



## **Southern Area Children and Young People's Committee**

### **Response to Measures to Tackle Anti-Social Behaviour in Northern Ireland - A Consultation Document**

#### **INTRODUCTION**

The Southern Area Children and Young People's Committee welcome this opportunity to respond to the consultation document.

The Committee is responsible for Children's Services Planning in the Southern Health and Social Services Board area. The Committee is made up of representatives of statutory, voluntary and community organisations including police, housing, health, social services, education and justice services.

The aim of the Committee is to ensure that vulnerable children and young people in the Board's area have their health and development needs met.

The Committee has a number of sub-groups, one of which specifically addresses the issues of children and young people who are/are likely to be expelled or suspended from school and children and young people who are likely to offend or have offended in the past.

This response has been formulated on the Committee's behalf by that sub-group.

In making this response to the consultation document, the Committee are anxious that the likely implications of the proposed measures be considered at two levels:

- Firstly, the direct impact of the measures on children and young people, and,
- Secondly, the indirect effect on children through the impact of the measures on adult carers and other family members who may be made subject to the measures as proposed.

## **ANTI-SOCIAL BEHAVIOUR ORDERS**

### **Would ASBOs be an effective measure for dealing with anti-social behaviour in Northern Ireland?**

The Committee would have some anxiety that the implementation of these measures would be in conflict with the model of family support promoted through the Committee's work.

As an essentially prohibitive measure an ASBO may have the effect of reducing on the mobility of a carer or other adult, thus reducing the ability to respond to the needs of the children. Similarly restrictions placed on children are likely to increase stress on the family, both through the restrictions themselves and through the pressure on carers to enforce the restrictions. The Committee is therefore of the view that any measure that increases stress on the family is likely to lead to increased disruption which may include anti-social behaviour.

The Committee is concerned that ASBOs may impact disproportionately on children through use of the measures to address the perceived threat reported in the 2001 Northern Ireland Crime Survey. That "teenagers hanging around" was perceived as a very or fairly big problem by 33% of respondents.

Significantly this was not seen as a problem by two thirds of respondents. However the Committee would seek assurances that the proposed measures would not be directed against young people for being involved in normal adolescent behaviour. Moreover, the Committee would argue that where this is indeed a

problem, inclusive and diversionary measures be employed rather than the prohibitive measures of an ASBO.

**To what extent would the concept need to be modified so that it could be operated effectively in Northern Ireland?**

The measures, as implemented in England and Wales, presuppose a unitary authority which does not exist in Northern Ireland.

Through Children's Services Planning significant progress has been made in co-operation between disparate agencies. These measures have the potential to create an incompatible and even conflicting objective between partner agencies working with children.

The Committee therefore takes the view that if implemented the ASBO should not apply to children.

**Are specific safeguards required for Northern Ireland?**

If the ASBO were to be introduced and were to apply to children under 18, the standards of reporting restrictions should be no less than those currently pertaining in youth court.

**Should courts in Northern Ireland be empowered to impose an ASBO alongside a sentence for a conviction?**

This measure seems in part redundant in that the individual is already receiving a sentence, and in part superfluous since further offending would in itself be a crime.

**Would the Northern Ireland Housing Executive be an appropriate ASBO partner for the Police Service of Northern Ireland? Would District Councils be appropriate ASBO partners for the Police Service of Northern Ireland? Which other authorities or bodies might be suitable partners?**

The NIHE, Police and local authorities are already working in partnership in pro-active and productive ways to promote well being. The proposal that these bodies form partnerships to implement measures is counter-productive and will draw resources and commitment away from positive steps to address behaviour.

Moreover, the introduction of the measures will create expectations that the measures in themselves cannot meet.

### **ACCEPTABLE BEHAVIOUR CONTRACTS**

**Would ABCs be an effective means of dealing with anti-social behaviour in Northern Ireland?**

The Committee seems some merit in the use of ABCs as a non-stigmatising intervention with children whose behaviour causes stress for others. The ABC could be incorporated within the existing framework of services to children and families and as such complement family support. As a voluntary and non-criminal intervention the ABC has considerable potential.

**What steps could be taken to strengthen the operation of ABCs or to make sure that they operated effectively?**

The Committee is of the view that interagency panels such as the Juvenile Liaison Bureau and various forms of "Children's Panel" have a valuable function in identifying and responding to children at risk of offending. In this context ABCs could be facilitated by such fora as a supportive response to identified children and their families.

It is particularly important that children are viewed in the context of their families and for this reason the Committee would support

parent training initiatives. The Committee is of the view that a parenting order is unnecessary.

### **Is the possible “sanction” of an ASBO necessary for the proper working of a system of ABCs?**

The Committee takes the view that ABCs should be voluntary. If behaviour persists then the question of application for an ASBO can be considered in the light of that behaviour (without prejudice to the view that ASBOs should not apply to children).

### **Section 75**

We are most surprised that this policy proposal was not considered suitable for an Equality Impact Assessment, as the evidence appears to be suggesting that it will have a significantly greater impact on one group over others, namely young people. The research conducted by Siobhan Campbell (HO Research Study 236) shows that 74% of ASBOs were made by people under the age of 21. This alongside the publicity that accompanied the launch of this policy proposal clearly shows that it is likely that ASBOs will be specifically targeted at young people, therefore fulfilling the S75 definition of the NI Act, 1998 that an EQIA must be undertaken. We would ask the NIO to consider such an undertaking as a matter of urgency.

### **Children’s Rights Implication**

We believe that this proposal contravenes a number of children’s rights treaties that the UK Government has ratified, not least the European Convention on Human Rights and UN Convention on the Rights of the Child. Some specific examples are as follows:

- There is no evidence that the young person’s views or opinions have been taken into account in the development of this policy.
- There is clear concern with regards to the right to a fair trial and compliance with due process.

- The naming and shaming of children and young people is most certainly not in the best interests of the child.
- The use of custody as a measure of last resort is specified in children's rights instruments and in our own legislation (Criminal Justice Children Order, 1998).