



Department of  
**Justice**

An Roinn Dlí agus Cirt

Mánnystrie O tha Laa

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# **Outcome of Consultation on Court-ordered Community Sentences for Children**

## **Summary of Responses**

**October 2025**

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# 1. INTRODUCTION

1.1 The Department of Justice published its first [Strategic Framework for Youth Justice](#) in March 2022. Its vision, as set out in the Framework, is for a progressive youth justice system – one which delivers better outcomes for children and communities. In order to help achieve this vision, a number of actions were identified and brought together in a five-year action plan which accompanied the Framework. They included an action to simplify and streamline the sentencing framework for **children’s community disposals**, through the introduction of a new single, flexible order. It is envisaged the new order will replace the seven community orders currently available to the courts.

1.2 In order to ensure the views of all those with an interest in youth justice, including key stakeholders and those with lived experience, are taken into account in the development of the new order, a public consultation was carried out between 11 April and 4 July 2025. This paper provides a summary of the responses received by the Department during the public consultation, which invited views in relation to the proposed structure, content and operation of the new order.

1.3 The Department is grateful to all respondents for their interest in this consultation.

## 2. BACKGROUND

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. These are listed below, ranging from the most frequently handed down, to those which are rarely, if ever used:

- Youth Conference Orders
- Probation Orders
- Attendance Centre Orders
- Community Responsibility Orders
- Community Service Orders
- Combination Orders
- Reparation Orders

2.2 These seven orders are delivered through different pieces of legislation and are supervised by two different organisations - the Probation Board for Northern Ireland (PBNI) and the Youth Justice Agency (YJA). Each 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.

2.3 Whilst recognising many positives with the current community sentencing framework, including the use of restorative approaches and victim engagement, an end-to-end review of the youth justice system in 2015/16 also identified a number of issues. These are set out in detail in the [single community order consultation document](#). In order to address these, a commitment was included in the Strategic Framework for Youth Justice to replace the seven existing community sentences with a single, flexible order. The new order would consist 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.

2.4 The introduction of the new single order is intended to:

- provide a more flexible option to the judiciary;
- simplify the sentencing framework;
- reduce the incidence of children serving multiple orders;
- enable the Youth Justice Agency to become the single delivery agency for youth-specific community orders; and
- provide flexibility concerning the timing of restorative approaches, to maximise the opportunity for parties to engage when they are ready.

### **Development of the new order**

2.5 A Task and Finish (T&F) group was established by the Department to examine 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. This group comprised membership from the key justice organisations as well as the voluntary and community sector and academia. Members considered the delivery of current youth community sentences both within the United Kingdom and across other jurisdictions; their operational experience and effectiveness; and potential applicability for a new youth community order for Northern Ireland.

2.6 In order to inform this work, the T&F group members undertook pre-consultation engagement with children and young people and their families/carers with lived experience of the community sentencing framework in Northern Ireland. There was widespread support for the proposal to replace multiple orders with a single order, with common themes emerging around the need for early and sustained support for children who offend as well as the importance of ensuring that any activities included as part of community orders were constructive and delivered positive outcomes.

2.7 Following extensive research, members agreed the Youth Rehabilitation Order (YRO), a single court order available in England and Wales, provided a suitable template for adapting for use in Northern Ireland, given that its key components would address many of the issues identified with the existing framework. The main characteristics of the YRO include the following:

- only one Youth Rehabilitation Order can be in force at any time;

- it 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 (up to 3 years) must be proportionate to the seriousness of the offence; and
- the requirements can be tailored to address the needs of the individual child, the risk of harm and the risk of re-offending.

2.8 However, members were also keen to ensure that key elements of Youth Conference Orders (YCOs), which are currently the most frequently used community disposal in Northern Ireland, are retained within the new order. Under the current legislation, following an admission or finding of guilt, the Youth Court is required to offer a Youth Conference Order in the majority of cases. 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.

2.9 The success of youth conferencing is acknowledged worldwide, and the intention is to take the best aspects of this process, along with best practice from elsewhere including the YRO, to create a new, improved order. As was made clear in the consultation document, the new single community 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.

2.10 In order to determine the structure and content of Northern Ireland's new single community order, the T&F group considered a number of overarching considerations, including: the best interests of the child; the need to simplify the process, both in relation to the legislative framework as well as the supervisory arrangements; the importance of ensuring that restorative approaches and victim involvement remained central to the process; the need for flexibility to meet changing need and risk; and the recognition that any new disposals should be evidence-based.

2.11 The resultant proposals for a new single community order, including details in relation to its structure, content and how it would operate in practice, were the basis for the public consultation.

### 3. THE CONSULTATION PROCESS

3.1 The consultation ran for 12 weeks from 11 April to 4 July 2025. It was launched by means of a departmental press release and supported by DoJ social media posts throughout the consultation period. Emails containing information on how to respond to the consultation were issued to almost 600 organisations and individuals on the Department's consultation list. Recipients were encouraged to share the links with colleagues and interested parties.

3.2 To facilitate as many responses as possible, respondents were given options on how to respond – via a bespoke online consultation on Citizen Space or via written responses using the consultation document made available on the DoJ website.

#### **Consultation with young people**

3.3 In addition to the main consultation document, a [“youth-friendly” version](#) was developed and made available also via Citizen Space as well as the Department's website. All organisations, particularly those in the children's sector and those working with children and young people, were encouraged to use it to discuss the issues with children and to assist them to respond to the consultation.

#### **Overview of responses**

3.4 A total of 30 responses were received by the Department – 15 were online responses received via Citizen Space and 15 were written submissions. Of these responses, nine were from individuals and 19 were submitted on behalf of organisations. The remaining two respondents did not provide this information. A list of the organisations which responded to the consultation has been provided at **Appendix 1**.

3.5 The Department was particularly interested to hear the views of children and young people and had provided a youth-friendly consultation document in order to encourage responses from this cohort. Of the 30 responses provided to the consultation, eight were completed using the youth-friendly version.

3.6 As the templates for both the adult and children's versions of the consultation differed considerably, the following chapters provided a summary of the responses to the adult consultation separately from those to the youth-friendly version.

## 4. SUMMARY OF RESPONSES TO THE YOUTH-FRIENDLY CONSULTATION

4.1 Children and young people were provided the opportunity to give their views in relation to a new single community order by means of responding either online, via a youth-friendly survey developed and hosted on Citizen Space, or by providing a written response to the Department using the tailored documents provided on the DoJ website.

4.2 The youth-friendly consultation document was developed in partnership with members of the T&F group, which included representation from the voluntary and community sector, as well as input from the Youth Justice Agency's Participation Officer, whose role it is to engage with children and young people with lived experience in order to get their views on policies and services which impact them.

4.3 The youth-friendly version explained the background to the consultation, including information on the existing community sentencing framework for children, as well as the Department's proposals for the new order. It restricted the number of questions to nine which allowed the Department to seek views on the key issues without overburdening the target audience. In terms of responses, a total of six were received via Citizen Space and a further two written responses were provided.

### Length of the order

4.4 The first issue which the Department was keen to get the views of young people on was in relation to the **minimum period** for an order. We explained that we did not think there should be a minimum period set for the order, as is currently the case for YCOs. This would mean that when children were finished with their requirements, the order was deemed to be complete.

**Question 1: Do you think there should be a limit on how short the order is? If you answered yes to this question, what do you think the lower limit of the order should be?**

4.5 Of the eight responses received, five indicated that they were in favour of specifying a limit for how short the order should be. The majority of these felt that the

limit should be in relation to the age of the child, the nature of the offence etc, rather than a set period for each case.

*“We don’t have a specific limit! There should be a limit dependent on what crime the child or young person has been convicted of! It also needs to be age dependant/age specific!”* (**Antrim and Newtownabbey Youth Voice Group**)

4.6 One respondent stated that it should be no more than a year and another backed this up with the comment *“Consider a short time limit with putting into place a support network within their community it could be taking part in a community project, cooking or garden maintenance.”* (**Individual**).

4.7 In relation to comments received by those who did not agree with a limit for how short the order should be, the following points were made:

*“No minimum length for the order...the focus should be on when the plan has been completed, rather than adhering to an arbitrary time frame. This approach recognises that different children progress at different rates and allowing the order to end once objectives are met reinforces rehabilitation over punishment.”*  
(**Include Youth**)

4.8 In terms of the **maximum period** for an order to be in force, the Department indicated that while current orders could be in force for one, two or three years, our view was that more than one year is too long for children.

**Question 2: Do you think there should be a limit on how long the order is? If you answered yes to this question, what do you think the limit of the order should be?**

4.9 Again, most of the respondents indicated that there should be a limit as to how long the order should be in force (six out of the eight respondents). Similar to comments received to the previous answer, a number of respondents felt the period should be related to the age of the offender and the seriousness of the offence and did not suggest a specific period of time.

4.10 Of those respondents who did suggest a period, one proposed that the maximum should be one year for under 16s and two years for older children. A second response suggested that the maximum period should be one year for all children, *“with flexibility to tailor the duration to the child’s circumstances...a capped timeframe also reduces the risk of children being trapped in long, ineffective orders, while still enabling meaningful engagement.”* (Include Youth)

### **What goes in the order**

#### Preset list of requirements

4.11 Young people were asked whether they agreed with the Department’s proposal that the judiciary should have a list of pre-determined requirements they can choose from which can go into a child’s community order, rather than being able to select any requirements they wished. We explained that if there was a list, the judge would select appropriate requirements depending on the child’s age, previous offending history etc.

**Question 3: Do you think there should be a list for judges to pick from? If you answered no, judges should be able to choose to put anything in the orders, please say why.**

4.12 Five out of the eight respondents agreed that there should be a list of requirements for the judiciary to choose from. For those who supported the proposal and provided a comment, the main reason was that this appeared to be the fairest and most consistent approach.

*“Yes, we think this will ensure fair treatment and that a judge can’t just go hard on someone with an obscure requirement because they don’t like the look of them.”* (North West Ministry of Youth)

4.13 For those who were not supportive, they believed that not having a list would provide the judiciary with more flexibility and allow them to be more creative in terms of meeting the child’s needs.

4.14 The consultation document explained that some of the requirements which would be included in the child's order would be things that children would have to do, for example, meeting a youth worker or engaging in training or education opportunities. Others would be things that they would not be allowed to do, such as go to certain places or meet certain people. We asked young people what they thought should go into an order to help children make better choices.

**Question 4: What do you think should go into the order to help children make better choices?**

4.15 All eight respondents had suggestions for requirements that could be included in the new orders. A number mentioned that opportunities for volunteering and giving back to their communities should be included. The importance of education was mentioned by many, both in terms of educating young people about their offending behaviour and how to change, as well as education in terms of school work and training in order to improve future outcomes. Access to counselling and mental health support was also a common theme:

*“A form of education to engage in or if over 16 some volunteering work or a job in order to create structure and routine. A curfew in order to stop young people out socialising and behaving in anti social behaviour at night and through the night. Some sort of counselling or therapy to engage in as a lot of young people engaging in crime have a history of trauma there. Definitely keep requirements that could mean the young person isn't allowed to be around victims or people they were involved in the crime with.” (Individual)*

*“Community service; Therapies; Educational programmes – related to the offence; Access to education and support to get back into education or work; Restrictions in not being allowed in certain area; Not allowed near certain people; But all should be relevant to the crime.” (North West Ministry of Youth)*

## Victim engagement

4.16 We explained that the current process sometimes allows for victims to have a say in what goes into a child's order. This can help both the child and the victim to feel better and make up for the harm caused.

**Question 5: Do you think victims should have a say in what goes into a child's plan? If you answered no, victims should not have a say in the plan, please say why.**

4.17 Of the eight respondents to question five, seven were in favour of giving victims a say in what would go into an order. The individual who did not agree, stated they felt there was too much risk of a personal bias. Respondents in support of victim involvement felt that it could teach the young person who had offended some empathy, and that it was important for victims to be heard.

4.18 One concern expressed by a couple of respondents was around the potential for victims to request elements for inclusion in the plan which would be overly punitive, with a young respondent stating *"I'm unsure about this – victims deserve their input and thoughts to be recognised, however this specific suggestion creates the risk of revenge-based justice, not restorative"* **(Individual)**. This response led to the following statement:

*"While the consultation aims to enhance victim involvement, this response raises a valid concern about protecting the child's rights and ensuring that sentencing decisions are made based on evidence, professional assessment, and fairness — not emotion or retribution. This is a point worth considering further in how victim participation is designed and managed."* **(Include Youth)**

## Support with personal problems

4.19 In many cases, children offend because they have been victims themselves or have lived through one or more adverse childhood experience. We explained that we wanted the new order to be a means through which children could get the support they need to turn their behaviour around and stop offending. This could be through programmes aimed at helping them tackle addictions or improving their mental health.

However, we believe this support should be accessed on a voluntary basis, rather than requiring a child to comply with a programme.

**Question 6: Do you think work to help with these personal problems should be done on a voluntary basis? Is there anything else you would like to say on this?**

4.20 Views in relation to question 6 were evenly split, with four respondents agreeing that support to tackle issues such as drugs, alcohol and poor mental health should be undertaken on a voluntary basis. The other four believed they should be compulsory, citing reasons such as children not always knowing what is in their best interests – adults sometimes have to make certain decisions for them. The need for children to have boundaries and rules was also highlighted. One individual who did not agree with the Department’s proposals stated:

*“Children need boundaries and guidance and if left to their own devices may not choose to engage voluntarily, especially if they are experiencing one or more of the difficulties listed above. Surely it is better to explore these issues and create opportunities for help. My teenager would never ask for help and would happily avoid any intervention if allowed to do so.” (Individual).*

4.21 However, those respondents who agreed that it was better to allow children to voluntarily engage in activities designed to support them with mental health or addictions issues, stated that forced interventions may not be effective if the child isn’t ready to engage at that stage:

*“Forcing someone to do something that they do not want to do could have negative consequences or outcomes for all involved.” (Individual)*

*“Voluntary access increases the likelihood of genuine engagement, avoids unnecessary conflict, and supports long-term behavioural change. It also helps reduce breaches based on non-compliance with help that the child may not be emotionally ready to accept.” (Include Youth)*

## Keeping it simple – only one order

4.22 We asked for children’s views on moving from the current system, where seven community orders are available for judges to give to children, to having only one order. We explained that on occasions, children can be dealing with a number of different orders at the same time. Our proposal is for only one order to be in force at any time.

**Question 7: Do you think having one order and one plan is better than having lots of them, no matter how many times you go to court? If you answered no, please say why.**

4.23 A quarter of the eight respondents did not agree with having a single order, citing concerns such as one size not fitting all and the need for other interventions to be put in place. For those who supported it and provided comments, their views were that one order would be less confusing for young people:

*“It is more manageable and with the list of requirements it can be added to and amended to suit the young person but also to suit the offence.” (North West Ministry of Youth)*

*“The young people support the move to a single community order that is updated as needed, rather than issuing multiple overlapping orders. They find the current system confusing and agree that having one plan would be easier to follow and more manageable for the child.” (Include Youth)*

## Sticking to the plan

4.24 We know from experience that not all young people will stick to the requirements of the plan set out for them by the judge. In cases where children are brought back to court for not sticking to their plan, the Department believes that judges should have more than one option available to them for addressing this. In the consultation, the following options were suggested:

- Letting the order continue without any changes.
- Changing the order to either add or remove requirements.
- Ending the order and giving the child a new sentence.

- Ending the order with no further action.

**Question 8: Do you think these are the right options? If you answered no, please tell us what options you think should be available.**

4.25 With the exception of one respondent, who did not offer up any alternative suggestions, all agreed that the options proposed for dealing with a breach of the order were the right options. One respondent suggested that judges should give children a warning, allowing more opportunities for fulfilling the requirements of the plan. A further respondent recommended that *“children be given a voice at this point and that independent advocates be available to help them understand and participate in the process. This reflects a core principle of youth justice — that children should be supported to take responsibility but also empowered to be heard.”* (Include Youth)

#### **Final question**

**Question 9: Is there anything else you would like to tell us about our new community order for children?**

4.26 Four respondents provided further comments in relation to the new order. Some used the opportunity to emphasise their support for a single order, believing that it would be easier for children and result in more of them completing their plan. The need to raise the current age of criminal responsibility was also referenced by a respondent, who suggested it could be increased to 12 years.

4.27 This view tied in with the views expressed by another respondent who felt that community orders were only one small issue amongst a range of wider areas that need to be addressed in relation to children – they specifically mentioned the care system, education and health. Another respondent confirmed their support for the proposed new measures and was grateful for the opportunity to respond to a child friendly consultation:

*“All information to be in child friendly versions! Thank you for the opportunity to respond to this consultation. We as a group believe that legislators should*

*use already existing advocacy and participative youth groups, assemblies and parliaments, to discuss potential new laws.” (Antrim and Newtownabbey Youth Voice Group)*

4.28 The views received to the youth-friendly consultation document, along with those from the adult version of the consultation, have been used in determining the Department’s recommended position for each proposal, as set out in the following chapters.

## 5. RESPONSES TO ADULT CONSULTATION - STRUCTURE & CONTENT

5.1 A total of 22 responses were received to the adult version of the consultation document, 9 via Citizen Space and 13 written submissions. Not all respondents answered every question, but the total number of responses are shown for each question.

5.2 The first section of the adult consultation document sought views from the public in relation to the **overarching structure and content** of the new order. First, we wanted respondents to consider the **duration** of the order. The Youth Rehabilitation Order (YRO) on which it is proposed the new order will be largely based, does not set a **minimum duration**, although in practice orders are rarely set for less than three months. Similarly, there is no minimum duration set for Youth Conference Orders (YCO), which are currently the most frequently handed down community order for children in Northern Ireland.

**We proposed that there was no need to specify a minimum duration in legislation for the new order and asked:**

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

5.3 The vast majority of those who responded (17 out of 22) agreed that there was no need to set a minimum duration period for the new order. One respondent, supporting their answer with further information, indicated that fixed minimum durations can “*entrench stigma and reinforce an “offender” identity, counter to the rehabilitative aims of youth justice*” (**Law Society of NI**). A further response highlighted the importance of no minimum duration in supporting children to move on once the order is completed, “*[it is] crucial for children to complete their orders as early as possible to avoid unnecessary delays in the filtering of criminal records, especially for roles involving regulated work*” (**NIACRO**).

5.4 No respondents indicated they disagreed with the proposal; four did not respond and the final respondent answered “don’t know”, as they could see the benefits and negatives of both approaches:

*“[we] recognise the benefits of flexibility in sentencing, particularly in ensuring that the duration of an order is proportionate to the individual child’s needs and circumstances... Flexibility allows for creative, tailored responses... However, from a community safety and service planning perspective, a clearly understood minimum threshold, even if not codified in legislation, may support consistency of delivery and expectation-setting across agencies. It may also help frame the scale of engagement required from local voluntary or PCSP-funded providers.”*  
**(Lisburn and Castlereagh Council: Lisburn and Castlereagh PCSP)**

**Department’s recommended position – there should be no minimum duration imposed in respect of the new order.**

5.5 In terms of a **maximum duration**, we were conscious that while the YRO can be given for up to three years, whereas the most frequently used order in Northern Ireland is the Youth Conference Order which has a maximum duration of one year. However, Probation Orders and Combination Orders, which are both currently available for children here, can be for up to three years.

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

5.6 18 out of the 22 respondents had views on what the maximum duration for the new order should be. For the majority, the preferred option was for the order to be in effect for a maximum period of 12 months, with some respondents suggesting this could possibly be extended for very complex cases, particularly if it was felt this was necessary to avoid a custodial sentence.

*“In applying a child centred approach to the maximum duration of an order it would be beneficial that this is managed in as short a period of time as possible. This allows for the challenges in securing services and the potential increased demand on those working intensively with the young people. However it would*

*be in the best interests of all concerned that the root causes of offending behaviour are worked through as quickly as possible. If an order were to be in excess of 12 months this may have a negative impact on the young person who feels that they are being in some way held back from moving on to an offending free period in their lives especially as they progress through education, employment and into adulthood.” (Superintendents Association for NI within PSNI)*

*“Our preferred option would be to limit the duration of the new order to 1 year but we appreciate that complex cases may require more time and children may still need further intervention after one year. We acknowledge that some children may need additional and prolonged support following 1 year so would welcome consideration being given as to how that support could also be provided from non-justice interventions following the period of 1 year. Support from the community and voluntary sector could include educational provision, employability support, wrap around youth work based support, mentoring, personal development etc.” (Include Youth)*

5.7 One respondent suggested that there should be a formal right for children to request an early discharge from the order, if all the requirements have been fulfilled. For those who supported a maximum duration of more than one year, 2 years was the most popular with one respondent suggesting 2 years but adding that this could be extended to 3 years in extreme circumstances.

**Department’s recommended position – in line with the current maximum for a Youth Conference Order, the maximum period for the new order should be set at 12 months. This should allow sufficient time for any requirements of the order to be completed while still ensuring that there is minimum impact on the ability of a child to move forward in terms of education or a career. Where further offending occurs, or where an order is given for a serious offence as an alternative to custody, the court will be given discretion to extend the order beyond 12 months.**

5.8 This section of the consultation also asked for respondents’ views in relation to the **content** of the order, proposing that it be made up of a “menu” of requirements

which the judge would be able to choose from, according to the nature and seriousness of the child's offending. This is how YCOs currently operate. In making an order, the consultation proposed the judiciary take into account a number of additional factors such as the age, maturity and understanding of the child as well as their previous history and family circumstances, including whether they had suffered from any adverse childhood experiences, or trauma. Under the proposals, the judiciary would also have to ensure that any requirements imposed under the order would be compatible with each other and not conflict with the child's religious beliefs or interfere with their education.

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

5.9 Of those who responded, 19 of the 22 respondents confirmed they agreed with the proposed approach. Of the remaining three, one indicated they did not know; and the remaining two did not answer this question. Supporting comments from those who agreed with the approach included stating the importance of ensuring that children have a say in any requirements which are included as part of an order. The impact which ACEs or childhood trauma have on children who offend was also highlighted as being an important factor for the judiciary to consider, as was the need to consider compatibility with education, religious beliefs etc:

*“We particularly support the principle that courts must consider family circumstances, education, and compatibility with cultural and religious beliefs when setting order conditions. This reflects both best practice and the protective, child-centred ethos which underpins many local initiatives supported by the PCSP - including those focused on family strengthening, mentoring, and mental health resilience.” (Lisburn and Castlereagh Council and Lisburn and Castlereagh PCSP)*

One respondent expressed concerns about how information would be provided to the courts:

*“We would welcome further information on how the detail of the child’s life, circumstances and background will be obtained and from what sources this information will be gathered. We are especially concerned about how information is gathered for children who may be in the care of the state. The realities and living arrangements of care experienced children should be taken into consideration before deciding on the imposition of any order and also the requirements contained within that order.” (Include Youth)*

**Department’s recommended position – we will proceed with the development of a new order along similar lines to the Youth Rehabilitation Order (England and Wales) and Youth Conference Orders (NI), in that it will have a menu of options for requirements from which the judiciary can choose. The legal framework upon which the new order will be based will require the judiciary to take account of a number of factors, including the nature and seriousness of the offence; the age and maturity of the offender; their family circumstances; and personal history, before making a decision as to the content and the structure of each child’s order.**

#### **List of requirements for inclusion in the new order**

5.10 Respondents were asked for their views on potential requirements for inclusion in the new order, based on those which are currently listed in the YRO and YCO, taking account of comments and views expressed by Task and Finish group members as part of their deliberations on the new single order.

5.11 Education Requirement - these are currently included as an option in YROs, with compulsory attendance at a specified school up to July of the year the child turns 16. The view of the T&F group was that there are other ways of addressing poor school attendance, with a key concern being that if this is already a particular issue for a child, including it as a requirement in an order is tantamount to setting the child up to fail. With this in mind, respondents were asked:

**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.**

5.12 19 of the 22 respondents answered question 4. Of those, 17 agreed that educational attendance should not be included as a requirement in the new order. Of the respondents who felt that education attendance should be included, one reason offered was that school attendance could be viewed as habit forming and having this as an option could encourage children to get back into the habit of school attendance. Another respondent put forth the following view:

*“It is disappointing that in proposing to adopt the YRO, the new NI requirement is choosing to pick out the "easier" to implement components of a YRO and discarding the difficult to implement parts of such an Order !! Education is a key factor in preventing and/or minimising re-offending, yet this difficult to implement requirement is being discarded. If the YRO is chosen as the favoured model, why discard the parts which will be of most benefit to the young people? education being a main one.” (Individual)*

5.13 For the majority of respondents who supported the view that an education attendance requirement should not be included, a number of comments highlighted that it would be in the child’s best interests to seek to re-engage them in education through support and the re-building of relationships rather than through forced attendance. The following commented summed up the views of many who responded *“this could be detrimental to the child with the potential of criminalising them should they not adhere to it. Alternative methods of addressing poor school attendance should be sought” (PBNI)*. One respondent suggested:

*“Children should be encouraged and enabled to access appropriate educational/vocational/employment opportunities and receive necessary support to prepare them for these e.g. personal and social development, essential skills, etc.” (Individual)*

**Department’s recommended position – based on the views expressed in the consultation and those of the T&F group, it is intended not to include education attendance as a requirement option in the new order.**

5.14 Activity Requirement – both YCOs and YROs contain an activity requirement as an option. They allow the court to require the child to undertake a set number of hours on particular activities which can help address offending behaviour, support education or training or even meet identified needs such as voluntary attendance at mental health or addiction appointments.

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

5.15 Of the 18 respondents to question 5, the vast majority (17) supported the inclusion of an activity requirement. A couple of these emphasised the need for the activity requirement to address the child’s identified needs and not just their offending behaviour. The importance of taking account of the child’s views when deciding on appropriate activities was also highlighted:

*“These requirements should enable the child to address the root causes of their behaviour and support them to access the necessary intervention services in a non-stigmatising manner. Taking the child’s views and opinions into account when deciding on the activity requirements will be central to the effectiveness of the programme.” (Include Youth)*

**Department’s recommended position – an activity requirement should be included as an option in the new order.**

5.16 Programme Requirement – in the YRO, the programme requirement is separate to the activity requirement, whereas in the Youth Conference Order, the requirement to undergo particular programmes, such as anger management or victim awareness, can be included under the general provision of participating in activities. There is therefore no separate programme requirement in YCOs.

**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.**

5.17 15 of the 16 responses to this question were in agreement with the proposal that there was no need for a separate programme requirement, with only one disagreeing. One such respondent stated:

*“Yes, the existing “activity” provision fully accommodates targeted interventions, such as anger management, victim awareness or addiction support, whilst avoiding the punitive risk of breach for non-attendance. Embedding programmes within a flexible activity framework promotes genuine, voluntary engagement and upholds the rehabilitative principals of youth justice”*  
**(Law Society of NI)**

**Department’s recommended position – a separate programme requirement is not necessary and therefore should not be included as an option in the new order.**

5.18 Supervision Requirement – this requires a child to attend appointments at times and at locations specified by their youth justice key worker. It allows for an assessed intervention according to the child’s needs; is an element both of YROs and Youth Conference Orders; and reportedly works well. This being the case, we had proposed that it is included in the new order as an option for a requirement.

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

5.19 Again, the majority of those who responded to this question (16 out of 17) supported the position proposed in the consultation document, with many stating that any supervision should be supportive and strengths-based and aligned to trauma informed practices. One respondent indicated that supervision provided an opportunity *“to notice changes in appearance/behaviour that may alert services to earlier intervention that is required.”* (**South Eastern HSC Trust**). Another respondent commented:

*“The order should include the option of ‘supervision’, with any supervision based on provision of support, rather than a regulatory role, in which the child’s YJA key worker co-ordinates access to services/support to address their*

*individual needs, their circumstances, and the anti-social or harmful behaviours in which they have been involved.” (Individual)*

5.20 Whilst agreeing with the option of a supervision requirement, an element of caution was highlighted around the need to ensure appointments were easily accessible to the young person and their carer – *“if transport options or costs are a factor, assistance should be provided to cover this. A child should not be penalised because they couldn’t afford to access something that the judiciary has made a requirement” (Office of the Mental Health Champion)*

**Department’s recommended position – a supervision requirement should be included as an option in the new order.**

5.21 Attendance Centre Requirement - YROs 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. As part of the proposal to create a single community order for children, we would be intending to revoke existing Attendance Centre Orders, which are standalone orders infrequently handed down. The view of the T&F group was that future requirements in relation to attendance centres could be covered by a general activities requirement.

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

5.22 This proposal was strongly supported with only one respondent disagreeing, saying *“Current Attendance Centre Orders work extremely well within NI and it is disappointing to see that they will be done away with. I would propose that ACOs are kept in situ in NI as an option available to the Court” (Individual)*. However, the majority felt that the activity requirement provided sufficient scope for similar aims to be achieved.

*“The proposed provisions under the new order for an activity requirement and supervision requirement will achieve the same aims of an Attendance Centre Order so a separate requirement is not needed.” (PBNI)*

**Department's recommended position – a separate attendance centre requirement is not necessary and therefore should not be included as an option in the new order.**

5.23 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. 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.**

5.24 The question concerning the inclusion of a curfew requirement provoked a more polarized response than previous questions. Of the 17 responses received to Q9, 12 were in favour of including the curfew requirement, four were against and the remaining was a “don't know” response.

5.25 A number of those in favour of a curfew requirement highlighted the need for appropriate safeguards to be in place:

*“A curfew requirement (if implemented proportionately and on a case-by-case basis) can be a useful and non-intrusive measure to support behavioural change, especially when part of a broader set of structured interventions... However, it is essential that any curfew condition is not simply applied as a punitive mechanism or standard clause.”* (Lisburn and Castlereagh Council: Lisburn and Castlereagh PCSP)

*“Yes, as an optional, proportionate, non-custodial tool for managing evening time risk without defaulting to electronic monitoring or custody.” (Law Society of NI)*

5.26 For those respondents who were against the inclusion of a curfew requirement in the new order, they expressed concerns about setting children up to fail and placing additional burdens on parents who would have a role in enforcing the curfew, potentially placing additional strain on what could already be a tense relationship.

*“Often the children who are in these circumstances aren't under proportionate boundaries and structure of their peers. They often have the 'freedom' of an independent adult. Often a curfew is challenging for parents of these children to enforce and can be setting up both to fail and a strain on the already challenging relationship.” (Individual)*

*“Curfew requirements should not be imposed solely for risk management purposes. Placing a child under a restrictive curfew can be contrary to their best interests, especially when unrealistic or unnecessary conditions increase the likelihood of breaches. To our knowledge, curfew requirements have not been commonly used in recent years within community orders issued by the courts, although they are sometimes applied in bail conditions.” (NIACRO)*

5.27 With regards to the question on the maximum number of hours which a curfew should be applied (Q10), 13 responses were provided. These offered up a variety of views, including the need to adapt curfew periods in line with individual circumstances and a call for more information around the justification for the use of curfews and the rationale for a maximum period of 12 hours. There was no support for increasing the maximum beyond 12 hours, with the majority indicating that periods of between 8 and 12 hours were reasonable.

*“It is considered that the 16-hour maximum curfew limit permitted in England and Wales Youth Rehabilitation Orders, to be disproportionate to the rehabilitative aims of youth justice and therefore reject its inclusion. The Society endorses the proposed recommendation of a 12-hour daily maximum, coupled with official guidance that standard curfews should last around 10 hours in most*

*cases, with the full 12-hour restriction being reserved for genuinely exceptional, high risk circumstances.” (Law Society of NI)*

5.28 Others commented on the need to ensure that curfews were only to be applied for as long as necessary to meet the aims of the order - *“It needs to be subject to education/employment needs. The current period is reasonable. How long this remains in place needs to be subject to review as a child progresses through the order.”* (South Eastern Health and Social Care Trust)

**Department’s recommended position – a curfew requirement should be included in the new order, as per current provision, with a maximum period of 12 hours applied. The curfew should be applied for the shortest period possible and should be subject to regular review.**

5.29 Exclusion Requirement – as explained in the consultation document, an exclusion requirement means that an individual is restricted from entering specific areas. The intention is not punitive but rather to protect the young person or others from harm or from reoffending. Both Youth Conference Orders and Youth Rehabilitation Orders include an exclusion requirement as an option, however in the Youth Conference Order, it is covered under a general provision that a child submits themselves to restrictions on “conduct or whereabouts”.

**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?**

5.30 Similar views were expressed by respondents in relation to the exclusion requirement as for the curfew requirement, in that those who were opposed to the inclusion of the latter, also opposed the inclusion of the former. Of those who responded, 13 were in favour of an exclusion requirement being included and 4 were against. One respondent stated that they would welcome information on “*what is*

*included in the 'conduct and whereabouts' which is currently in operation in NI, including the numbers of children who have breached this in recent years. Without information such as this, it would be difficult to advise on the merit of having an exclusion requirement specified on the order."* (NICCY)

5.31 Arguments in support of an exclusion requirement include that it is frequently requested by victims and it can play a constructive role in community reassurance, particularly in response to anti-social behaviour or where there is an identifiable risk to victims. Conversely, those not in favour were concerned that they often resulted in breaches, as children found exclusion requirements to be overly restrictive and difficult to comply with.

5.32 In relation to whether it should be a standalone requirement, or included within a more general provision on "conduct and whereabouts", views were evenly split, with the same number of respondents expressing support for each option.

*"[We would choose for it to be] covered by general provision around "conduct and whereabouts". From a practical and legal standpoint, embedding this within a general conduct framework allows for flexibility and avoids the need for overly prescriptive statutory subcategories. It aligns with current successful Youth Justice Agency practice."* (Lisburn and Castlereagh Council; Lisburn and Castlereagh PSCP)

This conflicted with the following view:

*"To have this as a standalone requirement of the order may be clearer and more easily understood by the young person and hopefully there will be a greater level of compliance with this requirement."* (PBNI)

5.33 In relation to question 13, which sought views on the maximum period of time which an exclusion requirement should be applied, there was no clear consensus. Views varied between those who thought it should be flexible and reflect the individual circumstances surrounding the offence and the impact on the victim, to one respondent who suggested a minimum of three months to a maximum of six months. The approach adopted by England and Wales through the Youth Rehabilitation Order

for a cap of three months was suggested by two respondents including the Law Society:

*“In terms of duration, the Society recommends a default cap of three months, which mirrors the England and Wales practice, with provision for a single, limited renewal, subject to judicial review and victim preference. The aim of the exclusion requirement should be to balance effective risk mitigation with minimal disruption to the child’s schooling and family life.” (Law Society of NI)*

**Department’s recommended position – an exclusion requirement should be included as an option, as per current provision. Given there was no consensus in terms of whether it should be a standalone requirement or included within the general provision around “conduct and whereabouts”, the Department will discuss this further with Task and Finish group members. Similarly, whether a maximum period for an exclusion requirement should be applied will also require further consideration.**

5.34 Electronic Monitoring Requirement – Available currently as an option in both YCOs and YROs, electronic monitoring cannot be imposed as a sole requirement; it is usually combined with a curfew or exclusion requirement. It is more commonly used for individuals on bail rather than as part of an order, but T&F group members felt that it could be a useful tool, particularly for higher-risk children.

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

5.35 The majority of respondents to this question (11 out of 16) agreed that electronic monitoring should be an option available to the court in respect of the new order, particularly if its use was able to ensure the child could remain at home and not in custody.

*“...it should only be considered if there is persistent re-offending and the other requirements are not being met. We also agree that to ensure that custody is used as a last resort, a greater use of electronic monitoring could restrict the*

*child's movement whilst allowing them to remain within their home or community.” (Derry City and Strabane District Council)*

*“Yes, but only to be used sparingly to tackle escalation of offence as described...” (Mental Health Champion's Office)*

5.36 For those who were not supportive of electronic monitoring being included as an option, there were concerns over it being used as a punitive approach which did not support children to address their challenging behaviour:

*“We believe that electronic monitoring of children does not address the underlying causes of youth offending...There is insufficient evidence to demonstrate their effectiveness in reducing offending...Given its limited use to date, we question the appropriateness of introducing electronic monitoring as an option in the new community order.” (NIACRO)*

**Department's recommended position – given the views expressed during the consultation, we would propose that an electronic monitoring requirement be included as an option, as per current provision. We believe that providing the judiciary with this option could prevent the need for certain higher-risk children to be held in custody. In order to reduce concerns expressed during the consultation, the Department recommends that it is not applied as the only requirement of an order but alongside others aimed at supporting children to address challenging behaviours.**

5.37 Prohibited Activity Requirement – this would prevent a child from doing certain things such as contacting certain individuals or travelling on certain public transport rules. Under current Youth Conference Orders, this can be covered under the general “conducts and whereabouts” requirement, so in the consultation we proposed that there was no need for a separate prohibited activity requirement.

**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.**

5.38 Of those who responded to this question, 15 agreed that there was no need for a separate requirement and two argued that there was. Reasons given for having a separate requirement included the view that the “conducts and whereabouts” provision was quite broad and that it would be clearer for all involved if the prohibited activity requirement was separate. Conversely, those who supported its inclusion in the wider provision were content that flexibility existed within current arrangements.

*“Yes. [We] support a streamlined approach to orders where prohibited activities can continue to be captured under the general “conduct or whereabouts” provision. This retains flexibility for Youth Justice Agency staff to tailor restrictions proportionately, including where there are concerns around peer influence, public transport misuse, or anti-social behaviour in specific locations.”* (Lisburn and Castlereagh Council; Lisburn and Castlereagh PCSPs)

**Department’s recommended position – given the support for the Department’s proposal that a separate prohibited activity requirement is not needed, it will not be included as an option.**

5.39 Mental Health/Drug/Intoxicating Substance Treatment Requirement – despite mental health and drug/alcohol treatment requirements being options within both YROs and YCOs, there was a clear preference expressed by T&F group members for this type of treatment to be undertaken by the child on a voluntary basis, rather than being compelled to undertake treatment.

**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.**

**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.**

5.40 17 of the 19 respondents agreed with the Department’s proposal not to include a mental health/drug treatment requirement as an option in the new order. One of the respondents who disagreed with questions 16 and 17 nevertheless indicated that while

they felt mental health/drug services shouldn't be imposed, the child should, in certain cases, be required to attend an initial appointment to discuss options:

*"I do think that whilst Mental Health services etc should not be imposed, it would be of benefit to many young people to attend an initial meeting with specific services to learn more about what can be offered by them to the young person. Often young people are fearful of the unknown and if they attend an initial meeting with services which may be of benefit to them they can then make a more informed decision as to whether to engage or not."* (Individual)

5.41 Those who agreed that mental health/drug services should not be imposed agreed with the reasoning set out in the consultation document around such services being more beneficial if they are engaged in on a voluntary basis rather than being a requirement:

*"...therapeutic and substance-misuse interventions are more appropriately delivered on a voluntary, needs-based basis under the flexible "activity" requirement."* (Law Society of NI)

*"In terms of dignity and best interests and also taking a trauma informed approach, we should meet the child where they are at, at that point in their lives, this should be a voluntary element to take into consideration their readiness to engage with mental health support. This may also be covered by the activities and supervision requirements."* (Derry City and Strabane District Council)

**Department's recommended position – given the support for the Department's proposals that neither mental health nor drug/intoxicating substances treatment requirements are necessary, they will not be included as options in the new order. Any treatment identified as beneficial for the child, and to which the child is agreeable, can be taken forward under a voluntary programme of work as part of an activity requirement.**

5.42 Drug Testing Requirement – drugs testing is included in a requirement under the YRO (England and Wales). There is no evidence of any significant benefits regarding its use in YROs and there were concerns expressed amongst T&F group members around the accuracy of such tests (potential for false positives) and the

possibility of such a requirement leading to a breakdown in relationships between the young person and their youth justice co-ordinator. Given that they are not currently undertaken here, the proposal was not to include them as a requirement of the new order.

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

5.43 Of the 17 responses received, 15 indicated that they supported the Department's position, one response was in favour of including a drug testing requirement and the remaining respondent selected the "don't know" response. The respondent in favour of drug testing stated:

*"Drug testing not only tells you they are taking drugs but it tell you what substances. Identifying a drugs issue is key and testing acts as a social deterrent and allows parents to know the full extent of any issue."* (**Ulster Unionist Party**)

5.44 For those opposed to a drug testing requirement being included as an option, similar themes appeared in relation to supporting arguments, such as the need for flexible, supportive services provided on a voluntary basis and the lack of evidence to support the need for drug testing amongst children.

*"[We] support the focus on rehabilitative, trust-based engagement with young people. Drug testing may undermine that approach and create added barriers, particularly where familial or environmental factors may influence indirect or unintended drug exposure. With no strong evidence of impact from Youth Rehabilitation Orders in England and Wales, and given the likely resource implications, the absence of drug testing is a proportionate decision that aligns with a restorative and child-centred ethos."* (**Lisburn and Castlereagh Council; Lisburn and Castlereagh PCSP**)

**Department's recommended position – a drug testing requirement should not be included as an option in the new order.**

5.45 Unpaid Work Requirement - both YCOs and YROs can include a requirement that a child performs unpaid work or service in the community, the current maximum of which is 240 hours. Of the 734 YCOs given between April 2022 and March 2024, 144 included an unpaid work requirement. The duration of these ranged from 1 to 120 hours, with the average being just under 24 hours. The consultation proposed the new order would have a limit of 100 hours of unpaid work where it was combined with other requirements but could be extended to a maximum of 240 hours if given as the sole requirement of an order. The age limit should remain at 16 years which is the current age limit in Northern Ireland in relation to unpaid work.

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

5.46 Responses to question 19 were more polarized than a number of others. Of the 16 responses, 10 supported the Department's proposals while 6 respondents disagreed. For a number of those who were not in favour of an unpaid work requirement, they argued that the child's time would be better spent in education or paid employment opportunities.

*"I do not agree with any child having to complete 240 hours community service. How are they supposed to engage in education/training/positive diversionary activities? 240 hours should be reserved for adults." (Individual)*

5.47 The need for further evidence to support how unpaid work contributed to a reduction in reoffending behaviour was also highlighted:

*"Unpaid work was included in less than 20% of community orders issued in NI over the past two years...We welcome further evidence demonstrating its effectiveness in reducing reoffending and promoting rehabilitation. Instead of imposing unpaid work as a punitive requirement, children could be connected - through the activity requirement - to appropriate support services tailored to their individual needs. This approach would focus on addressing the root causes of offending behaviour rather than merely its symptoms." (NIACRO)*

5.48 Amongst those who supported the proposal in the consultation, the view that unpaid work could provide the judiciary with a viable option, particularly in relation to certain complex cases, was stated. A number also felt the proposal replicated what was currently available and worked effectively:

*“Retaining the full 240-hour maximum only where unpaid work is the sole requirement preserves a proportionate escalation pathway for more serious cases, aligns with existing practices, and ensures flexibility without overburdening young people in education or employment.” (Law Society of NI)*

*“[We] agree with the proposals and retaining the cap of 100 hours unpaid work when combined with other requirements and the age limit of 16 years being applied. It is suggested that for those aged 16 there should also be a minimum number of unpaid work hours of 40...It is suggested that for those children and young people under the age of 16 there should be a proportionate minimum and maximum number of hours unpaid work that would be available as part of the new order. It is suggested that the hours could be aligned with what is currently within the Attendance Centre Order a minimum of 12 hours and a Community Responsibility Order a maximum of 40 hours... We would want to highlight the importance of any placements being child friendly and the content of the work being focused on building the young person’s skills, supporting their rehabilitation, and reducing the risk of further offending.” (PBNI)*

**Department’s recommended position – based on the responses received, it is proposed that an unpaid work requirement for children aged 16 years and older is included. The maximum number of hours which can be applied should be 100 hours if combined with other requirements or 240 hours if the sole requirement of an order.**

5.49 Intensive Supervision and Surveillance (ISS) Requirement – this is currently a feature of YROs in England and Wales but can only be applied in specific circumstances, i.e. the relevant offence is a custodial one and if a child is aged 15 or younger, they must be considered a persistent offender before an ISS requirement can be applied. T&F group members believed they were similar in approach to the Priority Youth Offenders Project which had previously operated in NI and was not

viewed to be overly successful. Given that YJA and PBNI co-manage complex cases effectively without the need for this additional requirement, it was proposed that it not be included as an option.

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

5.50 The majority of respondents agreed that an ISS requirement was not needed (13 of the 16 who responded) and that the supervisory arrangements managed by YJA and PBNI, along with the additional measures available to the judiciary such as curfews, electronic monitoring etc, were sufficient to manage complex cases:

*“Existing provisions proposed within the new order (particularly supervision, curfew, and electronic monitoring) already offer scalable levels of oversight. These tools, when combined with effective multi-agency coordination (as seen in current co-management arrangements between YJA and PBNI), provide sufficient flexibility to manage risk and support rehabilitation. Introducing an intensive requirement could risk disproportionate responses, raise costs significantly, and run counter to the child-centred ethos underpinning the reform.”* (Lisburn and Castlereagh Council; Lisburn and Castlereagh PCSP)

5.51 Only three respondents felt there could be merit in having an ISS requirement in order to ensure that young people who needed it had access to additional support.

*“Young people who are involved in persistent criminal behaviour and who have not responded positively to previous interventions require an intensive programme. This does require highly trained, skilled and motivated staff who are equipped to engage effectively with such young people, using evidenced based interventions. Such young people pose substantial challenges and so intensive supervision requires resilient and focused workers.”* (Individual)

**Department’s recommended position – it is recommended that a specific intensive supervision and surveillance requirement is not included as an option in the new order.**

5.52 Inclusion of requirements relating to residence, local authority residence and fostering – these are additional requirements included in YROs in England and Wales and all direct where a child should reside for some or all of an order. Given the different structures and social services provision in NI compared to England and Wales, it was felt these were not relevant for inclusion in a criminal sanction in NI.

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

5.53 All 16 respondents to this question agreed that the requirements stated above in relation to where a child should reside during an order were not relevant for inclusion in the new order to be created in Northern Ireland. Given the widespread agreement, there were few comments received in relation to question 21. However, one respondent highlighted the importance of organisations combining forces in line with the ethos of the Children’s Services and Cooperation Act 2015.

*“We feel that organisations should aim to work together to improve outcomes for children in line with the aims of the Children’s Services Cooperation Act 2015.” (Derry City and Strabane District Council)*

**Department’s recommended position - the new order should not include a specific requirement in relation to where a child should reside for part, or all, of the duration of an order.**

5.54 Financial Payment Requirement – an element currently included in YCOs, but not in YROs, is that a young person can be required to make a financial payment to a victim. The payment can be made for costs incurred by the victim or can also be symbolic, e.g. a small donation to a charity of the victim’s choice. Between April 2022 and March 2024, 59 of the 734 Youth Conference Orders contained a requirement for some type of financial payment or restitution. These ranged in amount from £1 up to £1,000, with the average being just under £80.

5.55 In considering whether financial payments should be retained as an option in the new order, T&F group members were of the view that there was a role for them,

but they should be reserved for those aged 16 years plus and should be based on the ability of the child 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.**

5.56 The majority of respondents agreed there was a role for a financial payment requirement in the new order – 13 out of the 17 who responded. One respondent chose the “don’t know” response, commenting *“why limited to those aged 16 or over? No explanation for this rationale.”* (Individual). A further respondent was concerned about the financial burden on children and families who were also more than likely struggling financially already.

*“While this could remain an **option** for those aged 16 or over, financial payment to the victim seems inappropriate as most young people are unlikely to be in a position to be able to afford this... Families with members in the criminal justice system are generally already facing multiple deprivations (including financial instability) and a payment to the victim would place a further financial burden on them.”* (Individual)

5.57 A further suggestion was that it could be done on an entirely voluntary basis: *“Should a child decide of their own volition that they want to make a financial contribution to the victim or donate to a charity, this should be done entirely on a voluntary basis and not as part of a mandatory financial demand.”* (Include Youth)

5.58 As indicated in paragraph 5.55, however, most respondents believed that a financial payment requirement should be an option. *“We agree with the Task and Finish Group members that this should remain as an option for the new order, but that it should be limited to those aged 16 or over. It should also be based on their ability to pay and not be paid by their parents or other family members.”* (Victim Support NI)

5.59 Another offered the view that in cases where the offence involved theft, being required to pay for the stolen goods could act as a deterrent *“For those young people who appear in Courts for shoplifting / theft type offences it can serve as a deterrent to re-offending to have to pay for what was stolen e.g. bottles of alcohol...often financially*

*within the means of young people to pay for” (Individual).* One respondent suggested placing an upper limit on the amount that could be paid as part of financial restitution:

*“We would have concerns at how an assessment of the ability of the young person to pay would be undertaken. We also recognise the impact of poverty and increasing costs of living and would suggest that it may be important to place an upper limit on the amount of financial restitution a young person may be asked to pay in one calendar year. We note that the average payment made in the past 2 financial years was £80 and would suggest that an upper limit to consider would be £100.” (PBNI)*

**Department’s recommended position – the financial payment requirement, currently available as part of a Youth Conference Order, will be retained in the new order but will be applicable to 16 and 17 year olds only. Further consideration will be given as to whether a cap on the maximum payment to be made is required.**

5.60 Requirements to make an apology and/or reparation – both of these elements are included in Youth Conference Orders but not in Youth Rehabilitation Orders. 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. A key element of the new order is to allow restorative engagement to take place at any stage of the order, not necessarily at the start of the process. The reason for this is to provide a further opportunity for both parties to participate in restorative engagement at a time which feels right for them.

5.61 Due to the intention to change the timing of restorative engagement, it may not be known whether the offender will offer an apology or reparation at the point at which the court is setting the requirements. Consequently, 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. An option proposed in the consultation document is that these two elements could be covered by the general “activity” requirement and this

could happen at any stage of the process, dependent on when a restorative conference could take place.

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

5.62 Only 15 of the 22 respondents to the adult consultation answered this question. Of those, 11 agreed with the approach suggested by the Department and 4 disagreed. Of those who disagreed, one respondent indicated that reparation should remain as a standalone requirement in the new order, stating that it should be *“commensurate with victim needs and young person’s circumstances. Victims generally are most interested in the hope that the young person will desist from further offending as much as punishment or reparation.”* (Individual). Another felt that both “apology” and “reparation” should remain as two standalone requirements:

*“These two requirements should remain as standalone requirements, but which are available at any point during the Youth Rehabilitation Order to be added in to the original order. It is our view that this would ensure that the needs of individual victims are met.”* (PBNI)

5.63 A further comment received highlighted that the restorative justice approach to youth justice in Northern Ireland is seen as a key success – *“Current procedures within NI which allow for restorative justice youth conferences to take place between conviction and sentencing allow for the restorative approach to be explored at an opportune time. It is a real feather in the cap of YJA, NI that RJ can be offered pre-sentencing.”* (Individual)

5.64 Comments received by those in favour of the suggested approach, i.e. that apologies and reparation are included under the general “activity” requirement, and could happen at any time of the order, emphasised that making an apology or reparation should never be a compulsory requirement:

*“We believe that the new order should allow for requirements to make an apology or to provide reparation to the victim, any relevant person, or the wider community under the activity requirement. However, it is important that these*

*are viewed as prompts or examples of work that could be included in rules or guidance, rather than mandatory requirements. Making them compulsory would conflict with the core principles of restorative practice. We also agree that there should be flexibility for these actions to take place at any stage of the order, depending on the timing of the restorative conference.” (NIACRO)*

5.65 The flexibility element of the proposal in terms of the timing of restorative engagement was also seen by certain respondents as being a positive:

*“[We] agree with this approach as it is child centred and is part of the restorative and participative process, it involved the child but also takes into account the needs of the victim. The flexibility that will come under the activity requirement will also give time and space to children to be ready to fully engage in the restorative process.” (Derry City and Strabane District Council)*

**Department’s recommended position – given the responses provided, it is proposed that “apology” and “reparation” are not included as separate requirements but can be covered within the general “activity” requirement. This will allow for a restorative conference to take place at any point during the order, rather than requiring it to happen at the beginning of the process. This new approach will be clearly set out in the guidance which will be developed once the new order has been legislated for.**

5.66 Restorative Justice/Victim Engagement Requirement – within the existing Youth Conference Order, there is a statutory imperative to hold a restorative conference at the start of the process, after a finding or admission of guilt, but before sentencing. This enables the victim to have an input to the requirements included in a plan. As stated in earlier paragraphs, we want to make the new order more flexible to allow for a restorative conference to take place at any stage of the order, at a time when both the victim and the offender are ready to engage. Consequently, T&F group members felt that the new order should include a specific requirement to explore opportunities for 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?**

5.67 Almost all of the respondents to this question (19 out of 20) agreed there should be a compulsory requirement within the new order to explore opportunities for a restorative conference between the parties. Most recognised the value of restorative engagement for both the victim and the offender and welcomed the proposal that it could take place at a time which best suited both parties.

*“Participation in the restorative process allows children to not only take responsibility for their behaviours, but they are also encouraged to understand and address the consequences of their actions, thus, reducing the risk of future offending. It also provides victims of crime with an opportunity to become involved in the process, to whatever extent they feel comfortable...Whilst it is not anticipated that a new order is made each time a young person is convicted of a further offence, it is important that each individual victim is spoken to, in order to ensure they have an opportunity to provide their input to the process.”*

**(Public Prosecution Service)**

*“We welcome the fact that this new single order will provide greater opportunities for restorative practice to be built into the system than is currently available.”* **(Victim Support NI)**

5.68 One respondent stated that victims should continue to be engaged pre-sentencing in order to ensure their views are taken account of. The importance of ensuring that any restorative engagement would be entered into on a voluntary basis was also emphasised:

*“[We] agree that **consideration** of restorative justice/victim engagement should be a specific requirement in the new order. We support the **exploration of opportunities** for a restorative engagement but believe that this should not be included as a compulsory requirement.”* **(Include Youth)**

5.69 Only 10 out of the 18 responses to question 25 confirmed that consideration of restorative justice/victim engagement should be a compulsory requirement. Of the six who argued that it should not be, the majority of comments received indicated that respondents felt restorative engagement should never be compulsory:

*“Making restorative justice mandatory will undermine its voluntary nature. It must respect the rights of both the child and the victim to opt out...There are situations where participation in restorative justice is not in the best interests of either the child or the victim, making it inappropriate to proceed.” (NIACRO)*

5.70 The proposal within the consultation was to make consideration of restorative justice/victim engagement compulsory and not the act itself, as the Department and the T&F group members also share the view that this element of the order must be voluntary.

**Department’s recommended position – taking all of the consultation responses to questions 24 and 25 into account, the Department would support the inclusion of a compulsory requirement for restorative justice/victim engagement to be considered with regards to each order.**

5.71 Respondents were also asked whether they had any further comments in relation to the structure or content of the new order:

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

5.72 Nine respondents had further comments, including some indicating support for the proposals regarding the new order and the child-focused approach. Concerns were expressed by two respondents in relation to how the new order would affect disclosure of a child’s criminal record. Others highlighted the need to ensure that the interests of victims remained of significant consideration. One respondent was concerned about how the requirements of the new order would be determined and felt that for some children, being subject to a single order which could be added to if further offences are committed, could be disadvantageous:

*“Will the judiciary lose patience quicker with persistent offenders being subject to 1 continuous order? Will this lead to a greater custody population? Should*

*NI continue to offer a YCO and ACO as a short sentencing option and a YRO as a longer sentencing option ? Remove CRO, RO and POs for young people and keep the best 2 disposals with an additional third as a YRO. NI does not have to be England/Wales!” (Individual)*

**Department’s recommended position – the Department will consider all of the comments received for any potential impact for the new order with the members of the T&F group.**

## 6. RESPONSES TO ADULT CONSULTATION - OPERATION OF THE ORDER

6.1 As stated in the consultation document, one of the main reasons behind creating a new order, is to simplify and streamline the youth community sentences framework. Therefore, it is intended that only one community order will be in force at any one time. In order to make this work in practice, the Department proposed in the consultation that, if further offences had been committed, the Court could either revoke the original order and resentence for all offences, or add to/amend the original order to take account of the new offences.

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

6.2 The majority of respondents agreed with the suggested approach (14 of the 15 who answered this question), with comments received stating that it would simplify the process and provide more clarity.

*“No child should be subject to multiple orders, the capacity to add on additional requirements if there is further offending makes it easier to manage, avoids confusion and duplication, simplifying the process and producing better outcomes for children who offend and for the victims of their crimes.” (Derry City and Strabane District Council)*

6.3 One respondent highlighted the importance of ensuring that any elements of an existing order which have been completed are taken account of, when amending or adding to the order. Taking account of the needs of victims was also raised as a consideration:

*“PPS are also supportive of the commitment of the Department to ensure that any new community youth order continues to place victims at the centre of the process...Importantly, the new order should build on the success of the Youth Conferencing process, retaining the good practice developed as part of the scheme – so that the needs of the young person who has caused harm and the*

*needs of the victim continue to be met through the new community order.”*  
**(Public Prosecution Service NI)**

6.4 The one respondent who did not agree was supportive of streamlining community orders but believed they should be reduced from seven to three, rather than one. *“I think that NI can streamline community based orders to an ACO, YCO as [an option for] shorter sentences and a YRO as a longer option for persistent offenders. Otherwise, I would be concerned that young people within the Courts will end up being subject to 1 YRO for multiple years.”* **(Individual)**

**Department’s recommended position – only one community order will be in place, with regards to children, at any one time. For further offences, the original order will either be revoked and a new order will be introduced, or the original order will be amended to take account of the new offence.**

6.5 From time to time, community orders are breached and are brought back to court for a decision to be made. As set out in the consultation document, in Northern Ireland, breaches of an order can be dealt with in a number of ways. The T&F group identified a number of proposals for ways in which a breach of the new order could be dealt with by the courts. These are as follows:

- 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.

**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?**

6.6 As with the answer to the previous question, the majority of those who responded (14 out of 16) agreed with the options set out in the consultation for dealing with breaches of the new order. A number of respondents highlighted that custody as a result of a breach should be a measure of last resort. Others stated they agreed with the decision not to include a fine as an option for dealing with a breach, *“NICCY agrees that financial penalties for breaching an order would not be appropriate. Upon any potential revocation of an order, custodial penalties must be a last resort.”* (NICCY)

6.7 Concern for both the best interests of the child and their victim(s) if breach proceedings were invoked was also a common theme:

*“Appropriate consideration should be given to why the breach occurred, was it within the child's power to comply with the requirements at that time, what external factors or influences were impacting their decisions and is non-compliance a recurring concern or was this a sole incident. There needs to be a clear delineation between what is and what is not in a child's control...At all times, no requirement should be placed on a [child or young person] which they are not in a position to fulfil, they should not be set up to fail.”* (Office of the Mental Health Champion)

*“It will be important also that where breach proceedings are initiated that victims are also informed of this and of the outcome.”* (PBNI)

6.8 A couple of respondents provided suggestions for additional ways in which a breach should be addressed, with one stating that they should be dealt with “restoratively” while another stated *“More options should be available to the Court. Certainly the number of current Orders available should be streamlined, but not necessarily to only 1 order. Extended use of one YRO is not an individualised and child-first approach, potentially hindering engagement and rehabilitation.”* (Individual)

**Department’s recommended position – courts will be able to address breaches of the new order by selecting one of the four options set out in the consultation document and above at paragraph 6.5.**

## 7. RESPONSES TO ADULT CONSULTATION - MONITORING OUTCOMES

7.1 The consultation document set out a number of considerations concerning the expected benefits of the new order and how outcomes could be measured to see if these have been realised. In order to monitor the outcomes, a number of programme objectives and measures of success were outlined and respondents were asked for their comments on these.

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

7.2 Ten respondents provided comments in relation to question 30. As well as a number of additional benefits and measures of success suggested, other comments were made in relation to those already proposed in the consultation document. A number of respondents suggested that more specific measurable outcomes were required, for example, in place of an outcome being that the needs of the young person have been adequately addressed, it should centre on children's participation in education/training/employment opportunities; access to support services for mental health and addiction issues; the number of young people who have been involved in community/youth groups as a result of requirements in the order etc. Others emphasised the need for the experiences and views of children subject to the new order to be captured, stating that increased confidence and assurance that their views are being taken into account should be a benefit of the new order.

7.3 Reductions in re-offending rates and the numbers of 18 year olds entering the adult justice system were also proposed as potential measurements of success as were improvements to the experiences of victims:

*“Most victims engaged in the YC process want to be engaged at an early stage and have commented positively on the outcomes. We note that victims speak often about delay in the criminal justice system and the lack of opportunities for their voices to be heard and we would want to emphasise that where it is possible to engage a victim at the pre-sentence stage in a restorative process*

*and include actions in a court order all parties have greater buy-in and better outcomes.” (PBNI)*

7.4 One respondent suggested that anticipated benefits should include increased capacity for the Probation Board:

*“Propose adding recognition of the enhanced capacity for PBNI that will result from designating YJA as the sole organisation responsible for delivering and supervising community orders for children. This consolidation will further simplify the system, eliminate duplication, and create capacity within PBNI”.*  
(NIACRO)

**Department’s recommended position – the Department will revisit the potential benefits and outcomes measurements concerning the new order with T&F group members, taking into account the suggestions proposed by respondents.**

## 8. RESPONSES TO ADULT CONSULTATION - FURTHER COMMENTS

8.1 By moving to a new single order which will replace the existing seven community orders available for handing down to children and young people in Northern Ireland, the Department aims to streamline and simplify the current system, developing a flexible order which will be easier for this cohort to understand and comply with.

8.2 Wider views from respondents were welcomed, beyond those sought through the specific questions posed. Of the 22 responses to the adult consultation document, 12 provided further comments, which covered a range of issues. A summary of the key points made have been provided in the paragraphs below.

8.3 A number of respondents highlighted the importance of ensuring that community orders were only issued when opportunities for diversionary disposals had been fully exhausted. This is in recognition of the impact which being in receipt of a community order could have and the potential consequences for a child in terms of future education and employment opportunities:

*“While we broadly support the introduction of a new Single Youth Community Order, it is crucial that it is seen as a last resort and used sparingly. Youth conferences are a suitable alternative to prosecution, but they still appear on a young person’s criminal record for a period of two years and therefore, criminalises them to an extent. It is not fair to have young people’s future education and employment prospects marred by a minor offence. Therefore, we believe that children under 18 should only receive a community sentence when all other appropriate avenues, which must consider the trauma to victims, have been explored.” (Victim Support NI)*

8.4 The response from the South Eastern Trust highlighted the need for the new order to take account of the needs of those with neurodiversity. Respondents also indicated that childhood trauma and its impact should also be a key consideration when requirements of the new order are being considered:

*“The consideration of ensuring that children’s circumstances including Adverse Childhood Experiences (ACES), which are particularly relevant for care-experienced children, are taken into consideration in the issuing of an Order is also welcomed. The Department agrees that children should not be labelled under the Justice banner and that support should be provided without stigma by all organisations in line with the Children’s Services and Co-operation Act 2015 to ensure that all our children and young people learn and achieve and experience economic wellbeing”.* **(Skills and Education Group, Department for Economy)**

8.5 Further comments provided by two respondents were in relation to the supervisory arrangements, with one respondent querying where the supervision responsibility would lie if a breach hearing was heard in the adult Magistrates’ Court (for young people who have turned 18 years) and the person remained subject to the new order:

*“...clarification is needed as to whether responsibility for the supervision of that order would remain with YJA or transfer to PBNI. For continuity it would make sense for YJA to continue their involvement as they have established the working relationship with the young person, their family and the victim.”*  
**(PBNI)**

8.6 The second point in relation to supervision was made in respect of the resources required:

*“If the Youth Justice Agency is to be the one organisation with responsibility for delivery for supervision of children with the community, it is vital that the Department provides it with sufficient resources, including staff, to help it manage any increased workload. The Youth Justice Agency...often works with the community and voluntary sector. These partnerships are crucial for delivering a range of services that address the needs of young people who have offended or at risk of offending. The Department must ensure that any change in the approach to supervision builds on existing relationships.”* **(Sinn Fein)**

8.7 Increased investment in health and social care services, education, mental health services, restorative justice and the community and voluntary sector was called for in order to ensure the new order would be implemented successfully and the best outcomes for children could be achieved. One respondent also stated that ensuring that children have access to independent advocacy services could provide better outcomes for children engaged with statutory agencies.

8.8 Finally, a number of respondents, both from individuals and organisations, called on the Department to move to increase the minimum age of criminal responsibility (MACR), thereby reducing the number of children in contact with the formal criminal justice system.

**Department's recommended position - all comments, and any potential impact they may have in relation to the new order, will be considered by the T&F group.**

## 9. SUMMARY AND WAY FORWARD

9.1 As highlighted in the previous chapters, the responses received to the consultation demonstrated significant support for replacing the multiple community orders currently available for children, with one single flexible community order. Numerous responses also highlighted the need to ensure the maintenance of a restorative justice approach. By doing so, the previous success and international renown associated with the current youth conferencing process will not be lost, but instead will be built upon in order to ensure that more children and victims have the opportunity for improved outcomes.

9.2 In relation to the Department's proposals for potential requirements and the handling of breaches as outlined in the consultation document, for the most part these were supported. The main divergence of views centred around the use of curfews, exclusion requirements and electronic monitoring, with a small number of respondents disagreeing with the use of these options for children. This is despite these features currently being available to the judiciary as *options* for Youth Conference Orders.

### **Next steps**

9.3 Given the significant support received for the overarching proposals in the consultation, the Department will continue to work with relevant partners to develop these into a workable single order, taking into account the views and comments received from the consultation responses.

9.4 In particular, detailed consideration will be given as to how the new order will be integrated into legislation to ensure the positive aspects of the youth conferencing process are maintained. This will involve close collaboration with the Youth Justice Agency and the Office of the Legislative Counsel, with the aim of introducing provisions for the new order in an appropriate legislative vehicle in the next Assembly mandate.

### List of Citizen Space responses to the adult consultation

No.	Name of Individual / Organisation
1	Oakwood School and Assessment Centre
2	Individual
3	Individual
4	Ulster Unionist Party
5	Individual
6	Individual
7	Superintendents Association for NI within PSNI
8	Individual
9	South Eastern Health and Social Care Trust

### List of written responses to the adult consultation

No.	Name of Individual / Organisation
1	NICCY
2	Skills and Education Group, Dept for Economy
3	Public Prosecution Service
4	Law Society of NI
5	Victim Support NI
6	NIACRO
7	Individual
8	Probation Board NI (PBNI)
9	Office of the Mental Health Champion
10	Sinn Fein
11	Include Youth
12	Lisburn and Castlereagh Council; Lisburn and Castlereagh PCSP
13	Derry City and Strabane District Council

### List of Citizen Space responses to the youth-friendly consultation

No.	Name of Individual / Organisation
1	Did not answer
2	Individual
3	Antrim & Newtownabbey Youth Voice Group
4	Did not answer
5	Individual
6	Individual

### List of written responses to the youth-friendly consultation

No.	Name of Individual / Organisation
1	North West Ministry of Youth
2	Include Youth