



Northern
Ireland
Office

**JUVENILE JUSTICE
CENTRE (NORTHERN
IRELAND) RULES
SUMMARY OF
RESPONSES TO
CONSULTATION AND
EQUALITY
SCREENING
DOCUMENT**

Youth Justice Policy
Criminal Justice Services Division
Massey House
Stormont
BELFAST
BT4 3SX

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Summary of responses to the Juvenile Justice Centre (Northern Ireland) Rules

Background

The Northern Ireland Office consultation on the Juvenile Justice Centre (Northern Ireland) Rules 2007 was launched in December 2006 and concluded in March 2007. The consultation was on a new set of rules for the Juvenile Justice Centre to reflect major changes and new best practice within the youth justice sector.

This document summarises the responses received and details amendments which have been made as a result of the consultation. We are grateful to all who responded.

General

The draft rules have been broadly welcomed by all respondents and in particular the strong child centred focus and inclusive approach with emphasis on children's rights, participation and family involvement.

As explained in the consultation document the nature and purpose of the rules is to provide a statutory framework of basic rights and principles, informed by best practice and international guidance for the management of and discipline in a Juvenile Justice Centre. Full effect is then given to the rules through the development and application of a range of operational policies and procedures. As such the rules provide a set of minimum standards but the Centre, consistent with its child centred focus, seeks to deliver the best possible support for each child. The operational detail will be incorporated within the Centre's policies and procedures which will be the subject of regular review and updated.

Summary of Responses

The Northern Ireland Office received a total of 18 responses to the consultation. A full list of the respondents is included at Annex A. Some comments were on the draft rules as a whole, while others related to specific proposals. A number of issues not included in the consultation proposals were also raised. We are grateful for the time and effort devoted by many organisations in providing detailed comment. However, due to the extensive nature of some of the replies it has not been possible to reflect all aspects within this summary. Further information can be provided on request.

General Responses

The draft rules have received broad support and we have been able to respond to take account of many of the issues raised. Responses have welcomed in particular:-

- The strong child-centred emphasis and approach and paramountcy of a child's welfare with particular requirements to ensure child protection practice and preventative health interventions;
- participation of the wider family and others leading to an inclusive integrated approach;
- equality issues with attention given to those young people with special needs including disability, language and mental health issues, who come into contact with the Criminal Justice system;
- consultation with children directly as part of the process;
- the recognition given to the role of inspection; and
- the overall nature and purpose of the proposed rules.

A small number of respondents expressed the view that the rules or aspects of the rules should be subject to an Equality Impact Assessment. A screening exercise was carried out as part of the process prior to

consultation and has been reviewed in light of the comments received (see below). However by moving beyond the 1999 rules and aligning with best practice and international guidance and legislation it is considered that the rules which are fundamentally underpinned by principles of equality and rights will more fully promote equality of opportunity, better outcomes for children and reduction of re-offending.

Some of the issues which could not be accommodated in the revision can be dealt with more appropriately in the context of operational policies and procedures.

Responses in relation to specific rules

Examples of main comments include:-

Part 1 Preliminary

Issue	Response
Addition of a definition for “chaplain” and “staff.	Definitions have been included.
Addition of word “caring” to statement of aims and increased emphasis on re-integration.	Statement of aims reworded to reflect comments received and now includes reference to caring.
Suggested alternative wording in relation to reference to best interests, participation, rights and religion.	Alternative wording of an individual nature reflecting primarily issues of presentation, amendment not, therefore, considered appropriate.
Further detail regarding the type of situations which would constitute an emergency, the regime that would operate and an emphasis on the maintenance of children’s rights in such circumstances.	Issues more appropriately dealt with in the context of operational and administrative procedures. The maintenance of children’s rights is a fundamental principle underpinning the interpretation and application of the legislation.

Part 2 Management

Need for a reference to suicide and self harm and addition of the word “protection” in Rule 7(a).	Additional heading “assessment and risk” has been added and the word “protection” has been incorporated.
Addition of reference to SENDO and Disability Discrimination.	References to statutory provisions such as SENDO and DDA have not been included as they are already covered by existing legislation.
Removal of reference to disability as included within special needs.	The heading of this section has been amended and now refers to the broader title of “additional needs”.
Need for additional support to facilitate participation by children with special needs – groups mentioned included those with mental health, emotional, language and literacy problems.	Adequately covered by new “additional needs” provisions.

Request reference to other sources of information and support. Suggestions included Minister, Priest or other faith members, legal advisor, independent advocate, addresses of public/private agencies or organisations, external sources of help, services of interpreter, video.	More appropriately dealt with in the context of operational and administrative procedures.
Those with statutory authority to carry out an inspection under Rule 13 do so under their own powers and obligations. Rewording of Rule 14 (a) and (c) suggested to bring it into line with 13(b) and (c).	Rules 13 and 14 have been amended accordingly.

Part 3 Care and Protection of Children

Timescale for particular examinations considered too long.	Timescales considered appropriate.
Development of a reception and first night policy.	More appropriately dealt within the context of operational and administrative procedures.
Further detail sought in relation to the areas of need (Rule 15) and number of plan reviews.	As above
Need to meet any religious and cultural requirements in relation to food and other facilities.	Rule 16 has been amended in relation to cultural and religious obligations.
Requirement in Rule 20 should be on the Centre to provide facilities and opportunities to maintain hygiene; and specific reference should be made to girls in this rule.	Rule 20 regarding personal hygiene has been amended but in view of the current broad provision within Rule 26 in relation to girls, specific reference here is not considered appropriate.
Concern regarding the use of “may “in Rule 22 (2) and interpretation of the term reasonable access by Chaplains.	The word “may” in relation to the approval of Chaplains has been replaced by the word “shall”. The issue of access is more appropriately dealt with local level.
Additional reference within Rule 22 to the child’s best interests requested and provision for girls to be fully supervised by female staff if this is in the individual girl’s best interests.	A reference to the best interests of the child is included within the principles which underpin and guide the interpretation and application of the rules.

Further information requested in relation to Rule 23 to determine when privacy would be expected and recommendations for additional provisions with regard to supervision of girls and that the assessment and plans prepared under Rule 15 should determine the most appropriate placement for the young person within the Centre.	More appropriately dealt within the context of operational procedures.
More detail requested in relation to the Child Protection policy required under Rule 24.	The full detail of child protection arrangements is contained within the policies of the Centre/Youth Justice Agency.
Insufficient provision within the rules for untried children and girls in custody.	The scope of Rules 25 and 26 for untried children and girls is particularly wide to enable the Director to meet the needs of these groups in general and to deal with any particular child or circumstances which may arise.
Recommendation that a strategy for girls in custody be developed.	More appropriately dealt within the context of operational procedures.

Part 4 Healthcare

Strengthening of Rule 27(3) in relation to the provision of help to counter any addiction or dependency.	Rule 27 has been reframed to take account of comments received.
Access to interpreter during medical examination for those with specific needs.	This is already covered under Rule 11(6).
Need for involvement of a healthcare professional with appropriate mental health qualification.	A reference to the involvement of a healthcare professional with an appropriate mental health qualification has been included in Rule 30(1).
Liaison with outside agencies to ensure any necessary continuation of mental healthcare after release.	More appropriately dealt within the context of operational procedures.

Increased emphasis on development of policy around mental health, self-harm and suicide prevention and detail regarding action to be taken where a child is suspected of having suicidal intentions.	Adequately covered in new provisions.
Reference to the role of the chaplain in relation to incidents, illness and death and linkage to DHSSPS plans for child death reviews.	A specific reference has been included regarding notification of DHSSPS in relation to a death in custody in Rule 31(3). Role of Chaplain in such circumstances more appropriately dealt with at local level.
Strong commitment sought that children with serious mental health problems should be cared for in community or hospital services rather than custody.	Outside the scope of the rules.
Inclusion of reference to pre and post natal care.	A specific reference to the provision of pre and post natal care has been added to Rule 32(1).
Need to ensure that every attempt is made by relevant agencies to accommodate mother and baby in a community based environment and that pregnant girls and girls with babies do not receive custodial remands or sentence.	The rules as currently framed provide wide powers for the removal and discharge of a pregnant girl from the JJC and permit a girl to have her baby with her in a Centre. The wider issue of sentencing policy in relation to pregnant girls etc. is outside the scope of the rules.

Part 5 Communications

Independent persons must be properly vetted and approved.	Reference to POCVA legislation has not been included as it is already covered by existing legislation.
The cost of additional phone calls made by a child should be met by the Centre.	Rule 36 has been amended to provide wider discretion.
Arrangements for visits should also take into account the need to support the integration of a child into their community.	Rule 37 has been amended to take account of comments received.

Clarification sought re arrangements for privacy of legal correspondence. and access to interpreter.	Rule 40 relating to legal correspondence and Rule 11(6) relating to the services of an interpreter have been amended.
Recognition of the child's right to privacy subject to reasonable adjustments proportionate to the requirements of security and safety.	The issue of privacy is covered in Part 9 of the rules.
The need for clarity and an independent aspect in relation to the policy for complaints, also advocacy arrangements.	Details of the complaints procedure which contains an independent element are widely available within the Centre and on the YJA website.

Part 6 Learning and Development

Promotion of equal access to education and vocational training for boys and girls without gender stereo-typing.	It is an underpinning principle of the rules to have due regard to promote equality of opportunity.
Child's right to education with the Northern Ireland curriculum to ensure consistency of education opportunities and qualifications.	There is adequate provision within the rules for education and vocational training.
Provision of higher profile to programmes to tackle offending behaviour.	Adequately covered in new rules.
Proposal that children should attend educational, vocational, employment and other facilities outside the Centre in preparation for their release.	This is not normally considered feasible on the grounds of security and safety.
Development of a resettlement strategy.	The rules make adequate provision for release and re-integration.
Due regard should be had to the provision of suitable accommodation for support services.	This is an operational matter.

Part 7 Security and Safety

Concerns regarding searching where child is required to undress and suggested use of scanning equipment.	The rules provide adequate protection including the introduction of the word “dignity” (see below).
Incorporation of word “dignity” or “consideration and courtesy” in Rule 47.	This rule has been amended accordingly.
Involvement of medical officer in relation to search decisions.	We do not regard this as being necessary in these terms.
Provision of information to child and parent and child’s contribution to the written record.	Informing the child of the content of the written record and encouraging the child to contribute to it is now included in Rules 48, 51 and 52. (Ref to parent also included in Rule 51)
Use of Restraint and Single Separation to be limited to prevention of injury to child or others and subject to regular review.	Rules 51 and 52 now require the director to regularly review use of restraint and single separation, respectively and have been reframed to clarify issues in relation to their operational use, which in the case of single separation may at times be a preventative measure rather than as a last resort.
Special arrangements for those with special education needs, literacy and language problems.	Adequately covered by new “additional needs” provisions.
Concern re situations where bedroom not used for single separation.	Rule 52(3) now stipulates that the child’s bedroom shall be used except where this is impracticable.
Access to independent advocacy.	The rules contain specific provisions in relation to the provision of independent representation (Rule 42).
Use of close circuit television.	The rules now provide safeguards for the use of closed circuit television within the Centre.

Part 8 Premises

Child should have opportunity to make their personal space as comfortable as possible and to display photographs and personal belongings.	More appropriately dealt within the context of operational procedures.
Searches of children's rooms should only be conducted in exceptional circumstances.	The rules now require the Director to have in place a policy for the searching of areas of the Centre (Rule 56(5)).

Part 9 Management and Staffing

Absence of a reference to selection, recruitment and staff management arrangements.	The selection and recruitment arrangements are undertaken by the Youth Justice Agency under a Service Level Agreement with the Department and subject to all relevant employment legislation and best practice.
Additional reference to best interests and inclusion of duty to promote as well as safeguard the rights and interests of children – Rule 60(6).	Rule 60(6) now reflects these issues.
Clarification sought in relation to staff contact with those previously held in a Centre – Rule 60(8).	This rule has been redrafted in light of comments received.

Part 10 Additional rules relating to the Director

Additional references to caring	Amended to take account of this comment generally.
Rights training for staff.	The rules provide an overarching responsibility on the Director to ensure that members of staff possess the skills and knowledge required for their roles and responsibilities. The detail of the training is more

	appropriately dealt with at operational level.
Removal of "as far as possible" from Rule 67(2).	Rule (now 68(2)) has been amended accordingly.

Consultation with Children

A consultation exercise was undertaken with Children through the Northern Ireland Youth Forum (NIYF) as part of the process. During the process a total of 46 young people between 12 and 23 were consulted representing a range of backgrounds and experience. It was encouraging to note the widespread agreement expressed by the young people in relation to the principles and provisions enshrined within the rules. In addition a separate response was provided by Include Youth's Young Voices Project comprising two consultations, one in Woodlands JJC and the second co-facilitated by the NIYF in the community. The views expressed will be particularly valuable in giving effect to the rules and in the development of a child friendly version which is now being undertaken. A copy of these reports has been passed to the Director of the Juvenile Justice Centre to draw on as he and his staff prepare for the commencement of the new rules during October 2008.

**Youth Justice Policy Unit
Criminal Justice Services Division
Northern Ireland Office
Massey House
Stoney Road
Belfast
BT4 3SX**

E-mail yjpu@nio.gsi.gov.uk

Tel 028 90527373

NIO Text phone No. 028 9052 7668

LIST OF RESPONDENTS

Children's Law Centre
Culture, Arts and Leisure
Department of Health, Social Services and Public Safety
Disability Action
North and West Belfast Health and Social Services Trust
Include Youth
Northern Ireland Association for the Care and Resettlement of Offenders
Northern Ireland Commissioner for Children and Young People
Northern Ireland Human Rights Commission
Northern Ireland Lay Magistrates' Association
Public Prosecution Service
Police Service of Northern Ireland
Presbyterian Church in Ireland
Probation Board for Northern Ireland
Southern Health and Social Services Board
Social Services Inspectorate
Youth Justice Agency
Northern Ireland Youth Forum

PART I

1. SCOPING THE POLICY

Definition of Policy

There have been some difficulties in defining what constitutes a policy in the context of Section 75. To be on the safe side it is recommended that you consider any new initiatives, proposals, schemes or programmes as policies or changes to those already in existence. It is important to remember that even if a full EQIA has been carried out in an “overarching” policy or strategy, it will still be necessary for the policy maker to consider if a further EQIA needs to be carried out in respect of those policies cascading from the overarching strategy.

Overview of Policy Proposals

The aims and objectives of the policy must be clear and terms of reference well defined. You must take into account any available data that will enable you to come to a decision on whether or not a policy may or may not have a differential impact on any of the S75 categories.

1. Title of policy

Juvenile Justice Centre Rules (Northern Ireland) 2008

5. Brief description of policy. Do any other policies interact with this policy?

The NIO has undertaken a root and branch review of the Juvenile Justice Centre Rules (Northern Ireland) 1999 to reflect changes which have occurred in relation to the delivery of youth justice custodial services. The existing rules were written when there were three centres in operation and the delivery of such services was the responsibility of the Juvenile Justice Board, a statutory Non-Departmental Public Body funded by government. Circumstances are now quite different. The planned reduction in the reliance on custody for children and the consequent rationalisation of the youth justice estate to a single Juvenile Justice Centre have been realised and the structure for the delivery of youth justice services has been reformed in accordance with the Criminal Justice Review by the creation of the Youth Justice Agency. These significant events together with recommendations contained in reports by the Northern Ireland Human Rights Commission and Criminal Justice Inspectorate and good practice locally and further afield have provided a framework for the revision of these rules.

3. Aims of policy

The rules provide a statutory framework of basic rights and principles, informed by best practice and international guidance, for the management of and discipline in a juvenile justice centre. The overall aim is to ensure that the Juvenile Justice Centre provides a safe, secure, positive and purposeful and caring environment which:

- Challenges, supports and meets the needs of children and young people detained there;
- respects their rights, and encourages them to respect the rights of others, under the law;
- is consistent with the wider aims of the youth justice system.

*It is essential that **all** the aims of the policy be clearly and fully defined.*

PART I

4. Who is responsible for devising and delivering the policy?

Policy is a matter for Ministers on advice from the Northern Ireland Office in general and the Youth Justice Policy Unit in particular. The development of the policy involved consultation with key stakeholders in the statutory and voluntary sectors and children and young people. The policy is delivered by the Youth Justice Agency through the operation of the Juvenile Justice Centre. Others in the wider statutory and voluntary sectors are also engaged in this process.

5. Are there any linkages to NI Departments or NDPBs in relation to this policy/legislation? How are these interfaces managed?

Yes. Linkages to the statutory voluntary and community centre are important factors in the successful delivery of the aims of the rules. Linkages include:

- Education and Library Boards
- Health and Social Services Boards and Trusts
- Probation Board for Northern Ireland
- Police Service for Northern Ireland
- Northern Ireland Court Service
- A range of voluntary sector organisations

In addition, the operation of the Juvenile Justice Centre sits within a strong regulatory framework through which oversight and review is provided by:

- The Chief Inspector of Criminal Justice
- The Northern Ireland Human Rights Commission
- Northern Ireland Commissioner for Children and Young People
- The Equality Commission
- The Independent Reviewer of Complaints
- Other organisations operating under international conventions to which the United Kingdom is a signatory

6. Who is the policy/legislation likely to impact upon? What data is available to facilitate the screening exercise?

Young people held in a juvenile justice centre, staff, families, PBNI, PSNI, courts, childcare and children's rights organisations, North Down Borough Council, local communities and wider public.

Data is held on the age, gender and religion of children held in the juvenile justice centre but care must be exercised in the interpretation of this data due to the limited numbers involved.

7. Who will implement the policy?

The policy will be implemented by the Youth Justice Agency through the operation of the Juvenile Justice Centre by the Director of the Centre, any designated alternate and the body of staff and others who work there. Others in the wider statutory and voluntary sectors are also engaged in this process. The Secretary of State, on advice from the Department, also plays a key role through the requirement to approve the specifics of certain policies and procedures.

2. SCREENING ANALYSIS

Answering the Four Screening Questions

The following four questions ask for evidence in relation to the Section 75 dimensions. You should not think of the “don’t know” column in the form as the easy option to respond to any of the questions. In cases where you don’t know and you don’t have data, you will need to make a judgement based on experience as to whether the policy you are screening is likely to have an impact on any of the nine dimensions. If your judgement is that the policy may have a differential adverse impact in relation to any of the Section 75 dimensions (i.e. it affects some groups differently and less favourably than other groups), you should seek to obtain evidence. You should note that evidence can be qualitative – i.e. drawn from the experience of individuals from their perspective – as well as quantitative. Staff must give consideration to steps that they could reasonably be expected to take to obtain evidence and thereby inform their decision-making. Such steps could include meeting with a representative group or selective consultation.

Where there is little or no evidence, and common sense indicates that the impact of your policy may be different for different groups of people, you should discuss this with staff from the Equality Unit ☎ 27062.

The Northern Ireland Statistics and Research Agency web-site gives details of data sets (<http://www.nisra.gov.uk>) and information on other sources of data may be found on the NIO Intranet under About the NIO/Diversity and Equality.

PART II

1 Is there any evidence or indication of higher or lower participation or uptake by different groups? If so, please indicate below.

CATEGORY	YES	NO	DON'T KNOW
Gender	✓		
Sexual orientation			✓
Religion		✓	
Political opinion			✓
Disability (physical and			✓

learning)			
Race or ethnic origin (includes Travellers)			✓
Age	✓		
Dependant responsibilities			✓
Marital status			✓

Please give reasons for your answer, including sources of data used.

The Juvenile Justice Centre provides a demand-led service and does not determine who should or should not be detained in custody. This is a matter for the Courts. Some discretion is exercised in circumstances where the Centre is being used as a place of safety under the PACE regulations but the majority of cases are accepted on foot of a valid warrant and subject to operational exigencies.

In general, young males are more likely to commit crime than any other group and hence appear more prominently than girls in the population. In practice, therefore, boys are more likely to be subject to the rules than girls.

It is also the case, in relation to age, that the overall group is pre-determined by the age of criminal responsibility (10 years) at the lower end of the age range and under 18 (the definition of a child) at the upper end of the age range.

Custody population and demographic data shows that the two main communities/religious group are broadly in balance in this age group.

Data on other groups is not currently collected but may be in future subject to the outcome of a wider review in this area.

2. Is there any evidence or indication that different groups have different needs, experiences, issues or priorities in relation to the particular policy?

CATEGORY	YES	NO	DON'T KNOW
Gender	✓		
Sexual orientation	✓		
Religion	✓		
Political opinion		✓	
Disability (physical and learning)	✓		
Race or ethnic origin (includes	✓		

Travellers)			
Age	✓		
Dependant responsibilities	✓		
Marital status	✓		

Please give reasons for your answer, including sources of data used:

The revised rules have a strong child-centred focus and provide for an inclusive approach with emphasis on children's rights under the law, equality, protection, participation and family involvement. They recognise that children within groups and across groups have different needs and are drafted with the aim of being flexible and responsive. They are informed by best practice and international guidance and represent a significant improvement on current provisions.

We are confident that the rules which provide a statutory framework of basic rights and principles, make provision for the different needs of these groups. Full effect is given to the rules through the Centre's operational policies and procedures.

Any additional comments:

PART II

3 Is there an opportunity to better promote equality of opportunity or better community relations by altering the policy or working with others in Government or in the larger community?

CATEGORY	YES	NO	DON'T KNOW
Gender		✓	
Sexual orientation		✓	
Religion		✓	
Political opinion		✓	
Disability (physical and learning)		✓	
Race or ethnic origin (includes Travellers)		✓	

Age		✓	
Dependant responsibilities		✓	
Marital status		✓	

Please give reasons for your answer, including sources of data used:

By moving beyond the existing Rules and aligning with best practice and international guidance, it is felt that the new rules will provide the scope for more fully promoting equality of opportunity.

The aim of the new rules is to substantively improve the legislative provision for all children placed in custody. These changes will benefit all section 75 groups who fall into the offender category.

The Centre, in promoting equality of opportunity and providing a positive and purposeful environment, delivers a range of programmes which challenge offending behaviour, promote citizenship and victim awareness, tackle subjects such as bullying, hate crime and provide support and advice on alcohol, substance abuse and drugs addiction or dependency.

As already illustrated this work and programmes to facilitate reintegration into the community, is undertaken in partnership with a wide range of agencies in the statutory and voluntary sectors and in conjunction with families and children themselves.

Data on each section 75 category is not routinely available in relation to young people in the justice system and there are obvious difficulties around collecting personal characteristics such as political opinion and sexual orientation.

PART II

- 4 Equality Commission guidance states that the screening process should include pre-consultation with those who may be affected by the policy. Have consultations with relevant groups, organisations or individuals indicated that the policy may create problems, which are specific to them?**

CATEGORY	YES	NO	DON'T KNOW
Gender	✓		
Sexual orientation		✓	
Religion	✓		
Political opinion		✓	
Disability (physical and learning)	✓		
Race or ethnic origin (includes	✓		

Travellers)			
Age	✓		
Dependant responsibilities	✓		
Marital status		✓	

Please give reasons for your answer, and details of any consultations that have taken place:

The Centre seeks to create an environment which promotes good and harmonious relations and inclusive relationships are fostered. Relevant groups have been invited to raise any equality related concerns through the full public consultation exercise which took place in relation to these proposals.

Specific categories highlighted in responses included, girls, children with special needs, disabilities, mental health issues, Muslim girls, untried children, learning, language and sensory difficulties.

Amendments have been made to the Rules in response to many of the issues raised including those relating to Section 75 issues. More detail is provided in the “summary of responses”. We are confident that the rules, which provide a statutory framework of basic rights and principles and take into account government’s obligations under Section 75, are sympathetic to and make provision for the needs of all these groups. Full effect is given to the rules through the Centre’s operational policies and procedures which will be subject to ongoing monitoring visits, research and inspection.

Have you answered YES?

If the answer to **any** of the questions in respect of any of the categories is “**YES**”, then you – in discussion with the Equality Unit – will need to consider whether the policy has a significant impact on equality of opportunity and, therefore, should be subject to an equality impact assessment.

If the answer to **all** the questions in section 2 is **NO** an equality impact assessment is not required.

If the answer to any of the above questions is **DON'T KNOW**, and common sense and experience indicate that a differential impact may be expected, you will need to discuss this with the staff in the Equality Unit.

PART II

It may be that a policy has an adverse differential impact on certain people in one or more of the categories as a consequence of targeting

or affirmative action to combat an existing or historical inequality. If this is the case, please give details below and contact the Equality Unit if you are in doubt:

Not applicable.

PART III

EQUALITY IMPACT ASSESSMENT RECOMMENDATION

Equality impact assessment procedures are confined to those policies considered likely to have significant implications for equality of opportunity.

1 If screening has indicated that a policy is having an adverse differential impact, how would you categorise it?

Please tick.

Significant impact	Low impact ✓
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2 Do you consider that this policy needs to be submitted to a full equality impact assessment?

YES	NO
	✓

If NO but the policy has significant impact, please give reasons for your recommendation:

Not applicable.

3. What data do you believe may be required to ensure effective monitoring of the policy in the future?

The planned scoping study to be undertaken by the Youth Justice Agency will consider the extent to which it is reasonable to obtain data on section 75 variables. Monitoring will be conducted in light of the outcome of this review and experience of the operation of the new rules.