

Department of Justice

Consultation on Single Youth Community Order

**Response from the Commissioner Designate
for Victims of Crime for Northern Ireland**

July 2025

1. General Comments

- 1.1 The Commissioner Designate welcomes the opportunity to provide input into this consultation to feed into the policy debate regarding youth community orders in Northern Ireland.
- 1.2 The Commission welcomes the intention to simplify the current youth community order system and to build in more flexible restorative justice work between victims and offenders.
- 1.3 It is great to see the intention and desire to merge the positive aspects of what is working well along with good practice from elsewhere to ensure we have the most effective model and range of options available to young offenders and victims in the effort to reduce reoffending.
- 1.4 As outline at section 2.13, it is important that the victim-centred approach is retained, and victims remain a key consideration in any activities

Specific Comments

Restorative Justice focus

- 1.5 The Commission very much welcomes the continued emphasis on restorative justice (RJ) and agrees with the point at 4.1 of the consultation document, which states that *'restorative approaches and victim involvement should remain central to the process, but should be flexible enough to allow this to happen at an appropriate stage of the disposal, not limited to the early stage.'*
- 1.6 The benefits of applying RJ approaches are well recognised and it is encouraging to note that the statutory timeframes and requirement to undertake this at the early stage of the order will no longer apply. These restrictive timeframes place undue pressure on victims, which can typically result in a less positive outcome.
- 1.7 It is also worth noting that RJ approaches achieve their full potential when they are entered into on a truly voluntary basis by both parties. It will therefore be essential that neither the young people or the victims are put

under pressure or feel obliged to engage for the sole reason of avoiding a breach of the order.

Simplification of Community Orders

- 1.8 The Commissioner Designate welcomes the proposal to merge multiple orders into one single order and the clarity that this should provide for both victims and offenders. The provision to build on orders and add on additional requirements where there is further offending or breaches is also important and will hopefully avoid the confusion that exists regarding repeat or multiple conferences.
- 1.9 The flexibility of one order and recognition that every case will need to be assessed and determined individually / proportionately is also welcomed. However, this must also be weighed against the impact of the offending on the victim(s).
- 1.10 The Commissioner also recommends that victims are made aware of any breaches to the order by the offender and notified about any additional requirements made to the order subsequently.

Electronic Monitoring

- 1.11 The consultation document at section 4.1 states '*Any new disposal should maximise all avenues to ensure that custody is used as a last resort. This could include, for example, greater use of curfews and electronic monitoring to restrict a child's movements whilst still enabling them to remain at home or within their community.*' The Commission would welcome such measures, in particular electronic monitoring as another tool to help manage offending and reassure victims. This should ideally be enhanced technology electronic

monitoring rather than the current landline mechanism, which is widely considered unfit for purpose.

Additional considerations

- 1.12 The Commission is content with the minimum duration for the new order as set out in the consultation document and has no strong view on the maximum duration other than that it should be in line with best practice.
- 1.13 The Commission acknowledges and appreciates the arguments against introducing drug testing as part of the new order. However, it would be worth exploring the learning from England and Wales to establish whether the evidence supports the arguments being set out in the consultation document (section 5.21) for not introducing this measure.
- 1.14 Having the option of doing a drug test available may be a helpful option in such cases where the offending escalates or it was potentially a sentence that may have had a custodial element. Having the option available doesn't mean it will be used routinely but it may be worthwhile to have it as back-up.

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