STATUTORY RULES OF NORTHERN IRELAND

2008 No. 427

CRIMINAL JUSTICE

Juvenile Justice Centre Rules (Northern Ireland) 2008

Made - - - -	*20th October 2008*
Coming into operation	*12th November 2008*

The Secretary of State makes the following Rules in exercise of the powers conferred by Article 52(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998(**1**).

PART 1

PRELIMINARY

Citation and commencement

1. These rules may be cited as the Juvenile Justice Centre Rules (Northern Ireland) 2008 and shall come into operation on 12th November 2008.

Interpretation

2. In these rules the following expressions have the meanings hereby assigned to them:—

"centre" means a juvenile justice centre provided under Article 51 of the Order;

"chaplain" means a minister of any denomination approved by the director;

"Chief Constable" has the same meaning as in section 77 (1) of the Police (Northern Ireland) Act 2000(**2**);

"DHSSPS" means the Department of Health, Social Services and Public Safety;

"director" means the person for the time being having the management or control of a centre;

"doctor" means a registered medical practitioner who provides primary services;

"education" means all education including vocational training, physical education, programmes and activities designed to tackle offending behaviour;

"food" includes drink;

(**1**) S.I.1998/1504 (N.I. 9)
(**2**) 2000 c. 32

"healthcare officer" means a member of the medical and nursing professions employed in a centre;

"inspector" means any authorised person exercising his powers under Article 55 of the Order;

"legal adviser" means, in relation to a child, the child's counsel or solicitor and includes an accredited clerk acting on behalf of a solicitor;

"the Order" means the Criminal Justice (Children) (Northern Ireland) Order 1998;

"parent" includes the legal guardian or authority who has for the time being responsibility for the child;

"police officer" has the same meaning as in section 77 (1) of the Police (Northern Ireland) Act 2000;

"school" includes other educational alternatives;

"single separation" means a child being locked in a room on his own, other than in his own bedroom at normal bedtime;

"staff" means staff employed in a centre.

Revocation

3. The Juvenile Justice Centre Rules (Northern Ireland) 1999(**3**) are revoked.

Statement of aims

4.—(1) The aims of a centre are to:—

(a) protect the public by accommodating children ordered to be detained therein in a safe, secure and caring environment; and

(b) work to reintegrate children into the community.

(2) These aims shall be achieved having regard to the following principles:—

(a) children shall be held in a safe, secure and caring environment which promotes their health, well-being and best interests;

(b) a centre shall provide a positive and purposeful environment offering high standards of education and programmes to support learning, challenge offending behaviour and promote active citizenship;

(c) children and their families shall be treated fairly, equitably and with dignity and respect, and children and their families shall be encouraged and enabled to contribute to decisions which affect them;

(d) a centre shall work to develop and maintain links with family, school and other sources of support to assist the reintegration of the children into the community;

(e) children shall retain all rights and entitlements except those limited as a consequence of their detention in a centre;

(f) a centre shall work in partnership with other statutory or voluntary agencies and, in particular, those responsible for a child's supervision under a juvenile justice centre order;

(g) a centre shall have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial or ethnic group, age, marital status or sexual orientation, between male and female generally, between persons with a disability and persons without; and between persons with dependants and persons without;

(**3**) S.R. 1999 No. 28

(h) due regard shall be paid to the privacy of the children consistent with safety, security and communal living.

(3) These principles, taken together, are intended as a guide to the interpretation and application of these rules.

(4) A copy of these rules shall be made available and accessible to each child committed to a centre on remand or detained in a centre under a juvenile justice centre order and to the parent of such a child.

(5) A child friendly version of these rules shall be included as part of the information provided under rule 11.

(6) A statement of the aims in this rule and how they are to be achieved shall be prepared and displayed in a centre and shall be made available on request.

Application of rules during an emergency

5. Where there is an emergency affecting the safe and secure operation of a centre the Secretary of State may direct that these rules shall only have effect to the extent consistent with action necessary to deal with that emergency.

PART 2

MANAGEMENT

Role of a director

6. A director discharges his duties and responsibilities under the Order by:—

(a) the implementation of these rules through the application of a range of policies and procedures which set out how the centre will be run; and

(b) the efficient running of the centre consistent with the safety and well-being of children, staff and other people visiting or working there.

Policies and procedures

7. A director shall establish, implement and keep under review a set of policies and procedures which comply with current statutory provisions and is published and which shall include all of the following:—

(a) assessment and management of risk

(b) care and protection of children;

(c) education and activities;

(d) programmes for tackling offending;

(e) healthcare;

(f) security and safety;

(g) management and staffing;

(h) involvement with families; and

(i) partnership working with agencies.

Authority for detention

8.—(1) A child shall not be received into a centre without a valid order of committal, warrant or certificate authorising his detention in a centre.

(2) The details of such order, warrant or certificate and any subsequent direction of a court shall be immediately recorded.

Additional needs

9. A director shall ensure that procedures are in place to enable a child with additional needs to be given such individual support, aids and equipment as he may require as a result of any disability, health need, learning or language difficulty.

Consultation and participation

10. A director shall ensure that the children are encouraged and enabled to express their views on matters that concern them and the services they receive and that due weight is given to such views in accordance with the age and maturity of the child.

Information to children

11.—(1) A centre shall provide timely and relevant information regarding the operation of the centre to children received into the centre.

(2) Each child shall be provided as soon as practicable after his reception into a centre with sufficient information to enable him to understand:—

(a) the requirements of the centre and the facilities and programmes available;

(b) the provisions of these rules as they are relevant to the child;

(c) the proper methods of seeking further information and making contact with his parent, relatives, a legal adviser or an independent representative; and all such matters which are necessary to enable the child to fully understand his rights and obligations while in the centre.

(3) Particular attention shall be paid to ensuring that the child is aware of and understands the procedure for making a complaint.

(4) Information provided under this rule shall be made available in writing and in accessible formats for a child to consult in his own time.

(5) The director shall explain the information provided in a way which takes account of the age and understanding of the child.

(6) Where a child is not fluent in English all reasonable steps shall be taken to provide the services of an interpreter, in particular during medical examinations and disciplinary proceedings.

Information to parents

12. The director shall provide timely and relevant information to the parent of a child received into custody throughout the child's stay and on the child's transfer or release.

Inspections

13.—(1) The director shall facilitate an inspection of a centre by a person authorised by the Secretary of State under Article 55 of the Order.

(2) A person conducting an inspection under this rule or a person accompanying him may for the purpose of that inspection:—

(a) enter any part of the premises of the centre;

(b) conduct an interview with any person; and

(c) examine records relating to the centre subject to any issues of confidentiality which may require consent.

(3) A person who has been authorised to conduct an inspection under this rule shall report in writing to the Secretary of State and the report shall be published in such manner as the Secretary of State may direct.

Monitoring visits

14. A centre shall be visited at least once a month by a person approved by the Secretary of State. The person carrying out the visit may:—

(a) conduct an interview with any person;

(b) inspect the premises;

(c) examine relevant records relating to the centre subject to any issues of confidentiality which may require consent; and

(d) submit a written report to the Secretary of State and the director.

PART 3

CARE AND PROTECTION OF CHILDREN

Initial interview and assessments

15.—(1) The director shall interview a child at the time of reception and in any case within 24 hours and shall ensure that any relevant matters or concerns are noted and dealt with appropriately.

(2) Subject to the period of detention of a child a range of assessments shall be undertaken which shall include:—

(a) a risk assessment within 24 hours;

(b) an initial health assessment by the healthcare officer within 24 hours and an assessment by a doctor within 7 days;

(c) an education assessment; and

(d) an assessment of need.

(3) Based on these assessments a plan shall be prepared for the management and care of a child in custody.

(4) Such assessments and plans shall be kept under review on a timely basis.

(5) The preparation and reviewing of a plan prepared under paragraph (3) shall be undertaken in consultation as appropriate with:—

(a) the child;

(b) the other statutory or voluntary agencies and, in particular, those responsible for the child's supervision under a juvenile justice centre order; and

(c) the child's parent.

(6) The director shall nominate a member of staff to prepare, supervise and review the care plan of each child and to carry out the consultation referred to in paragraph (5).