
PSNI
SECTION 75
EQUALITY IMPACT ASSESSMENT
YOUTH DIVERSION SCHEME



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1 EXECUTIVE SUMMARY

This report presents the results of an Equality Impact Assessment (EQIA) on the Youth Diversion Scheme (YDS) as administered by the Police Service for Northern Ireland (PSNI). It follows an EQIA Consultation Paper presented for public consultation in July 2005.

It is based on the available data in relation to Section 75 categories in the area of diverting young people away from the formal Criminal Justice System. Qualitative data/information is included from the consultation process, which has informed the EQIA. Those who were consulted during this EQIA have generally rated the scheme as effective in achieving its aims. However, some issues have been raised about the availability of data in terms of Section 75 and some operational anomalies have been identified.

A small number of written responses to the consultation report were received. In addition, a number of responses were collated from meetings and focus groups organized as part of the consultation process. In coming to the final decisions as presented in this report, PSNI considered the issues raised during the consultation period alongside existing data.

As a result, PSNI will implement and monitor a series of actions to ensure equality of opportunity. We would like to thank all those who have contributed to this process. If you have any queries about this document and/or its availability in alternative formats (including Braille, disk, audio cassette or in minority languages to meet the needs of those who are not fluent in English) then please contact:

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1.1 Results

Section 75 Data - Although analysis of three Section 75 categories, age, gender and religion has been made a lack of data/information in regards to other Section 75 categories has been identified by this EQIA.

Potential Adverse Differential Impacts - The research applied to this scheme provided evidence of factors which could indicate potential adverse differential impacts in respect of the following categories as outlined in Section 75 of Northern Ireland Act 1998. These were:

1. **Age** – The figures show that there is a much stronger likelihood that 15 and 16 year olds referred to the YDS will be prosecuted, and a much lower probability that they will be given a diversionary disposal, than the 13 and 14 year old cohorts. It is believed that 15 and 16 year olds have been more likely to receive a Diversionary Disposal for previous offences than younger offenders. Where this is the case they are more likely to be recommended for prosecution based on the fact that they have had previous opportunities to mend their ways and have not done so.
2. **Men and Women generally** – It was observed that more males were referred to the scheme than females and females were more likely to receive a diversionary disposal than males. It is believed that this represents the differing types of offending behaviour occurring between males and females: for the most part, males tend to commit more offences, and more serious offences, than females. We believe that the statistical breakdown of cases between males and females is not a manifestation of any bias on the part of the PSNI or PPS, but merely a reflection of actual activity within the juvenile population.
3. **Religious Belief** – The following results were found:
 - **Non-Offence Behaviour**- It showed that for non-offence behaviour about the same number of Catholics and Protestants were referred and dealt with under the scheme.
 - **Offence behaviour** - Compared to the actual number of children and young people living in the community, proportionately more Protestants than Catholics were referred for some form of diversionary disposal. Further analysis on each case file found that a lower number of Catholic children and young people were in a position to be dealt with by way of a diversionary disposal. This was due to the necessary criteria such as “admission of guilt” etc not being met.
4. **Disability** – During the consultation the application of the scheme at service delivery level on those with disability, particularly learning disability was raised as an issue.
5. **Dependents** – Recognition of the position of young carers was raised during consultation.

YDS – The need for uniformity of management and administration of the scheme in each police area was identified. Delays in processing were specifically highlighted.

Police and Children and Young People Interaction – The negative perceptions of some children and young people have also been raised during this EQIA. Though not directly linked to the YDS what may be causing them is of concern to PSNI.

1.2 Decisions

In consideration of the results of this EQIA, PSNI have decided to implement the following actions:

1. Establish a monitoring strategy in respect of children and young people, which will provide data/information relating to interactions between police and the 9 Section 75 categories.
2. Regularly review data/information available in respect of the perceptions of children and young people in regards to police and the service provided. This review will inform strategies and training.
3. PSNI will actively pursue the integration of youth issues in to the PSNI College curriculum. A recent Training Needs Analysis has identified mental health and learning-behavioural difficulties as key to the area of training needs. This has commenced and will be developed upon.
4. Establish a number of Young Persons' Independent Advisory Groups by March 2007, which can collect qualitative data on operational service delivery to young people.
5. PSNI will take steps to identify potential training needs on learning disability and young people through the opinion mechanism of the Independent Advisory Groups.

To compliment the above actions there are a number of reforms to the YDS, which PSNI will implement:

- The YDS General Order will be revised and refreshed, with a view to eliminating any lack of clarity and taking into account the experiences of the YDS within its first two and a half years of operation;
- The PSNI will in discussion with PPS institute the development of more standardised protocols for the YDS as part of the new General Order;
- The requirement for some form of "bureau" style approach is presently being pursued with the cooperation and engagement of other agencies and will involve a structured arrangement for regular case conferences between agencies, agreed protocols for information sharing, and better inter-agency contact targeted on the needs of the individual young person;
- The PSNI will institute the development of inter-agency protocols and facilitate engagement from PSNI management with their counterparts in other agencies.

- An improved model of engagement with victims of Youth Offending is being progressed through a pilot with Victim Support Northern Ireland and will be evaluated for best practice in PSNI.
- Improved training for Youth Diversion Officers (YDOs) and other PSNI staff involved in the YDS will be provided, on an in-service/continuing development basis by PSNI Staff and other appropriate consultants;
- An examination of YDO caseloads and work patterns with a view to delivering a more consistent approach across DCUs.

2. BACKGROUND TO THE YOUTH DIVERSION SCHEME

The PSNI Youth Diversion Scheme was established in September 2003, replacing the former Juvenile Liaison Scheme. The intention of the new scheme was to provide a framework within which the PSNI can respond to all children and young people aged over 10 and below 17, who come into contact with police for a variety of reasons, including non-offending behaviour, risk of offending, antisocial behaviour, or the commission of an offence.

Restorative justice is central to the YDS, and recognises that the police alone cannot address all of the issues that lead to children and young persons committing crime and being involved in antisocial behaviour. It therefore aims to address these issues in partnership with other public agencies and the community. A principal focus of the YDS is the implementation of an effective and proportionate policy across all of Northern Ireland which is designed to get the young person to take personal responsibility in a supported environment, and to divert young people from offending, taking account of Section 75 of the Northern Ireland Act 1998 and the Human Rights Act 1998.

December 2003 saw the introduction of the Public Prosecution Service (PPS) pilot in Greater Belfast and in Fermanagh and Tyrone. Under the pilot, decisions on police files in those areas are made by the PPS rather than by the PSNI, although the police can, however, recommend to the PPS a disposal for each case. Recently, the implementation of the PPS decision-making process has commenced and this has resulted in changes to the manner in which the YDS is administered. A further dimension affecting the Scheme was the inclusion, in August 2005, of 17 year olds who come under police attention.

3 DATA COLLECTION AND CONSULTATION

3.1 Data Collection

Data from a sample of referrals to the scheme since its inception were analysed in the context of Section 75 categories. In addition data/information in respect of Children and Young People's interaction with the police service was also taken account of. This was mostly data/information retrieved from research and surveys undertaken by several different bodies and individual researchers.

3.2 Consultation

A consultation process was employed which attempted to reach and engage not only those the policy impacts on but those who had an interest in and direct involvement with the specific groups the policy is aimed at. A twelve-week period of consultation was set-aside for this EQIA, which ran from the 7th July 2006 to 29th September 2006.

The following actions were taken:

- Letters were distributed to 500 individuals and organizations informing them of the consultation and availability of relevant consultations documents.
- Prominent advertisements were placed in the *Belfast Telegraph*, *Irish News* and *News Letter* newspapers, inviting comment in accordance with good practice.
- Direct accessibility to IT formats via the Home Page was offered on the PSNI's website.
- Offers for individual consultation meetings were made available. No requests were forthcoming.
- PSNI offered the availability of suitable copies of documents in diverse formats and in a timely manner. No requests were made.
- A number of meetings (26) and focus groups (7) were arranged involving not only children and young people on whom the YDS has most potential to impact but also individuals and organizations etc. who have direct involvement with those children and young people.

The Key Findings set out below reflect the analysis of data and both written and focus group/meeting submissions/responses.

4 KEY FINDINGS

- ❖ There is good support for YDS as an effective operational scheme.
- ❖ There is support for the introduction of a process of formal information sharing between police and other statutory agencies.
- ❖ Victims supported the restorative process.
- ❖ More Protestants were referred but more Catholics prosecuted per 1000 population. An 11.5 – 11.9% variance between Protestants and Catholics

- recommended for prosecution. Further examination showed criteria for diversion had been followed - Catholics appeared to be reported for / committed more serious offences and / or didn't admit guilt.
- ❖ More males are referred - 71.4% of total referrals - believed to be representative of offending behaviour.
 - ❖ Young Catholic Males receive cautions at an earlier age, particularly in areas with car crime.
 - ❖ Ongoing monitoring is required re religious imbalance for outcomes.
 - ❖ Inconsistency among DCUs - caseload of YDOs, Inter Agency referrals, Home Visits,
 - ❖ Delays in PPS areas - Impact on the young person and likely attendance of victim.
 - ❖ Data not collected on 6 of the 9 sect 75 groups.
 - ❖ Perceived low tolerance by police of young people compared to adults.
 - ❖ Concern regarding ability of police to deal with young people with learning difficulties e.g., informing them of the YDS process.
 - ❖ Recognition of children and young people acting as 'carers'.
 - ❖ Training need for police for informed decisions by the YP and comprehension re admissions/denials.
 - ❖ Training need for police on Children's Rights.

5 CONCLUSION

PSNI recognise the EQIA has been constrained as a result of the limited availability of specific data/information in relation to all Section 75 categories. It does, however, believe that this EQIA has attempted to address not only the impacts identified initially but also seek to identify others that may exist. The EQIA and the consultation process was utilised to try and identify all potential impacts across all categories.

It has shown that the YDS is an acceptable scheme that achieves many of its aims and objectives. It has however identified potential impacts and operational and administrative issues, which will be addressed by PSNI.

Section 75 Category data.

Limited data was available initially from which to make assessments of all potential impacts of all nine Section 75 categories. The consultation process did provide qualitative data to inform the EQIA. Equality monitoring data will be addressed in line with an organisational approach to ensuring such data is made available for all policies.

Impacts

With regards to the factors reported in results which could indicate potential adverse differential impacts the following comments are made:

Age and Gender – These results are not believed to be the outcome of the policy but rather a reflection of the extent to which these categories are involved in offending.

Religion – Examination of the referrals, which though indicating a significant variance, showed that protocols had been applied fairly. This indicated that no bias had been present during the decision making process. The anomaly identified in respect of religious background has been examined and though PSNI does not believe this is the result of a bias, it is concerned as to its existence. Equality monitoring will provide a means of monitoring and evaluating such anomalies.

Disability and Dependents – While concerns in regards to those with learning disabilities and young carers were raised there was acknowledgement during consultation with concerned agencies that procedures and informal working practices existed which would identify those with disability. The present partnership working would ensure that the proper awareness and understanding would be imparted to those who needed it.

Though these potential impacts were identified the research has not provided any indicators or evidence that the scheme, as laid out in its protocols, has caused adverse differential impacts to these categories. The consultation, which took place, did not indicate that any other categories were adversely impacted as a result of the actual scheme.

Management and Administration of Scheme

The comments in relation to delay between referral and decision are noted. A review of the procedures in conjunction with the Public Prosecution Service (PPS) is being undertaken to correct this anomaly. Standardisation of the scheme to ensure consistency across DCUs and additional training of YDOs will be implemented. A protocol has been established between PSNI and the PPS to progress standardisation issues.

Youth/Police Interaction

The PSNI feels its recently implemented strategy 'Policing Children and Young People' relating to the interaction with children and young people will go some way to addressing concerns in relation to engagement. It should also be remembered that police are constantly engaging with Children and Young People at various levels. Involvement in the school curriculum, joint projects with statutory and voluntary agencies are ongoing. A number of Independent youth Advisory Groups have been established and which will assist in this process.

As stipulated in its aims and objectives, the PSNI sees the YDS as an integral part of a wider more holistic approach to youth diversion. It cannot work alone in this field and gladly shares responsibility with its partner agencies. Any formalising of that partnership is desirable and PSNI will direct its efforts towards achieving that. It will continue to do so in the spirit of partnership and through monitoring and evaluation seek to enhance and improve its effectiveness.

Monitoring

While no adverse differential impacts have been identified as a result of the EQIA process a number of actions have been decided on that will enhance the policy and equality of opportunity and good relations. These will be monitored and assessed after twelve months with particular emphasis on the religious difference in terms of diversionary disposal and prosecution rates. Both quantitative and qualitative data will be employed in this process.

The commitment to introduce Section 75 equality monitoring of policing services as they are delivered to the community has been made as a result of the Equality Impact process. The Policing Plan 2007 - 2010 has been amended to include the introduction of equality monitoring at point of contact during 2007 –2008, progress on the implementation of this will be monitored by the Policing Board.