

Irish Association for the Study of Delinquency Ltd

Conference 2003

CHILDREN ACT, 2001

Effective Family Conferencing:

The challenges and implications for Ireland in the new
legal environment

Sixth Annual Conference
Chief O'Neill's Hotel, Dublin
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The Council wishes to record its appreciation to
Dr. Ian O'Donnell, Institute of Criminology, University College Dublin,
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Contents	Page no.
What is the Irish Association for the Study of Delinquency?	4
Welcome	
The Hon. Mr. Justice Michael Moriarty	6
Session 1 (Chair: Padraic White)	
Brian Lenihan TD, 'Opening Address'	8
Frances Spillane / Éimear Fisher, 'The Children Act, 2001: Overview and Current Position'	14
Questions and Answers	23
Session 2 (Chair: Nicola Flanagan)	
Alice Chapman, 'The Balanced Approach to Restorative Justice'	25
Jim McGrath, 'Early and Collaborative Intervention'	31
Questions and Answers	37
Session 3 (Chair: Derek Hanway)	
John O'Riordan, 'Family Welfare Conferencing and the Children Act, 2001'	39
Suzanne Vella, 'Family Conferencing'	42
Chief Supt. Patrick Cregg, 'Restorative Justice – Designing a Garda Model'	48
Questions and Answers	50
Session 4 (Chair: Mary Ellen Ring)	
Roger Killeen, 'The Special Residential Services Board: Role and Function'	52
Questions and Answers	59
Closing Address	
Martin N. Tansey	61
Understanding Restorative Justice	63
Information and Display Exhibition	64
List of Delegates	67

WHAT IS THE IRISH ASSOCIATION FOR THE STUDY OF DELINQUENCY?

The Irish Association for the Study of Delinquency Ltd. (IASD) promotes reform, development and effective operation of the criminal justice system.

It does so by:

- providing a forum where experienced personnel can discuss problems and ways of working
- promoting study and research in the field of criminal justice
- promoting the highest standards of practice by professionals working in, and associated with, the criminal justice system
- representing the collective views of its members
- building links with similar professional organisations at home at abroad

IASD activities are designed to lead to increased mutual understanding and provide insights into the challenges posed by crime. By opening informal channels of communication, the Association improves coordination between the different parts of the criminal justice system. It is not a pressure group for change, nor is it aligned politically.

Activities include an annual conference, seminars on issues of current concern, dedicated working groups, and study tours. Publications include: Preventing Offending – A Stake in Civic Society (Proceedings of 1998 Conference); Keeping Offenders in the Community – Electronic Tagging and Voice Tracking (Proceedings of 1999 Conference); Perspectives on Juvenile Justice (Proceedings of 2000 Conference); Drugs, Alcohol and Youth Crime (Proceedings of 2001 Conference) and Youth Justice – Human Rights / Needs (Proceedings of 2002 Conference).

Membership

A member is a person who supports the objectives of IASD and has been admitted to membership by its Directors. Membership ceases on resignation by the member or on notice of cessation of membership received by the Secretary. Members may be retired or serving

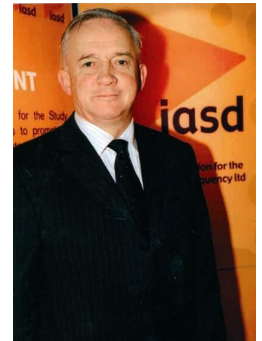
personnel. They participate in a private, individual capacity and do not represent their organisations in any way. The annual subscription currently stands at €25.

The Association is a company limited by guarantee. Officers are elected at the Annual General Meeting and the organisation is currently structured as follows:

Patron	The Hon Mr Justice Michael Moriarty	
Chairperson	Martin N Tansey	
Secretary	Nicola Flanagan	
Treasurer	Mary Ellen Ring SC	
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WELCOME

THE HON. MR JUSTICE MICHAEL MORIARTY
PATRON IASD



I am delighted to welcome you all to our Association's sixth annual conference. The fact that over 100 delegates have registered for today's event indicates that the IASD is in robust good health. There is no doubt that the Association has flourished under the chairmanship of Martin Tansey, supported by a dynamic team.

From my time on the bench I always found the reports prepared by the Probation and Welfare Service to be enormously helpful when faced with the difficult decision about what would be an appropriate sentence to pass in a particular case. Drug misuse and socioeconomic disadvantage were common themes as were chaotic family circumstances. For adult offenders there was the additional complication of how the sentence would impact on their children. For juveniles a key issue was how to keep them from becoming further entangled in the net of criminality.

Crime prevention is an important priority for the criminal justice system, especially with regard to young people. Recent years have seen increased activity in the vast number of agencies that deal with children at the fringes of the law. However, effective liaison can be a problem and – despite the most praiseworthy of intentions – agencies sometimes seem to be moving in concentric circles. This is not in the best interests of the child.

One attempt to rectify this situation is the Children Act, 2001. This formidable piece of legislation was the culmination of many years of research, development and reflection. It constitutes a new departure for all of us engaged in the justice business in this jurisdiction. The emphasis is on the welfare of the young person rather than retribution or deterrence. In this regard the family conference is a radical new step. The focus is on bringing together all of

the relevant people to see if a way can be found to obviate the need to produce the young person before a criminal court for punishment.

Our deliberations today concern how to make these provisions work. To assist us in this process we will be addressed by expert speakers from both of the jurisdictions on this island. The Minister with Special Responsibility for Children, Mr Brian Lenihan TD, joins us for the second consecutive year to give us a government perspective on how things are working and how they might be improved. We are honoured by his commitment to our Association. I am confident that by the conclusion of today's proceedings we will have teased out a little more fully the implications of the changing legislative context for children who find themselves in conflict with the law.

OPENING ADDRESS

BRIAN LENIHAN SC, TD,

MINISTER OF STATE WITH SPECIAL RESPONSIBILITY FOR CHILDREN

Chairperson, Mr Justice Moriarty, Ladies and Gentlemen, I am delighted to have the opportunity to speak to you again. I can see from the agenda that you will be hearing quite a lot about the Children Act, 2001 during today's proceedings. In the time available to me, I propose to outline briefly developments to date in implementing the Act insofar as the Department of Justice, Equality and Law Reform is concerned, but first I would like to say a few words about its overall implementation.

Overall Implementation

The Act introduces a wide range of innovative measures that will provide a statutory framework for the future development of the juvenile justice system in accordance with modern thinking and best international practice. It is a very complex and comprehensive piece of legislation and, for those reasons, provisions under the Act are being implemented on a phased basis.

Responsibility for implementing the Children Act, 2001 lies with three Departments: Justice, Equality and Law Reform in respect of diversion programmes; Education and Science in respect of juvenile offending; and Health and Children in respect of children who are non-offending but out-of-control. As Minister of State with special responsibility for children, I am responsible for the coordinated implementation of the Act, and I am supported in that regard by the National Children's Office. That Office was established to drive the implementation of the government's National Children's Strategy and to focus on improving the delivery of services for children by ensuring cross-departmental co-operation in relation to cross-cutting policy issues.

The implementation of the Act is one such issue and is complicated by the interdependent nature of most of the sections, which requires the three Departments to move in parallel.

During the passage of the Act through the Oireachtas, it was made clear by the government side that implementation would have to take place on a phased basis. Over the last 18 months the National Children's Office has engaged with the three Departments and brought forward implementation proposals for 2002 and 2003 to the Cabinet Committee on Children. The latest proposals will see the commencement of part 2 (family welfare conferences), part 3 (special care orders) and part 11 (Special Residential Services Board) by the end of 2003, and their implementation by the Department of Health and Children. The focus of your Conference is therefore very timely and you will be hearing much more about these matters during the course of the day.

The Act must be viewed in the wider context of the National Children's Strategy which reflects the philosophy of prevention and early intervention. This is characterised by the three types of family group conferencing and the diversionary and restorative justice initiatives provided for in the Act. For instance, family welfare conferences provide a mechanism for early intervention at an interagency level for children at risk. The conference is a decision-making forum about a child's welfare which makes appropriate plans in partnership with families and agencies. This partnership approach empowers and encourages commitment from families, including young people.

Department of Justice, Equality and Law Reform

The first commencement order under the Act in respect of the Department of Justice, Equality and Law Reform was signed by the then Minister on 23 April 2002. It came into force on 1 May 2002, providing for, inter alia:

- (i) The establishment of the Garda Juvenile Diversion Programme on a statutory basis and the introduction of a diversion conference based on restorative justice principles as pioneered in New Zealand.
- (ii) The establishment of the Children Court.
- (iii) The introduction of a fines structure for children found guilty of offences, and the payment of compensation by parents in respect of offences committed by their children.
- (iv) The introduction of a curfew for children found guilty of offences.

- (v) Court orders to require parents to exercise proper control over their children.
- (vi) The updating of the law in relation to cruelty to children and persons who cause or encourage a sexual offence on a child.
- (vii) Reversing the burden of proof on parents whose children are found begging.
- (viii) A limited 'clean slate' in respect of most offences committed by children.
- (ix) Provisions relating to the safety of children at entertainments.

Garda Juvenile Diversion Programme

The Garda Juvenile Diversion Programme has been delivered by Juvenile Liaison Officers throughout the country for the past 40 years. The programme provides that, in certain circumstances, a juvenile under 18 years of age who freely accepts responsibility for a criminal incident may be cautioned as an alternative to prosecution. The programme has proven to be highly successful in diverting young people away from crime by offering guidance and support to them and their families. In the more serious cases, juveniles are placed under the supervision of Garda Juvenile Liaison Officers (JLOs), who are specially trained and responsible for administering the programme at a local level.

Part 4 of the Children Act 2001 introduced the concepts of restorative justice, specifically restorative cautioning and restorative conferencing, to the Juvenile Diversion Programme. Essentially, these provide for the inclusion – where appropriate and possible – of the victim, the juvenile's family and other stakeholders.

To facilitate these innovative developments, JLOs throughout the country are receiving mediation training to provide them with the extra skills required to deal successfully with victim offender mediation. It is envisaged that by May 2004 all JLOs will have received a minimum of 60 hours mediation training.

Prior to the commencement of this part of the Act, the Garda Research Unit evaluated a pilot project of 68 cases where restorative justice events took place. The results proved very positive for victims, offenders and Gardaí alike, with over 90 per cent of victims satisfied with the manner in which the case was dealt.

Since this part of the Act came into effect in May 2002, JLOs have held almost 100 restorative justice events for a variety of offences including burglary, assaults, nuisance phone calls and public disorder. I understand that an in-depth evaluation of these cases is at present being carried out by the Garda Research Unit and will be published in due course. It is intended that, as JLOs become more skilled in administering restorative justice, they will be able to focus on the more complex and high-risk offenders, with a view to further reducing the incidence of recidivism.

The Act has presented An Garda Síochána, and in particular JLOs, with many new challenges in deciding the manner in which they deal with juvenile offenders. The Gardaí have embraced this challenge and are currently in the process of designing a model that will take the best of the pre-existing Juvenile Diversion Programme, apply to it the philosophy of restorative justice within the context of the Act, and deliver a quality service that will meet the needs of the child and in turn reduce the level of re-offending.

To ensure the effective operation of the Juvenile Diversion Programme in accordance with section 44 of the Act, I established, in June 2003, a committee to monitor the effectiveness of the Programme, review all aspects of its operation and monitor the ongoing training needs of facilitators involved in restorative conferencing.

Garda Youth Diversion Projects

In addition to the Juvenile Diversion Programme, there are in existence a total of 64 Garda youth diversion projects (up from 12 in 1997). These are community-based, multi-agency crime prevention initiatives which seek to divert young persons from becoming, or remaining, involved in anti-social or criminal behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve long-term employment prospects.

The dramatic increase in the number of these projects has been made possible, in part, by the National Development Plan 2000-2006 which allocated funding of €5.6 million to these and related projects in 2003.

Community-Based Options

The successful implementation of the community-based options in the Act will require a very significant input from the Probation and Welfare Service. In this context, the Service, as part of its planning for the ongoing implementation of the Act, engaged trainers from the Department of Child, Youth and Family in New Zealand for the intensive training of all Senior Probation and Welfare Officers, as well as providing day seminars for all Probation and Welfare Officers. When the relevant part of the Act is commenced, the senior staff will act as facilitators for family conferences convened and managed by the Service in accordance with the requirements of the Act. The Service will provide ongoing training, as required, through its Staff Development Unit.

Following a competition nine additional Probation and Welfare Officers took up duty in September 2003, and other offers of appointment have been made. It is the intention that, subject to an adequate number of additional staff being recruited from this competition, and a new competition which is underway, and to the availability of adequate resources for therapeutic or other interventions required, implementation of community sanctions provided for in the Act as well as family conferencing will commence in 2004.

It is an underlying concept of the Act to expand the options a court will have at its disposal when deciding how to deal with a young offender. These options are an essential feature of the legislation as they will allow effect to be given to the principle that detention for young offenders should be a last resort. Thus the Act envisages committals to custody of young offenders being availed of only in situations where diversion and community-based options have already been resorted to and have failed.

Under the Act the Minister for Justice, Equality and Law Reform will also be obliged to provide separate detention facilities for 16 and 17 year old boys and girls who are committed to custody by the courts either on remand or under sentence. The provision of appropriate custodial facilities is a priority for the Irish Prison Service. The primary objective of these detention centres will be to provide a secure but supportive environment in which young offenders can develop the personal and social skills necessary to avoid future offending.

In line with this approach, a new facility for male juveniles in this age group will open at St Patrick's Institution in the near future. This unit, which was designed by a multi-disciplinary team, will include a custom-designed facility for the delivery of education, recreation, medical and therapeutic services. The longer-term provision of a dedicated facility on a green field site for 110 juveniles (90 male and 20 female) is being considered. Having considered the recommendations made in a report by the Commissioners of Public Works and having conferred with the Director General of the Prison Service, the Minister for Justice, Equality and Law Reform decided some time ago that the proposed development of such a facility at Newlands Villa, Naas Road, Clondalkin, Dublin 22, should not proceed. I understand that the identification of another site for the proposed juvenile detention facility is now being pursued in consultation with the Director General of the Prison Service and the Office of Public Works.

In conclusion, I hope this short presentation has given you some idea of what my Department is doing in this area and I thank you for your attention. I wish you an interesting and informative conference.

THE CHILDREN ACT, 2001:
OVERVIEW AND CURRENT POSITION

FRANCES SPILLANE, DIRECTOR,
NATIONAL CHILDREN'S OFFICE
ÉIMEAR FISHER, DEPUTY DIRECTOR,
NATIONAL CHILDREN'S OFFICE



The Children Act, 2001 is one of a series of recent initiatives to address the rights, responsibilities and needs of young people. Before turning our attention to the Act itself it is worth spelling out in a little more detail the wider context, and in particular the role of the National Children's Office.

Background: The National Children's Strategy

The National Children's Strategy was launched by the Government in November 2000. It is an ambitious 10-year plan of action designed to improve the quality of life of Ireland's children. The Strategy has three goals:

Goal 1 – Children will have a voice in matters which affect them and their views will be given due weight in accordance with their age and maturity.

Goal 2 - Children's lives will be better understood; their lives will benefit from evaluation, research and information on their needs, rights and the effectiveness of services.

Goal 3 – Children will receive quality supports and services to promote all aspects of their development.

The objective of the third goal is to re-orientate services so that they :

- provide a strong community based response;

- are integrated and easily accessible;
- emphasise prevention and early intervention.

Current priorities of the National Children's Office include:

- co-ordinating the implementation of the Children Act, 2001;
- monitoring the implementation of the youth homelessness Strategy;
- drafting a National Play Policy.

The National Children's Office is also involved in cross-cutting projects on childcare and alcohol and young people.

There are 14 objectives and 135 actions under the Strategy dealing with all aspects of children's lives. The first progress report on the implementation of the Strategy examined developments during 2002. It found that significant progress had been made in a number of areas, but as one would expect with a 10-year plan the majority of the actions were still in the course of implementation. These results are summarised in Table 1. This provides a useful benchmark against which to assess future developments.

Table 1
Implementation of National Children's Strategy

	<u>Number</u>	<u>Per cent</u>
Good progress	26	19
Action underway	97	72
Poor progress	12	9
Total	135	100

During 2003 significant progress was made under Goals One and Two where the National Children's Office has been given a lead role. This follows on the appointment of a head of

communications and a head of research to the Office in January. Some of the initiatives taken towards the attainment of the two goals where the NCO is the primary mover are described next.

National Goal 1: Children Will Have a Voice

Dáil na nÓg

The first Dáil na nÓg took place in September 2001 in Dublin's Mansion House, and the report of the proceedings was presented to the Cabinet Committee on Children. The second Dáil na nÓg took place in October 2002, again at the Mansion House. Over 200 children between the ages of eight and 17 years attended, representative of every county and socioeconomic group. The issues discussed were the environment and drug and alcohol abuse.

Local Networks

The City and County Development Boards have been given responsibility for the coordination of the implementation of the National Children's Strategy at local level. The Minister of State with Special Responsibility for Children requested that CDBs hold a Comhairle na nÓg (Children's Council) in their area and approved a special grant to each CDB for this purpose. The idea of Comhairle na nÓg is to give children a voice in their local community and to select delegates for the next Dáil na nÓg. Many of the CDBs have now made arrangements to hear the voices of children and young people on an ongoing basis. The 2004 Dáil na nÓg will take place on 15th November in Croke Park.

Office of Ombudsman for Children

As part of the decision to prepare a National Children's Strategy, the Government directed that legislative proposals be prepared for the establishment of an Ombudsman for Children. The Office of the Ombudsman for Children will provide an independent mechanism to vindicate the rights of children as required under the United Nations Convention on the Rights of the Child. The establishment of such an office is in recognition of the need for an independent person to act as a powerful advocate or "champion" for children and promote the welfare and rights of the child.

The Ombudsman for Children Act, 2002 was signed by the President on 2 May 2002. The Ombudsman for Children will be independent and will be accountable to the Oireachtas. The principal functions of the officeholder will be as follows:

- Promote the welfare and rights of children.
- Act as a catalyst for change.
- Respond to individual complaints.
- Establish mechanisms through which there will be regular consultation with children.
- Provide an advisory role to Government.

The Ombudsman for Children will be appointed later this year.

Children's News

The National Children's Office provided €200,000 once off funding towards the establishment of children's news (News 2Day) on RTÉ. This started early in 2003 and was of approximately 10 minutes duration each weekday. Giving children a voice is defined in the National Children's Strategy to include "providing children with sufficient information and support to enable them to express informed opinions." The objectives of News 2Day were to:

- Introduce children to news and public affairs at an early age.
- Increase children's knowledge and awareness of both Irish and international news.
- Support civil, social and personal development in children including the development of respect for the child's own cultural identity, language and values and for civilizations different from his or her own.
- Involve some direct input from children on issues that affect them, i.e. give them an opportunity to air their views.

Student Council Working Group

The National Children's Office is chairing a group which includes all of the partners in education and 10 students to promote the expansion of Student Councils in Secondary Schools. At present very few schools have Student Councils although they are provided for in

the Education Act 1998. The Working Group is preparing an information leaflet and poster which will be circulated to all schools in the New Year.

National Goal 2: Children’s Lives Will Be Better Understood

National Longitudinal Study

The National Longitudinal Study will examine the progress and wellbeing of children at critical periods from birth to age 18. A cohort of some 18,000 children will be studied: 10,000 from birth and 8,000 from nine years of age. In 2003 the National Children’s Office allocated €1.08m for the Longitudinal Study. A similar amount was pledged by the Department of Social and Family Affairs. The study will be managed jointly by the two bodies.

Children’s Research Programme

The NCO introduced a programme of research awards in September 2001. Applications were invited from researchers for masters’, doctoral and post-doctoral awards to carry out research which was directly related to progressing the implementation of the National Children’s Strategy. The purpose of this scheme is to improve capacity within the research community in relation to children’s issues. One master’s and one doctoral scholarship were awarded in 2001, to be completed in 2003 and 2004 respectively. One masters, two doctoral and one post-doctoral scholarship were awarded in 2002, to be completed in 2004 and 2005. The applications for the research awards were assessed and awarded by the Research Development Advisory Group, an independent expert and a representative of the National Children’s Office. The research scholarships are on the following subjects:

Masters scholarship	1. The Experiences of Separated Children who Seek Asylum in Ireland 2. The Role of Play in Children’s School Lives 3. An Exploration of Children’s Experiences of Hospitalisation 4. Examining Children’s Experiences of Bullying: A Child Centred Project
Doctoral scholarship	5. Youth Suicide in Ireland 6. The Projection of Self Among Adolescents 7. The Scope of Article 12 under the UN Convention on the Rights of the Child 8. The Mobile Phone and Children in Contemporary Ireland
Post-doctoral fellowship	9. Children’s Experiences of GP Consultations: Child-Centred Perspective

Restorative Justice and Conferencing

The area under consideration at today's conference, namely the new legal environment created by the Children Act, 2001 falls under the third national goal of the Strategy, the provision of quality supports and services. The emphasis here is on prevention and early intervention and the lead departments are Justice, Equality and Law Reform, Health and Children and Education and Science. The NCO's role is to coordinate the implementation of the Act.

As we see it the key objectives of the Act are threefold. First of all to establish two distinct pathways to meet the needs of offending and 'out of control' non-offending children. Second, to raise the age of criminal responsibility from seven to 12 years. Third, to shift the emphasis away from residential/custodial care, to care in the community, for children in the juvenile justice and welfare systems. The legislation is lengthy and complex and it has been decided to implement it on a phased basis. The first Commencement Order made by the Minister for Justice Equality and Law Reform took effect from 1 May 2002, and it is anticipated that there will be full implementation by the end of 2006. Table 2 shows how responsibility for the Act is distributed across the key government departments.

Table 2
Children Act, 2001: Departmental Responsibilities

	<u>Parts</u>
Justice, Equality and Law Reform	1,4,5,6,7,8,9,12,13
Health and Children	2,3,11
Education and Science	10

Table 3 shows how it is planned to stage the implementation of the Act over the coming years.

Table 3
Implementation Timetable

2002	An Garda Síochána
	Diversion Programme
	Restorative justice conferencing
2003	Probation and Welfare Service
	Family conferencing
	Preparation of reports for the courts
2003	Health Boards
	Family Welfare Conferences
	Application to District Court for Special Care Orders
2003	Special Residential Services Board
	Established on a statutory basis
2006	Full implementation (target date)

Family Group Conferencing

The National Children's Strategy states that: "Family group conferences are specially convened meetings designed to empower both children and their families through placing them at the centre of planning and decision making about their individual care at times of crisis in children's lives."

The Children Act, 2001 provides for the introduction of three types of family group conferencing, namely:

- (i) Family Welfare Conferences to be convened by Health Boards (Part 2).
- (ii) Diversion Conferences to be convened by An Garda Síochána (Part 4).
- (iii) Family Conferences to be convened by the Probation and Welfare Service (Part 8).

Garda diversion conferencing commenced in May 2002. Health Board conferencing will be introduced on a statutory basis in early 2004. It is anticipated that Probation and Welfare conferences will commence during 2004.

Prosecution and Punishment

The Act provides for the placing of the *doli incapax* rule on a statutory basis and the setting of a new age of criminal responsibility at 12 years. A commencement date has not yet been set, as time is required to allow the Health Boards develop services for children aged under 12.

The Act establishes the Children Court and requires judges to undertake relevant training or education courses. It also set out more efficient arrangements for the hearing of proceedings and specified that detention should be used only as a sanction of last resort. To allow this, the Act provides for a range of new community sanctions, together with options to make orders against parents and place restrictions on the movement of children appearing before the courts. The laws on cruelty and sexual offences against children were updated in Part 12 of the Act, which also reversed the burden of proof on parents whose children were found begging.

There is one other provision within the Act that is worthy of mention. This is the introduction of a limited 'clean slate' in respect of most offences committed by children. In essence this means that young people's lives will not be permanently blighted by the crimes they committed during childhood, as if they remain conviction free for a specified period they will have their record expunged and be given a fresh start. This is an area where change was welcome as Ireland had long been anomalous in an international context for its lack of 'clean slate' provisions.

In conclusion, the Children Act, 2001 introduces substantial challenges and opportunities for all whose work brings them into contact with children who have come to the attention of the authorities. If this legislation is implemented effectively it will contribute to the realisation of the vision of the National Children's Office, in particular the creation of:

An Ireland where children are respected as young citizens with a valued contribution to make and a voice of their own; where all children are cherished and supported by family and the wider society; where they enjoy a fulfilling childhood and realise their potential.

SESSION 1 - QUESTIONS AND ANSWERS

(CHAIR: PADRAIC WHITE)

Q. Is there a policy document that sets down guidelines about how conferences should be convened and run?

A. While the core principles have been agreed, based in large measure on the experience in New Zealand, models of best practice are still evolving. What can be said is that when families have been willing to participate the outcomes have been positive. The Health Boards have begun to evaluate the conferencing process and will endeavour to ensure that when reliable findings emerge they are widely disseminated.

Q. Children often have both welfare and justice needs. How can these be reconciled without having to put them through two parallel conferences?

A. The overriding emphasis of the Act is on prevention. There is already a great deal of informal coordination at local level and this is precisely what national policy is attempting to encourage. Effective local relationships should reduce to a minimum the number of overlapping conferences. In addition to good personal relationships, clear guidelines, memoranda of understanding and work protocols are required. The drafting of such instruments should be undertaken without delay.

Q. What are the most urgent issues to be addressed if the Act is to be implemented according to schedule?

A. There are three priority areas. These relate to the provision of:

- comprehensive out of hours services for Health Boards;
- the full range of community sanctions;
- a detention centre for 16 and 17 year olds.

- Q. Through their housing policies local authorities have an important role to play in the management of anti-social behaviour. Is there a role for them also in family conferencing?
- A. Conferences are child-centred and there is sufficient flexibility to involve any relevant individual or agency. The parameters of the conference are deliberately wide and mutable. If housing issues are pertinent there is certainly scope to consider them.

THE BALANCED APPROACH TO RESTORATIVE JUSTICE

ALICE CHAPMAN, DIRECTOR,
YOUTH CONFERENCE SERVICE, NORTHERN IRELAND



The background to the formation of the Youth Conference Service in Northern Ireland is the review of the criminal justice system that was provided for in the Belfast Agreement of 1998. This recommended restorative approaches for juvenile offenders using a model termed in the review as the 'youth conference.' This is now based in statute and available to juveniles (including 17 year olds) who come within the remit of the youth court. It is subject to a range of human rights safeguards.

The review recommended the function of the youth conference within the courts and prosecutorial service as restorative and diversionary. It was to be underpinned by the principles of efficiency, proportionality, fairness, and responsivity. The thrust was to divert most young offenders from prosecution and to require those who were prosecuted to make amends to the victim.

Victims are to be more involved in the process and afforded the opportunity to tell the offender about the impact of the crime on them. The process as set up in the Justice [NI] Act, 2002 validates the youth conference as a restorative response to addressing the impact of

- crime on victims
- redresses the imbalance in the retributive judicial system by emphasising victim inclusion
- reduces crime through giving responsibility to the offender to make amends.

The Context

Northern Ireland will operate two statutory schemes simultaneously: the court-referred youth conference and the diversion scheme through the newly formed Public Prosecution Service. The latter is likely to make the bulk of the referrals. The target group is the more serious

persistent offender. The lower tariff young person and child will attract restorative cautions through an alternative police process. The two schemes will launch in December 2003.

The essence of the principles behind restorative justice with young offenders is about creating an environment through the criminal justice process for young people and victims to tell their stories about the harm and loss caused as a result of the offending and to reach agreement on an action plan which makes amends and is likely to contribute to the prevention of further offending.

We are now familiar with restorative practices and a considerable body of research has been published on the subject. Restorative justice seeks to repair the damage to social values and relationships caused by crime and offer an alternative to the orthodox approaches which are more retributive. We support the definition of the British criminologist Tony Marshall that: "Restorative justice is a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future." Our process will reflect this ethos.

The restorative justice conferencing process is predicated upon the following conditions:

1. We all want to be heard in a respectful safe context.
2. When relationships of trust break down they can be repaired through the process of talking it out.
3. Taking responsibility for others reduces self-centredness and develops empathy for others.
4. Community interventions with young people, which respect their value and capacity to make decisions about their lives, create more sustainable positive outcomes than those imposed by others.

Young people have the capacity to change. They are sufficiently responsible to be held accountable for their offending. Committing crime impacts negatively upon the victim, the young person and their significant others. There are additional critical assumptions about the

benefits for victims. It firmly places their voice centre-stage in a balanced process to relate, in safety, the impact of the crime on their lives.

The conference format is designed to enable the participants to look at the facts – what, when, why;

- the consequences: how the victim and others were affected
- the future: how the young person can make amends.

The outcome of the conference is an action plan. When it has been agreed by the young person it is signed and presented to court or to the prosecutor for the diversion scheme.

The Proposed Way Ahead

The Youth Conference Service is part of the new Youth Justice Agency. We will deliver the youth conference in the courts and the prosecution diversion conference. It will be available to most children and young people who are found guilty of, or plead guilty to, an offence and who consent to receiving a Youth Conference Order or to a Diversionary Prosecutorial Conference referred by the new Public Prosecution Service. The scheme will be launched in the Greater Belfast area and rolled out across Northern Ireland between 2004 and 2006.

The conference will be chaired by a Youth Conference Coordinator. Coordinators will be people with skills and competency to operate the schemes and will be employed as civil servants. All staff will receive accredited training in youth restorative justice conferencing and work to a robust practice manual.

This statutory youth conferencing is different to the schemes operated by other organisations in that it requires the involvement of the family, a responsible adult connected with the young person, people with an interest in the offender (e.g. probation officer, social worker, police), and the victim if they consent. Should the victim not wish to meet the offender face-to-face they will be offered an alternative medium to communicate, such as video or audio recording of a message; two-way screen conferencing where the offender cannot see the victim but communicates by microphone; or home phone conferencing maintaining visual anonymity.

No part of this process is an easy option. It is clearly not confrontational or adversarial. It is enabling through facilitation, open reflective listening and negotiating by the conference coordinators.

The Conference Order and Plan

The conference will result in a specific plan of action which will be presented to the court or Prosecution Service. In relation to the former, when accepted by the court it becomes a Youth Conference enforceable order and its implementation will be monitored by the Youth Conference Service. It will require the young person to address the prevention of offending, and failure to complete the agreed action plan may result in a return to court for breach proceedings.

It is incumbent upon the Youth Conferencing Service to work, live and talk the principles of restorative justice and create safe environments where young offenders and victims can take risks and make changes to redress the multiple harms caused by crime. It will require those facilitating the process to ensure that circumstances of safety are created for the offender and victim to talk, freely, securely and respectfully.

Together with the young person, the coordinator and significant others will consider an action plan to prevent further offending. It will demonstrate effort from the young person to make amends for the harm and hurt caused primarily to the victim, but also to the family of the offender. It is intended that these initiatives will be targeted at those who committed offences when aged under 17 years.

The young person will be helped to discuss remorse, accept responsibility for the offending and take practical steps as evidence of the effort to make amends. For instance this could be to offer a verbal or written apology, or restitution or reparation for the hurt caused. If the victim was an older person, for example, the young person could complete voluntary work for them directly or in an older persons' residential home.

The Act specifies the range of options underpinning the action plan for the young person which will be signed as a contract. The legislation identifies several conditions for the plan and at least one of the following must be present:

- Apologise to the victim or anyone otherwise affected by the crime.
- Make reparation to the victim, any affected person, or the community at large.
- Make repayment to the victim.
- Submit to the supervision of an adult.
- Perform unpaid work or service in the community (if aged 16 or over).
- Participate in specified activities such as offending behaviour courses, education, drug or alcohol treatment.
- Submit to restrictions upon conduct or whereabouts.
- Submit to treatment for a mental condition.

The above suggests a broad range of interventions appropriate for referrals both from the court and the Public Prosecution Service. These may be premised upon the principle of matching offence, risk of re-offending and victim impact to a range of interventions which may prevent further offending.

Youth Conferencing and Victimless Crime or Commercial Victims

The legislation states that commercial victims may attend the conference or send a surrogate victim as a representative. Training for commercial surrogate victims will be made available so that they can play a full part at the conference.

Reparation for the loss to the victim could be paid directly or in kind to a victim organisation or charity designated by the victim. The victim could suggest more rigorous sanctions, such as a curfew or prohibition from entering their premises. A benefit would be a reduction in the number of crimes against similar commercial outlets in the future.

The business community may also contribute to the design of action plans by identifying other known activities which may be available in the area in which the business is located which would require the young person to make amends.

Programmes of Support

A range of service providers will be engaged in the delivery of these aims. The programmes could be for preventing crime for the public utilities, recognising the loss caused to organizations such as the Fire Service. An appropriate intervention may be to attend a Fire Service sponsored and designed cadet course. This is already available in England and has been found to be effective in preventing arson and attacks on Fire Service personnel. Another example may be through an organisation like Age Concern if the victim was an older person. Mentoring by older people or attending older victim awareness courses could satisfy the requirement to participate in activities designed to address offending behaviour.

All these plans will be specific in content, time and duration and presented to the court and Director of Prosecutions through reports. In all instances the child must consent to the plan along with any person who is required to take action in its implementation. The victim may contribute an opinion about the plan but does not have a right of veto.

Evaluation

Independent external evaluation of the two schemes is an integral component of the functioning of the Youth Conference Service. The focus in the main will be on measuring the level of uptake from the courts and Prosecution Service:

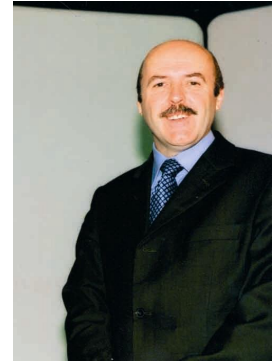
- victim participation and satisfaction
- offender satisfaction
- completion of the conference order and diversion plan.

In the final analysis success has two components: the victim's perception that they have been included and that their participation was satisfactory, and the offender's desistance from offending on account of the action plan.

If we consider the purpose of the criminal justice system to be public protection and crime prevention, we are reminded that we wish to reduce the number of young people appearing in court. Consequently we can claim success if the proportion of those diverted from court increases and the throughput of the youth court decreases. We will know that we are making progress if we are given the mandate to roll the schemes out across Northern Ireland and then tell the rest of the story.

EARLY AND COLLABORATIVE INTERVENTION

JIM MCGRATH, MANAGER,
NETCARE CONSULTANCY



Let me begin by stating my firm belief that family group conferencing and restorative justice work. They do what it says on the package! This has been proven through research and evaluation. I am going to talk about the need for these processes to be used at an earlier stage in the child's life, on the basis that justice delayed is justice denied. I would like to highlight the use of the family conference as a preventive tool rather than a reactive model.

I will evidence how these processes can and do:

- ❑ Create better support networks.
- ❑ Prevent truancy.
- ❑ Reduce social and school exclusion.

I will highlight the importance of agencies working closely together and the possibilities that are achievable if resources are pooled. Before doing that I want to familiarise you with the risk factors that can lead to a dysfunctional and troubled adolescence. According to research carried out by Youth at Risk in 2002 in the United Kingdom there are four main areas: family, education, community and individual.

The risk factors for each area are shown next. There are seventeen in total:

Family

- ❑ Poor parental supervision and discipline.
- ❑ Family conflict.

- ❑ History of problem behaviour.
- ❑ Condoning of problem behaviour.
- ❑ Low income and poor housing.

Education/School

- ❑ Low achievement, beginning at primary school.
- ❑ Aggressive behaviour, including bullying.
- ❑ Lack of commitment, including truancy.
- ❑ School disorganisation.

Community

- ❑ Community disorganisation and neglect.
- ❑ Availability of drugs.
- ❑ Disadvantaged neighbourhood.
- ❑ High turnover and lack of neighbourhood attachments.

Individuals, Friends and Peers

- ❑ Alienation and lack of social commitment.
- ❑ Attitudes that condone problem behaviour.
- ❑ Early involvement in problem behaviour.
- ❑ Friends involved in problem behaviour.

Unfortunately the Children Act, 2001 does not tackle any of these areas early enough. Yet family conferencing can be, and has been, used to deal with these areas in a child's life here in Ireland and elsewhere in the world. In the child welfare process it has been proven to be highly effective in mobilizing families and communities to take responsibility using affirmative action to protect and support children at risk, thus preventing an escalation of the problem of isolation at an early stage in the child's development.

The child welfare model of family conferencing has been researched extensively over the past 10 years. Consistent findings inform us that when used, support from the extended family is

increased significantly. Problem behaviour becomes problem solving. There is greater parental responsibility. There is greater involvement of fathers, recognising the importance of both parents' contribution to a child's development

We also know that the plans produced by families are more likely to succeed than those drawn up by professionals. The involvement of family members, neighbours and friends is crucial if we want to establish a feeling of belonging and develop a sense of community for these children and families. Another area where the family conference is being used is in education, both the welfare and the restorative models.

Research shows that if a young person is out of school they are more likely to become involved in criminal activity during the period of absenteeism. If they do not receive an education or are excluded from school there is a significantly higher risk of them becoming involved in criminal activity in adulthood. I have been working for a couple of years with the Local Education Authority in Essex, England. The Social Inclusion Team in partnership with social services and the Youth Offending Team have developed an initiative to reduce exclusions from schools and reduce truancy using family conferencing and restorative practices.

The outcomes to date have been astounding to say the least. The first year's evaluation of the project have found that young people who took part in the process managed to increase attendance from as low as 23 per cent to almost 100 per cent. Consider the results shown in Table 1.

Table 1
Family Group Conferencing and Truancy

Pre-Conference

Average attendance	51 per cent (Range 23 to 69 per cent)
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Post Conference

Average attendance	87 per cent immediately following conference (Range 64 to 97 per cent)
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Attendance further increased to 91 per cent over the following three months. This is close to the national average of 93 per cent. A steady increase month on month suggests that through family, community and professional involvement we can support young people back into the school environment and the community at large. If I had more time I could present evidence that shows why this way of working is so effective. However early indications would suggest that conferencing allows young people to express their concerns and feelings in a safe and appropriate environment thereby reducing the need to seek attention through inappropriate actions. Or as one 15 year old put it:

Eventually I just gave up. No one was listening...it was horrible. I thought why should I try if no one else is. The conference helped me get it off my chest. I wasn't carrying it around with me anymore. Now we work as a family.

We have also introduced restorative practices into some schools to deal with challenging behaviour within the school community. We are still at the initial stages of this work and feedback to date is encouraging. Findings from projects in Ireland, the United Kingdom and United States do show that when used in schools, incidents of violent behaviour including bullying, assaults on teachers and pupils and other unacceptable behaviour can drop significantly. For example a Minnesota project found that as well as an improvement in

academic achievement, referrals to the Behaviour Unit decreased by 42 per cent; out of school suspensions decreased by 44 per cent; attendance levels increased by 2 per cent.

A smaller initiative in Northern Ireland found that in just three months and six conferences a school was able to prevent six pupils from being expelled and a further three from being suspended.

In Pittsburgh they found that when used in a behaviour management unit (similar to the special schools in Ireland, such as Oberstown and Trinity House), the feelings of safety reported by students were much higher, and incidents of conflict were much lower, than found in mainstream schools. These results are shown in Table 2.

Table 2
Restorative Justice and Safety in Schools

	<u>Special School</u>	<u>Mainstream School</u>
Bullying	16 per cent	49 per cent
Theft	24 per cent	47 per cent
Vandalism	8 per cent	31 per cent

This is just a synopsis of what are very exciting findings. This research tells us that we can keep young people in families and school if we are willing to include them in the decision making and also willing to give them a voice that will be heard. Using conferencing in this diverse way also allows us to address 12 of the 17 risk factors mentioned earlier.

A philosophy of conferencing is always to promote the possibilities of working in partnership with families. I would go further and suggest that if you are serious in preventing young people from slipping through the net you need to, as professionals, work much more closely in that spirit of partnership. I don't just mean talking to each other or sharing information but sharing resources and working out of one team. The objective is to have educators, Gardaí,

social workers, Probation and Welfare Officers, and community workers together providing a service that is proactive rather than reactive, pooling their collective knowledge and energy so a child or young person can receive the service that they need rather than the service that is on offer.

There are challenges in this, for you as the professionals and for your agencies. But I believe that were there is a will to make a difference to a child's life and a commitment to change, then these challenges can, and should, be overcome.

In conclusion we need to develop services that are proactive and not reactive. This means using family conferences earlier in a child's life. We need to create opportunities of inclusion for those families and young people who feel socially excluded. We must be mindful that family life, education and community are all interlinked and service delivery should reflect this. Finally, to tackle the complex issues that children face today we need to work in a professional, collaborative and integrated way, if we are to achieve, for our young people, the goals we set out for ourselves our agencies, and our society.

SESSION 2 - QUESTIONS AND ANSWERS
(CHAIR: NICOLA FLANAGAN)

Q. Is it possible to give a practical example of a conference that was organised to prevent a young person being excluded from school?

A. Consider the following circumstances. A 14-year-old girl stabbed a schoolmate. This would usually result in automatic expulsion and a prosecution for assault. Instead a conference was convened at which it emerged that the aggressor had been subjected to bullying by three girls, one of whom was her eventual victim. This finding calmed down the “victim’s” family who had been very angry and demanding retribution. The outcome was that the “victim” agreed to take care of the “offender” in future and charges were dropped. The best result of the conference was the extra flow of information that it generated.

Q. With regard to Northern Ireland, what qualifications do conference coordinators have and how can a demand led system be run with a ring-fenced budget?

A. The coordinators must be social workers, youth workers, nurses or teachers. The critical qualification is experience with young people. If the budget proves to be insufficient a judgement will have to be made about prioritisation. The current budget lasts until 2006 and was allocated based on our understanding of current crime trends. Its adequacy will be revealed by an in-depth evaluation of the programme that is being carried out by Queen’s University Belfast.

Q. Is an adequate level of resourcing available in Northern Ireland?

A. The resources are good because the system is led from the top. For example, the Northern Ireland Probation Service is required by legislation to attend conferences. Therefore the money is provided to enable this. There is also sufficient money at present for the Service to become involved in preventative work.

Q. The new policy in Northern Ireland required a substantial shift in mind set and a significant change in philosophy and practice. Where was resistance encountered?

A. The legal profession was not enamoured with the new way of doing justice and a programme of awareness raising sessions is underway. Social workers and probation staff identified with the ideas behind restorative justice but found some of the new practices difficult. Identifying what supports they require has required careful consultation. Finally there has been a concerted effort to bring on board local communities, including victims. It is anticipated that it will take several years to satisfy all of these different constituencies.

Q. When evaluating interventions based on the principles of restorative justice, what are the best key performance indicators?

A. Recidivism is often offered as the criterion of success. While important it is not the only relevant measure. Also important are victim satisfaction, a public perception that the harms of crime are being addressed, a shift in offenders' attitudes and a reduction in the frequency or severity of offending. It is unrealistic to think that a single conference, or even a series of conferences, could transform an established offender into a completely law-abiding citizen.

FAMILY WELFARE CONFERENCING AND THE CHILDREN ACT, 2001

JOHN O'RIORDAN, SERVICE MANAGER,
FAMILY WELFARE CONFERENCE SERVICE

SERVING THE THREE AREA HEALTH BOARDS IN THE EASTERN REGION

Recent Irish child care legislation and policy in the form of the Child Care Act, 1991 and the Children Act, 2001 together with the Children First policy document are underpinned by a philosophy of partnership. Part 2 of the Children Act, 2001 establishes on a statutory basis provisions for the holding of a Family Welfare Conference (FWC). The FWC provides an important framework for partnership within which the child, his or her parents and guardians, other relatives and officers of the Health Board can meet to come up with a set of decisions and recommendations to meet the needs of the child.

This presentation will look at the operating principles and guidelines that have been put in place by the FWC Service so as to enable the three Area Health Boards in the Eastern Region discharge their statutory duties.

Children Act, 2001 Family Welfare Conference

Part 2 of the Children Act, 2001 establishes the FWC on a statutory basis. It shall convened by the Health Board under the following sections:

- Section 7 (1) (a)
A Health Board receives a direction from the court under section 77 to convene a FWC in respect of a child.
- Section 7 (1) (b)
It appears to a Health Board that a child who resides, or is found, in its area may require special care or protection which the child is unlikely to receive unless a court makes an order in respect of him or her under part IVA (inserted by this Act) of the Child Care Act, 1991 s. 23A (2) (a).
- Section 23 (d)

Where a young person comes to the attention of the Gardaí as requiring special care or protection.

The FWC Service provides:

- Professional coordinators.
- Pre-referral consultation.
- Four-way meetings.
- Convening of the FWC.
- Recommendations of the FWC to the Health Board.
- FWC reviews.
- Information and training to Health Board staff on FWC and the Children Act, 2001.

Each of these seven actions goes towards ensuring that sections 8 to 14 of the Act can be delivered.

The Family Welfare Conference Model

The notion of a Family Welfare Conference was developed in New Zealand where it is known as the Family Group Conference. A FWC is a family-led decision-making meeting where the young person, the family, the extended family and significant others get together to come up with a safe plan to meet the needs of the child or young person. The FWC is convened under section 7 of the Children Act, 2001 by a coordinator who is independent of the case. The role of the coordinator is to chair the FWC as well as to prepare the child or young person, family, extended family and significant others for the meeting. The coordinator consults and agrees with the young person and the family, a date, time and venue for the FWC. It is the responsibility of the coordinator to notify all persons entitled to attend the FWC and draw up recommendations unanimously agreed by the FWC.

The referrer has a central role to play in the FWC process which is to establish a clear purpose for holding the FWC, identify the concerns relating to the child or young person, clarify what resources are currently available to the family and what additional resources can

be made available. One of the defining characteristics of the FWC process is the opportunity for the child, family and extended family to meet in what is known as 'private time'. This time allows the family the opportunity to draw up a plan for the child without the involvement of the professionals. The plan is then brought back to the final stage of the FWC meeting where the professionals agree the family plan, unless it places the child at risk of significant harm.

Evaluation

An evaluation of the FWC Service in the Eastern Region took place in 2001. The outcome of the evaluation highlighted that:

- Children were willing to participate.
- Families were willing to become involved.
- Families came up with plans that were acceptable to professionals.
- Families reported that they felt listened to: “They (professionals) didn't talk down to you.”
- The New Zealand model required little adaptation for use in the Irish context

Conclusion

The FWC is a framework that fits with the principles of Irish child care legislation and policy. It is a way of working that recognizes the voice of the child and the family in the decision making process and goes some way towards making the concept of partnership a reality.

Family Conferencing

Suzanne Vella, Assistant Principal, Probation and Welfare Service

I am going to give you some background information on the Probation and Welfare Service, our responsibilities under the Children Act, 2001 and our role regarding family conferencing. We are in a different position to our colleagues in the Gardaí and Health Boards because we have not yet implemented family conferencing. At the outset it is useful to remind ourselves that the mission of the Probation and Welfare Service is: “to foster public safety and to promote the common good by challenging the behaviour of offenders and advancing the recognition and use of community-based sanctions thereby reducing the level of re-offending.”

In addition the Service promotes the development of interagency facilities and the integration of offenders into the mainstream of society. Nationally the Service comprises 207 Probation and Welfare Officers, of whom around 160 work in courts, the remainder being based in prisons, special schools and projects.

Courts.

Probation Officers prepare pre-sanction reports on persons found guilty of criminal offences in the District, Circuit and Central Criminal Courts. The court may decide on the basis of the report to place the offender under the supervision of the Service. Probation and Welfare Officers then supervise these offenders in the community. If a client fails to cooperate the case is returned to Court. Approximately 7,000 reports are prepared annually and about 5,500 offenders are supervised in the community at any given time.

Prisons.

The Probation and Welfare Service offers a service to 3,200 prisoners in sixteen prisons.

Special Schools (Children Detention Schools).

At the moment there are staff working in Trinity House, Oberstown (Boys and Girls) Centre and St Joseph's in Clonmel. These schools take children aged 12 to 16 years who have been sentenced by the courts.

Hostels, workshops and other community-based facilities.

The Service has initiated the establishment and development of a number of residences, training workshops and other facilities specifically for offenders on supervision. As well as direct provision the Service makes contributions to interagency facilities.

Special Projects.

There are a number of intensive probation initiatives in which offenders convicted of serious crimes are engaged in a demanding community-based programme. These include the Bridge Project in Dublin and Grattan House in Cork.

The Spirit of the Legislation

The themes running through the Act are:

- Prevention. The emphasis is on intervention at an early stage to tackle problems before they become established.
- Restorative Justice. This is a philosophical framework which considers the ways in which crime harms relationships in the context of the community. It is a way of dealing with victims and offenders by focusing on the settlement of conflicts arising from crime and resolving the underlying problems which cause it.
- Diversion. Where possible children should be dealt with in a way that keeps them out of the criminal justice system entirely or minimizes their engagement with it. This is because we know that once young people become involved in the system it is very difficult for them to get out of it.
- Options. The Act expands the range of options a court will have at its disposal when deciding how to deal with a young offender. An adequate choice of alternatives is essential if detention is to be a last resort.
- Custody. Detention is to be imposed only as a last resort because we know the negative effects of incarceration, in particular separation from family, exclusion from community, and the inevitable mixing with hardened offenders.

- Victims. The rights and interests of victims must be acknowledged and respected. Family conferences give the victim an opportunity to be involved and contribute to the decision-making process.
- Parents. The role and responsibilities of parents must not be overlooked. A key principle of family conferences is the involvement and empowerment of families.

Broadening the Role of Probation

The Probation and Welfare Service will have many additional responsibilities under the Act. To a large extent these are set out in three parts:

Part 8

- Family conferences.

Part 9

- Probation reports.
- Community sanctions. The Act makes provision for 10 community sanctions. Nine of these involve the Probation Service.
- Parental supervision orders.
- Deferment of detention.
- Detention and supervision.

Part 10

- Supervision in the community.
- Children detention schools.
- Voluntary aftercare.

It is useful to consider the family conference in a little more detail. This occurs at the stage when a young person is charged with an offence and appears in court. It becomes possible when three conditions are met. These are that the young person accepts responsibility, the court considers an action plan desirable, and the child and family agree to participate.

The court may direct the Probation and Welfare Service to arrange for the convening of a conference within 28 days. It may also direct the conference to address matters it considers appropriate. The objective of the family conference is to formulate an action plan which

should be agreed unanimously. The action plan may include: an apology to the victim together with financial or other reparation; initiatives within the child's family and community that might help to prevent reoffending; matters that might make the child more aware of the consequences of his or her offending.

The action plan should be written in a way that the child can understand and should be signed by the child, the convenor (Probation and Welfare Officer) and one other person. The Probation and Welfare Officer submits the action plan to the court which can amend or approve it, and order the child to comply and be under supervision of the Probation and Welfare Service.

The court then adjourns the case for six months when a review takes place. If the court is satisfied that the child has complied with the plan the charge can be dismissed. If it is not possible to agree a plan the court might formulate one and order the child to comply and be supervised by a Probation and Welfare Officer, or resume proceedings. If it is not possible to convene a conference the court will resume proceedings.

If the child fails to comply with the plan the Probation and Welfare Officer can apply to have the case returned to court and the court can resume proceedings and progress to the decision about what constitutes an appropriate disposal.

In summary, the main features of the Probation Service conference are:

- It is the last of the three family conferences referred to in the Act and the young person may have been at previous conferences.
- Court-referred so it is difficult to estimate how many conferences the Service will be asked to convene.
- Convened within a 28-day time frame.
- Case can be returned to court for non-compliance.
- It is court reviewed.
- It will be offered to all court areas.
- Victims are included in the process.

Implementation of Family Conferencing under the Act

As part of the planning for the implementation of the Act the Probation and Welfare Service engaged trainers from the Department of Child, Youth and Family in New Zealand for intensive training. The Service intends to provide ongoing training through the Staff Development Unit. A cross-grade steering group has been meeting since April 2003 and has been examining in detail the operational aspects of implementing family conferencing. Meetings have been held with the National Juvenile Office and some of the Garda Juvenile Liaison Officers who regularly convene conferences.

The Service undertook a census in 2002 and 2003 and analysis of the figures has yielded valuable information about the juveniles dealt with by the service. In addition an audit of PWS offices has been completed to assess suitability of the facilities for convening family conferences.

Two experienced Senior Probation and Welfare officers have been assigned to Children Act posts in the Dublin area. One team, offering a service to the Northside, will be based in Donaghmede, and the other team, covering the Southside, will be located in Smithfield. In addition it is intended to locate staff across the country. In the first phase of implementation the Service will commence the following: Probation Reports, Probation Orders, Community Service Orders, Deferment of Detention, Family Conferences.

Conclusion

The Probation and Welfare Service is very positive about the introduction of family conferencing because its benefits with young offenders are numerous. It gives the victim an opportunity to be involved and allows for an apology or reparation. It involves and empowers the family in decision-making. It encourages offenders to take responsibility for their behaviour. It offers the court a new option.

In addition it necessitates increased interagency cooperation as the implementation of the family conference is planned. Colleagues in the Health Boards and the Gardai have been very generous with their time and expertise. Staff who have participated in the conferences convened by other agencies have been very positive about the experience. There can be little

doubt that sharing information and coordinating interventions will ultimately result in better services to young offenders. This will lead in turn to a reduction of victimization and improved community safety, and allow the PWS to deliver on its mission statement as set out at the beginning of this paper.

Chief Superintendent Patrick Cregg
Restorative Justice – Designing a Garda Model

Diversion Programme

Since the 1st. of May 2002 the Diversion Programme has been placed on a statutory footing with the commencement of parts IV and V of the Children Act 2001.

Section 18 of the Act states that “unless the interests of society otherwise require, any child who has committed an offence and accepts responsibility for his criminal behaviour shall be considered for admission to a Diversion Programme.”

The programme is operated under the supervision of Superintendent, Community Relations Section, who is known as the Director.

At local level the programme is implemented by Garda Juvenile Liaison Officers who are trained in Restorative Justice Principles and mediation skills.

In order for a child to be eligible for caution under the programme, the following criteria have to be met:

- The offender is under 18 years of age at the time of the commission of the offence
 - must admit involvement in the crime/offence
 - was not cautioned previously, or if cautioned previously it would be deemed appropriate to administer a further caution
- Parents, guardians or person acting in loco parentis agree to terms of the caution.

Restorative Justice

The Act introduces the concept of Restorative Justice into the justice system as a new method of dealing with children who break the law. In this new process there is a mechanism for bringing the offender and the injured party together so that the injured party has an

opportunity to say how the crime affected her/him and it poses a new challenge to the offender in that s/he must now confront and deal with the harm caused.

What are the principles of Restorative Justice?

The child offender takes responsibility for the offence and realising the harm caused to the victim. The victim is fully acknowledged and is central to this process and invited to the restorative justice conference. The need for some form of apology or reparation is essential if the concept and principles are to be fully understood by all.

This action may take the form of an apology, compensation or a specific undertaking. The offender may then enter into a plan designed to help her/him move away from the possibility of re-offending.

The child is then given the opportunity to take some action that will, in some way, attempt to restore things to where they were prior to the commission of the offence. A Juvenile Liaison Officer, who is trained in mediation and facilitation skills, facilitates the process.

SESSION 3 - QUESTIONS AND ANSWERS

(CHAIR: DEREK HANWAY)

Q. There is a real need for interdisciplinary working. How can this be developed at a practical level while avoiding conference overload?

A. While effective communication at a local level will help to minimise the need for multiple conferences involving the same young person, this possibility cannot be ruled out entirely. The conferences convened by the Health Boards, Gardaí and Probation and Welfare Service all have different starting points, and indeed are at different stages of development. It might be useful if the National Children's Office produced guidelines to keep the number of conferences low. Too many conferences would dilute their impact; they would become just another meeting.

Q. How would conferencing be managed in communities where there is a strained relationship between residents and the Gardaí?

A. If the child does not want to cooperate the conference will not go ahead, however this rarely happens. Children are told they will not be prosecuted if they opt for the diversion programme. In other words there is a strong incentive to take part. Also the Juvenile Liaison Officers who run the conferences generally have a good relationship with the local community and are seen as broadly impartial. Finally, there is provision for a non-Garda conference chairperson if the circumstances dictate that this would be the best way to proceed.

Q. Does restorative justice have any relevance in a prison context?

A. This is an area where there is clear potential for development, perhaps outside the ambit of the Children Act, 2001 but motivated by the spirit of the legislation. There is a widespread perception that children are detained when all else has failed. Prisoners in turn are encouraged to sleepwalk through their sentences. As part of the renewed

emphasis on positive sentence management there is scope to involve families and incorporate a focus on victims. Indeed a prison sentence may represent a unique opportunity to work with a young person in a challenging, and hopefully restorative, way.

Q. What about the particular problem of the juvenile sex offender. Does conferencing have a role to play here?

A. The Garda Diversion Programme is open to all, regardless of offence category. However to date there is no experience to report on this category of offender.

Q. Is it possible to give an example of a case conference that made a concrete difference to a child's life?

A. A recent Family Welfare Conference considered the case of a young person in a residential setting whose behaviour had become problematic. A considerable number of extended family members attended the FWC and a plan was drawn up to allow the child return home. The family had never been together for a holiday or weekend away so one outcome of the FWC was to arrange for a four-day break. This worked well and the overall outcome was positive. We do not yet have an understanding of the consequences of such activities over time. Longitudinal studies are important to establish whether initial successes are sustained.

THE SPECIAL RESIDENTIAL SERVICES BOARD:
ROLE AND FUNCTION

ROGER KILLEEN, CHIEF EXECUTIVE,
SPECIAL RESIDENTIAL SERVICES BOARD



On 7 November 2003, Part 11 of the Children Act, 2001 comes into operation and will establish the Special Residential Services Board as a statutory agency. An interim board working in an advisory capacity has been in place since April 2000 in preparation for the Statutory Board and Executive Agency. This Board has been working on a shadow basis with three full-time and one part-time staff members, seconded from the Department of Education and Science, and the Department of Health and Children.

Board Members are appointed by Mr Brian Lenihan TD, Minister of State with Special Responsibility for Children. They include:

- Three representatives nominated by the chief executive officers of the Health Boards.
- Three representatives from the children detention schools nominated by the Minister for Education and Science.
- Three experts in childcare nominated by the Minister for Health and Children.
- Three experts in education nominated by the Minister for Education and Science.
- One Probation and Welfare Officer, nominated by the Principal Probation and Welfare Officer.

Board Staff

The staff will consist of a chief executive officer, a deputy chief executive/manager of court services, a manager of corporate affairs, policy and research, six court officers, two case officers and a personal assistant to the chief executive and the Board.

Mission Statement

The mission statement of the Special Residential Services Board has its basis in the Constitution, the United Nations Convention on the Rights of the Child and the Child Care Act, 1991 which are based on the following principles:

- To regard the welfare of the child as the first and primary consideration.
- That restricting a child's freedom in any circumstances must be an action of last resort limited to the shortest possible time.
- To regard the best interest of the child in general to be brought up in his or her family.
- To respect the responsibilities, rights and duties of parents.
- To recognise the rights of a child in care to periodic review of the treatment provided.

It is also based in the Children Act, 2001 having regard to the importance of:

- Normalisation: having effective alternative and positive intervention strategies.
- The principal objective of children detention schools is educational with the overall objective to promote re-integration into society.
- Detention can only be imposed as a last resort.
- To provide for the making of a Special Care Order in circumstances where the behaviour of a child is such that it poses a real and substantial risk to their health, safety and welfare.
- Supportive care after special residential placement is imperative.

The Board will carry out its functions on the overriding principle of partnership on behalf of children. Its mission statement reads as follows:

Accepting as a founding principle that the detention of children is a matter only of last resort and that it should be for the shortest period of time possible the Special Residential Services Board, working in close co-operation with all relevant bodies will facilitate and ensure the co-ordinated provision of child care, therapy and education in the best interest of children in special care and children detention school placement.

Board Functions

The Board's functions are to advise the Ministers for Health and Children, Education and Science, and Justice, Equality and Law Reform on policy relating to the remand and detention of children and to ensure the efficient, effective and coordinated delivery of services to children in respect of whom Children Detention Orders or Special Care Orders are made.

The Board may make recommendations to ministers where it considers that there is a lack of coordination in the provision of residential accommodation in children detention schools and special care units, or where it considers that support services to such children are not being utilised in an appropriate or efficient manner.

The Board will coordinate the delivery of residential accommodation and support and ensure appropriate and effective utilisation of such accommodation. It will be responsible for ensuring that the detention of children is a measure of last resort. The Board will monitor and regularly review the provision of places of remand and detention and special care. It will promote, organise, or take part in seminars, lectures or demonstrations and collect, maintain and evaluate statistics and other data.

The Board will also ensure a coordinated approach to the development and provision of educational, cultural and linguistic, child care and other programmes and will ensure the coordination of the development of physical infrastructure and the training of staff. In relation to the courts, the function of the Board is to assist with appropriate placements and on request to identify suitable places, in liaison with the directors of the children detention schools, for children found guilty of offences. It will also liaise with the courts in relation to the number and nature of places available.

In relation to the Health Boards, the Board will assist with appropriate special care placements and give its view on any proposal to apply for a Special Care Order made by a Health Board.

Types of Residential Accommodation Referred to by the Board

At present there exists two types of school referred to by the Board; they are Industrial Schools (St. Michael's Remand and Assessment Centre, St. Laurence's and St. Joseph's Clonmel) and Reformatory Schools (Oberstown Girls, Oberstown Boys, Trinity House) which cater for 12 to 16 year olds. When Part 10 of the Children Act is implemented all of the above will be renamed Children Detention Schools and remain under the auspices of the Department of Education and Science.

Children Detention Centres will facilitate 16 to 17 year olds. At present, boys in this age group are detained in St. Patrick's Institution. The feasibility of a Children Detention Centre to cater for 16 and 17 year old girls is currently being researched. Children Detention Centres come under the auspices of the Department of Justice, Equality and Law Reform.

Junior Remand Centres will cater for under 16 year olds who will be held as separately as possible from children who are in custody under a detention order. At present the beds for these young people are designated in detention schools. Junior Remand Centres come under the auspices of the Department of Education and Science

Remand Centres will cater for 16 and 17 year olds who are presently held in Detention Centres. The young people on remand will be held as separately as possible from sentenced young people. Remand Centres are under the auspices of the Department of Justice, Equality and Law Reform.

Special Care Units are places of secure accommodation, run by the Health Boards with educational provision on campus. They cater for 11 to 17 year olds. In order for a young person to take up residence in such a unit a Special Care Order or an Interim Special Care Order from the courts is necessary. A Special Care Order can be obtained for three months

while an Interim Special Care Order lasts for a total of 28 days. I will return to Special Care Orders below.

The following are the special care units available in Ireland:

- Ballydowd in Dublin which has 24 beds (18 secure and six step down) and caters for boys and girls.
- Coovagh House in Limerick which has five beds and caters for boys only.
- Gleann Alainn in Cork which has seven beds and caters for girls only.

High Support Units are open settings where the young person receives intensive care and accommodation. They are run by the Health Boards and do not require a court order for admission. There are a total of 95 High Support Units beds nationwide and they include:

- Rath Na nÓg, Castleblaney (12 beds).
- Crannóg Nua, Dublin (24 beds).
- Craig Aran, Kildare (12 beds for under 11 year olds).

Departments Relevant to the Special Residential Services Board

The Board will engage to varying degrees with the three government departments that define its jurisdiction.

Department of Health and Children

There will be on-going formal liaison with all Health Boards in relation to monitoring and reviewing the supply of places, the level and nature of accommodation and support services. In addition there will be co-ordination and development of programmes (educational, cultural, linguistic and childcare), physical infrastructure, and staff training. The Board will also have a role assisting all Health Boards with appropriate placements and giving its view on any Health Board proposal to apply for a Special Care Order.

In order to have a child admitted to a special care unit, it is necessary for the relevant Health Board to apply for a Special Care Order. Where it is the decision of a Family Welfare Conference that special care is necessary for the young person, the Health Board goes to court to obtain a Special Care Order. The case is brought to the attention of the Special Residential Services Board whereupon it is sent to an expert panel for their opinion. There are three expert panels which meet for half a day each month. The expert panels consist of psychologists, psychiatrists, social workers, childcare workers and educationalists.

All expert panels are chaired by a member of the Special Residential Services Board. In considering all reports – social, educational, psychological and psychiatric where necessary – the expert panel then gives its view on whether the young person is a suitable candidate for a special care placement. The Board then gives its view to the court.

Department of Education and Science

As the Children Detention Schools are under the auspices of the Department of Education and Science, there are some implications for this department. As for the Department of Health and Children there will be monitoring and review of the quality and quantity of places and the availability of support services. There will also be an input to staff training and programme coordination and development.

Department of Justice, Equality and Law Reform

The Department of Justice, Equality and Law Reform is responsible for the running of the Children Detention Centres, so there will be on-going formal liaison with these institutions in relation to the availability of places, the provision of programmes and support services.

There will also be formal liaison with other agencies including the Garda National Juvenile Office and Juvenile Liaison Officers in relation to protocols, communications and services available to young people. The Children Court, District Court and the High Court will be engaged to assist in the determination of appropriate placements and, on request, to identify suitable places for children found guilty of offences. The Special Residential Services Board will also liaise with the directors of the Children Detention Schools and the courts in relation to the level and nature of places available.

Protocols will be formulated to guide work with the Probation and Welfare Service. An awareness will be developed of all voluntary organisations relevant to young people, with whom formal and informal contact will be established. There will be regular meetings with the Social Services Inspectorate, media briefing sessions and finally, of course, close contact with the National Children's Office which is charged with coordinating the delivery of the Act.

As I hope has become clear, the Board's work will involve a complex web of relationships and a high level of interagency cooperation. Already our agenda is full and all of this before we have even been given a legal existence!

SESSION 4 - QUESTIONS AND ANSWERS

(CHAIR: MARY ELLEN RING)

Q. Today's meeting has ranged widely over the issues associated with the implementation of the Children Act, 2001. Has anything substantial been omitted from our consideration?

A. We have not had the perspective of the young person. Their voice is too often silent in the debate about their treatment. While it is essential for professionals to have an opportunity to discuss how best to strike a balance between punishment and welfare, the child's possible contribution, even to conferences like this one, must be kept in mind.

Q. The picture painted of restorative justice and family conferencing is a rosy one. How confident can we be that this approach really works?

A. It is important to state that the number of conferences held to date is small and that a clear and reliable pattern of results has not yet emerged. However it seems that bringing victims and perpetrators together can be a powerful force for change. It is often more difficult to take responsibility for one's actions and to apologise in person to one's victim than to allow a disinterested judge to decide how to respond to one's misconduct.

Q. How important is the victim in the restorative process?

A. The victim is a critical player and it is important to guard against the possibility that they are used as a tool to access offenders or to ensure a less onerous sanction. Care must be taken to ensure that victims' rights are respected and that the search for justice does not become a process of revictimisation.

Q. No legislation is flawless. What are the key limitations of the Children Act, 2001?

A. There are a number of difficulties. It is unclear if the Act will have the intended effect of reducing the number of young people coming to the attention of the criminal justice system. The introduction of a more formal scheme of diversion from prosecution and the creation of additional sanctions for the courts may have the unfortunate consequence of drawing into the net children who would otherwise have remained outside. Additionally, there is a problem with the manner of implementation, which is on a phased basis. This poses a challenge to strategic coherence and meaningful evaluation.

Q. Is it realistic to think that detention will become the option of last resort simply because this principle has been given legislative expression in the Act?

A. For custody to be relegated in this way will necessitate the full range of community sanctions being made available to every court. It will require significant effort to ensure that this occurs, especially in rural areas. If the community resources are not put in place there may be a temptation to use custodial facilities as a route to treatment, education and structured support.

CLOSING ADDRESS

MARTIN N. TANSEY,
CHAIRPERSON, IASD

Since its establishment in 1996 the Association has made it a priority to hold a major conference each year. In the early days we received great support from our sister organisation in Scotland. Indeed, the chairperson of the Scottish Association for the Study of Delinquency, Mr Niall Campbell, sends his best wishes and apologises for not being able to attend today. We are delighted that colleagues from Northern Ireland have travelled to Dublin to join in our deliberations. The Youth Justice Agency in our neighbouring jurisdiction has been a strong supporter of our work and facilitated a recent visit by IASD members interested in learning about best practice with juvenile offenders.

The theme of today's conference was carefully chosen. The Children Act, 2001 is universally acknowledged as an enlightened piece of legislation and the Department of Justice, Equality and Law Reform is to be commended for producing it. But implementation has been slow and real progress has been made only with regard to Part 4 (the Garda Diversion Programme). The phased approach to implementation means that it is not clear whether the Act will be fully in force even by 2008. One wonders whether the IASD conference in that year will be entitled 'The Children Act, 1908 – 100 Years On.'

In a similar vein, nearly all of the sanctions provided under section 115 of the Act are variations of conditions attached to orders in the Probation of Offenders Act, 1907. This is a piece of legislation long in need of modernisation. Ireland is the only common law jurisdiction without modern probation legislation. Perhaps our conference in 2007 will mark the centenary of this Act, or even its demise!

The annual conference is an opportunity for the extended justice family to meet. It is regrettable that some agencies choose to send so few delegates. It is not for me to name and

shame but it is to be hoped that those who attended found the event worthwhile and that next year we will have a more representative mix of participants.

The issue of resources was raised on a number of occasions during today's proceedings. It is clear that if the Act is to be effective, the relevant agencies (especially the Probation and Welfare Service) will need an appropriate level of financial support. There is another structural matter that requires attention: until the National Children's Office is placed on a statutory footing it may not be able to achieve its objectives.

I would like to thank the Department of Justice, Equality and Law Reform for the financial support it has given to the Association, and the Department of Education and Science for making it possible for us to publish our proceedings. We are grateful also to the agencies that accepted our invitation to take a stand in the conference exhibition room. As usual we will move swiftly to publication and are confident that the conference report will be circulated during February 2004.

The dissemination of information is an important part of the Association's mission and we hope that over time our conference reports will have some cumulative impact. As usual the conference has provided a forum for the rational discussion of complex and sometimes controversial issues and on behalf of the IASD I would like to thank all delegates for their enthusiastic participation. We look forward to advancing the debate over the coming months and years.

UNDERSTANDING RESTORATIVE JUSTICE

Underpinning the Children Act, 2001 is the idea of restorative justice. This generated much interest among conference delegates and it is useful to consider it in a little more detail. In particular it is important to note its relationship to the practice of family group conferencing. The following extract from a book by two leading exponents might help to clarify matters.¹

Restorative justice is conceived in the literature in two different ways. One is a process conception, the other a values conception. The process conception has been the more dominant one to this point. On this view, restorative justice is a process that brings together all stakeholders affected by some harm that has been done (e.g. offenders, their families, victims and their families, affected communities, state agencies such as the police). These stakeholders meet in a circle to discuss how they have been affected by the harm and come to some agreement as to what should be done to right any wrongs suffered.

On the second view, it is values that distinguish restorative justice from traditional punitive state justice. Restorative justice is about healing (restoration) rather than hurting. Responding to the hurt of crime with the hurt of punishment is rejected, along with its corresponding value of proportionality – punishment that is proportionate to the wrong that has been done. The idea is that the value of healing is the key because the crucial dynamic to foster is healing that begets healing. The dynamic to avert is hurt that begets hurt.

Someone strongly committed to a process definition might say that while a family group conference is a restorative justice process, a mediation between a single victim and a single offender is not – because in the latter there is no circle that includes or even invites all stakeholders, most of whom are excluded. Someone strongly committed to a values conception of restorative justice might say that a community conference that sits in a circle and then decides to cane or incarcerate a child, or even that conducts its deliberation around the framework of discovering the just punishment, is not restorative justice. In contrast, a victim-offender mediation that heals, rejecting the punitive paradigm, satisfies the values definition of restorative justice.

In our view it is best to see restorative justice as involving a commitment to both restorative processes and restorative values.

¹ Braithwaite, J. and Strang, H. (2001), *Restorative Justice and Civil Society*, Cambridge University Press, pp. 1-2.

INFORMATION AND DISPLAY EXHIBITION



Mr Martin N Tansey, Chairperson IASD, The Hon. Mr Justice Michael Moriarty, Patron IASD and Mr Brian Lenihan TD, Minister of State

The Special Residential Services Board



Ms Rose Sweeney and Ms Deborah Mullvany

Courts Service



Ms Helen Priestley, Mr Brian Lenihan TD, Minister of State and Ms Yvonne Carroll

BOND Project



Mr Pat Doyle, Manager - BOND, Ms Ingrid Colvin, Mr Brian Lenihan TD,
Minister of State and Mr Brian Friel

Conference Speakers



Mr Derek Hanway, Mr John O’Riordan, Ms Suzanne Vella
and Chief Superintendent Patrick Cregg

We are indebted to those who exhibited, to their representatives on the stands, for their courtesy, availability and above all the valuable information they distributed to the delegates.

LIST OF DELEGATES

Seán Aylward	Irish Prison Service
Loretta Barrett	Department of Justice, Equality and Law Reform
Sergeant Paddy Barron	An Garda Síochána
Mary Burke	National Crime Council of Ireland
Maura Butler	Law Society of Ireland
Marion Byrne	ADM Ltd
Brendan Callaghan	Department of Justice, Equality and Law Reform
Yvonne Carroll	Courts Service
Helen Casey	Department of Justice, Equality and Law Reform
Sergeant Liam Casey	An Garda Síochána
Aideen Cassidy	Junior Certificate School Programme Support Service
Alice Chapman	Youth Justice – Northern Ireland
Annette Collins	The Village Project
Geraldine Comerford	IASD Ltd
Anna Connolly	Probation and Welfare Service
Emma Connors	Ruhama Women’s Project
Tony Corcoran	Tivoli Training Centre
Seamus Cramer	Irish Prison Service
Chief Superintendent Pat Cregg	An Garda Síochána
Jan Cullen	Barnardos
Kyle Cummings	Probation Board for Northern Ireland
Frank Curley	Tuam Community Training Centre
Jean Currid	Barnardos
Rosaleen Doonan	Coolamber
Michael Doyle	National Educational Welfare Board
Pat Doyle	BOND Project
Éimear Fisher	National Children’s Office
Sergeant Ben Flahaven	An Garda Síochána
Nicola Flanagan	IASD Ltd
Patricia Flynn	Oberstown Girl’s School

Rachel Freeman	Tivoli Training Centre
Brian Friel	BOND Project
Maria Gibbons	Mornington, Co. Meath
Ailish Glennon	Probation and Welfare Service
Derek Hanway	Blanchardstown Area Partnership
Liam Hickey	St. Joseph's School
Dora Hennessy	Department of Health and Children
Brian Hogan	Oberstown Boy's School
Kay Keating	PACE
Seamus Kelly	National Educational Welfare Board
Deirdre Kenneally	National Crime Council of Ireland
Valerie Keogh	Probation and Welfare Service
Georgina Kilcoyne	Western Health Board
Dr. Ursula Kilkelly	Faculty of Law – UCC
Roger Killeen	Special Residential Services Board
Noreen Landers	Office of the Director of Public Prosecutions
Pat Lane	Fingal County Council
Stephanie Leahy	Youthreach - Galway
Margaret Lee	Mid-Western Health Board
Brian Lenihan	Minister of State with Responsibility for Children
Niall Lennon	The Village Project
Basil Leonard	Oberstown Boy's School
Bill Lockhart	Extern, Belfast
Seán Lowry	Probation and Welfare Service
Breda Lynch	Southern Health Board
Mary Jo McAllister	Probation Board for Northern Ireland
Edel McCarthy	Mount Street Vincent Child Care Centre
Alison McClay	Probation Board for Northern Ireland
Joe McClenaghan	Probation Board for Northern Ireland
Jarlath McDonagh	Galway VEC
Jim McGrath	NetCare – Northern Ireland
Dr. Liz McLoughlin	The Village Project

Deirdre Macken	Courts Service
Deborah Mullvany	Special Residential Services Board
Veronica Mangan	Aislinn Centre
The Hon. Mr. Justice Moriarty	IASD Ltd - Patron
Seán Murphy	Department of Justice, Equality and Law Reform
Paul Murray	Department of Justice, Equality and Law Reform
Inspector Finbarr Murphy	An Garda Síochána
Bridget Myles	Probation and Welfare Service
Ciaragh O'Brien	The Village Project
Sarah O'Connor	National Educational Welfare Board
Tony O'Connor	National Educational Welfare Board
David O'Donovan	Probation and Welfare Service
Kieran O'Dwyer	Garda Research Unit, Templemore
Kevin O'Farrell	Mid-Western Health Board
Pól Ó Murchú	Pól Ó Murchú Solicitors
Irene O'Reilly	PACE
John O'Riordan	Family Welfare Conference Service
Sergeant Michael O'Riordan	An Garda Síochána
Marie O'Sullivan	The Village Project
Brendan Rice	Courts Service
Sarah Ryan	National Centre for Guidance in Education
Sara Parsons	National Crime Council of Ireland
Mary Ellen Ring SC	Law Library
Keith Rossiter	Western Health Board
Dermot Stokes	Youthreach
Kieran Smyth	Department of Health and Children
Frances Spillane	National Children's Office
Rose Sweeney	Special Residential Services Board
Martina Tally	Probation Board for Northern Ireland
Martin Tansey	IASD Ltd
Rosemary Tierney	National Crime Council of Ireland
Sergeant Eamonn Tuohy	An Garda Síochána

Suzanne Vella

Sergeant Dave Watts

Padraic White

Gisela Whyte

Maureen Windle

Eithne Wolfe

Mark Yalloway

Probation and Welfare Service

An Garda Síochána

National Crime Council of Ireland

Tivoli Training Centre

Northern Area Health Board

CORI

North Eastern Health Board