBNI	40 – 240 Hours	Child must be 16+ and give consent. Must undertake unpaid work in the community, completed within 12 months. Must not interfere with education, work, religious beliefs etc.	Possibly, through Victim Info Scheme*
<b>Probation Order</b>	Criminal Justice (Northern Ireland) Order 1996 (Article 10)	PBNI	Six months – three years	Applies to all ages, but children aged 14+ must give consent. Must be supervised and comply with any additional requirements set by court.	Possibly, through Victim Info Scheme*
<b>Combination Orders</b>	Criminal Justice (Northern Ireland) Order 1996 (Article 15)	PBNI	Supervision for one to three years Plus Community Service of 40 – 100 Hours	Child must be 16+ and give consent. Combines features of probation order and community service order.	Possibly, through Victim Info Scheme*

\* The PBNI Victim information Scheme is offered to all victims where a PBNI supervised order has been imposed for an offence

## USAGE OF CURRENT COMMUNITY SENTENCES FOR CHILDREN 2019/20 - 2023/24

## Court Ordered Youth Conference Orders:

Financial Year	Youth Conference Orders
2019/20	468
2020/21	291
2021/22	366
2022/23	367
2023/24	367
Total	1,859

## All other Orders:

Financial Year	Attendance Centre Order	Combination Order	Community Responsibility Order	Community Service Order	Probation Order	Reparation Order	Total
2019/20	11	3	25	2	18	0	59
2020/21	12	0	13	0	16	0	41
2021/22	16	0	4	4	10	0	34
2022/23	18	7	3	2	12	0	42
2023/24	11	0	1	6	38	0	56
Total	68	10	46	14	94	0	232

Source: YJA &amp; PBNI



## YOUTH REHABILITATION ORDER – ENGLAND AND WALES

A Youth Rehabilitation Order is described as a ‘wrap-around order’. It is a single court order which was introduced in 2009 in order to simplify the sentencing options available to courts. They are community sentences given to young people under the age of 18 years old when they are being sentenced for committing a criminal offence.

The order can be made for any period up to three years and can contain one or more requirements imposed by the court, which may include that the young person must meet with a worker from the Youth Offending Team (YOT). The requirements included within the order (and the subsequent restriction on liberty), and the length of the order must be proportionate to the seriousness of the offence and suitable for the offender.

The offence must be “serious enough” in order to impose an YRO, but it does not need to be an imprisonable offence. Even if an offence is deemed serious enough, the court is not obliged to make a Youth Rehabilitation Order.

A court cannot impose a Youth Rehabilitation Order at a time when another Youth Rehabilitation Order is in force, unless it revokes the earlier order.

A Youth Rehabilitation Order can be tailored to address the needs of the individual child, the risk of harm and the risk of re-offending. Each sentence includes different requirements and can last between three months and three years, from the date the order came into effect. They can have one or more of the following requirements attached as a condition of the court order:

- Activity Requirement (maximum 90 days)
- Curfew Requirement (maximum 12 months and between 2-16 hours a day)
- Exclusion Requirement (maximum three months)
- Electronic monitoring Requirement
- Local Authority Residence Requirement
- Supervision Requirement (young person is actively supervised by the Youth Offending Team).
- Prohibited Activity Requirement
- Programme Requirement
- Mental Health Treatment Requirement
- Drug Treatment Requirement (with or without drug testing requirement, 14-17 year olds only)
- Intoxicating Substance Treatment Requirement
- Education Requirement
- Residence Requirement (16-17 year olds only on the date of conviction)

- Attendance Centre Requirement (duration dependent on age, max 36 hours)
- Unpaid Work Requirement (for those aged 16 or 17 years only; 40-240 hours in total)
- Intensive Supervision and Surveillance Requirement\*
- Fostering Requirement\*

\*These are the highest level of community sentence requirement, beyond which a custodial sentence is normally the only alternative option. These requirements can only be imposed if the offence is an imprisonable one and for offenders aged under 15 they must be deemed a “persistent offender”.

A pre-sentence report is required to inform the court. When determining the nature and extent of the requirements, the court considers the likelihood of the child or young person re-offending and the risk of the child or young person causing serious harm. A **higher risk of re-offending does not in itself justify a greater restriction on liberty** than is warranted by the seriousness of the offence; any requirements should still be commensurate with the seriousness of the offence and regard must still be had for the welfare of the child or young person. Before making a YRO, the court must obtain and consider information about the offender’s family circumstances and the likely effect of such an order on those circumstances. In addition, the court must ensure that any requirements are compatible with each other and do not conflict with the offender’s religious beliefs, or interfere with their education.

There is no minimum term, but it must be a maximum of three years. (In practice, orders shorter than three months are rarely made). However, different requirements attached to an order may be made for different periods as specified in the order. The end date of the YRO must be the same as the longest requirement. Supervision requirement must be the same as the end date of the order.

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Address: Castle Buildings, Stormont, BELFAST, BT4 3SG  
Email: [yjpu@justice-ni.gov.uk](mailto:yjpu@justice-ni.gov.uk)  
Telephone: 028 9052 4296

Data Protection Officer Name: DoJ Data Protection Officer  
Email: [DataProtectionOfficer@justice-ni.gov.uk](mailto:DataProtectionOfficer@justice-ni.gov.uk)

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If you have indicated that you would be interested in contributing to further Department work on the subject matter covered by the consultation, then we might process your contact details to get in touch with you.

### **Lawful basis for processing**

The lawful basis we are relying on to process your personal data is Article 6(1)(e) of the GDPR, which allows us to process personal data when this is necessary for the performance of our public tasks in our capacity as a Government Department.

We will only process any special category personal data you provide, which reveals racial or ethnic origin, political opinions, religious belief, health or sexual life/orientation when it is necessary for reasons of substantial public interest under Article 9(2)(g) of the GDPR, in the exercise of the function of the department, and to monitor equality.

### **How will your information be used and shared**

We process the information internally for the above stated purpose. We don't intend to share your personal data with any third party. Any specific requests from a third party for us to share your personal data with them will be dealt with in accordance the provisions of the data protection laws.

### **How long will we keep your information?**

We will retain consultation response information until our work on the subject matter of the consultation is complete, and in line with the Department's approved Retention and Disposal Schedule [DoJ Retention & Disposal Schedule](#).

### What are your rights?

- You have the right to obtain confirmation that your data is being [processed, and access to your personal data](#)
- You are entitled to have personal data [rectified if it is inaccurate or incomplete](#)
- You have a right to have personal data [erased and to prevent processing](#), in specific circumstances
- You have the right [to 'block' or suppress processing](#) of personal data, in specific circumstances
- You have the right to [data portability](#), in specific circumstances
- **You have the right to [object to the processing](#)**, in specific circumstances
- **You have rights in relation to [automated decision making and profiling](#).**

### How to complain if you are not happy with how we process your personal information

If you wish to request access, object or raise a complaint about how we have handled your data, you can contact our Data Protection Officer using the details above.

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law, you can complain to the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
[casework@ico.org.uk](mailto:casework@ico.org.uk)