

Impact case study (REF3)

Institution: University of Liverpool		
Unit of Assessment: UoA 20 – Social Work and Social Policy		
Title of case study: Youth justice and penal detention in Ireland: improving policy and practice and holding public bodies to account.		
Period when the underpinning research was undertaken: 2000-2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s): Barry Goldson	Role(s) (e.g. job title): Professor/Charles Booth Chair of Social Science (Professor Emeritus from 30/09/2020)	Period(s) employed by submitting HEI: 01/09/1993 – 30/09/2020
Period when the claimed impact occurred: 2016-2020		
Is this case study continued from a case study submitted in 2014? N		
1. Summary of the impact		
<p>In 2016, following a series of major incidents at the national penal detention facility for young people in Ireland (Oberstown Detention Campus), the Oberstown Board of Management, acting on behalf of the Government Minister for Children and Youth Affairs, commissioned an 'Operational Review'. Goldson's extensive research in the youth justice and penal detention fields resulted in his appointment to co-lead the Review and the Minister described its recommendations – directly informed by insights and findings from the underpinning research - as being 'at the kernel of how we move forward' and as shaping 'a significant package of reform'. Following the adoption and implementation of the recommendations, both internal and 'arms-length' monitoring mechanisms have provided a wide-range of evidence verifying improvements in policy and practice over the period 2017-2020. The sustained high-profile national attention that the Review attracted and continues to attract (from politicians, print and broadcast media and civil society organisations) has also served to hold public bodies to account.</p>		
2. Underpinning research		
<p>The underpinning research comprises a coherent programme of work led by Goldson over two decades, focusing principally on the functioning and effects of criminal/youth justice systems (especially penal detention), benchmarked against the provisions of international law/human rights standards.</p> <p>In the early 2000s, two of Goldson's overlapping national studies - the 'National Remand Review' (2000-03) and 'Vulnerability and Custody' (2000-04) (both funded by The Children's Society) - detailed the myriad vulnerabilities of young prisoners including their exposure to processes that often violate international human rights law/standards (3.1). Practices including 'restraint' and single separation (solitary confinement) were found to be particularly problematic for all young prisoners and, at the extremes, were shown to be fatal. Building upon this work, 'Youth Deaths in Prison Custody' (funded by INQUEST, 2003-05) was the first detailed study to explicitly centre youth deaths in penal detention. The research revealed the vital importance of independent transparent review and accountability mechanisms in order to draw lessons from critical incidents in youth penal detention and to apply such lessons in ways that improve policy and practice (3.2).</p> <p>Young people with complex needs and mental health conditions are especially vulnerable and key insights and findings provided by the 'Youth Justice and Mental Health Diversion' study (funded by the NIHR, Department of Health, 2011-13), indicated that to obtain best outcomes for such young people clear, consistent and human rights-compliant policies and practices - that address their specific needs - and the systematic provision of appropriate staff training, regular supervision and accountability structures are imperative (3.3).</p>		

The principal insights and findings provided by the 'Knowledge, Effectiveness and Human Rights in the Youth Justice Sphere' research (funded by the Leverhulme Trust, 2012-13), relate both to the potential for international human rights law/standards to positively shape best policy and practice in youth justice and penal detention but also to barriers and forms of resistance that can impede the implementation of such standards (3.4). Similarly, by engaging trans-national longitudinal research the 'Comparative Youth Penalty Project' (funded by the Australian Research Council, 2013-15), further examined both the prospects and the limitations of international law/standards to drive best practice in youth justice and penal detention (3.5 and 3.6).

Goldson's track-record of directing the extended programme of research, together with the salience of the insights and findings provided by the same research, led (in September 2016) to his appointment to co-lead the 'Operational Review' of Oberstown (with Professor Nick Hardwick, previously HM Chief Inspector of Prisons and Chair of the Parole Board in England and Wales).

3. References to the research (all outputs are available on request).

1. Goldson, B. (2002) *Vulnerable Inside: Children in secure and penal settings*. London, The Children's Society (173 pages, ISBN: 1-899783-43-1).
2. Goldson, B. and Coles, D. (2005) *In the Care of the State? Child deaths in penal custody in England and Wales*. London, INQUEST (158 pages, ISBN: 0-9468-5819-5).
3. Haines, A., Goldson, B. Haycox, A., Houten, R., Lane, S., McGuire, J., Nathan, T., Perkins, E., Richards, S. and Whittington, R. (2012) *The Youth Justice Liaison and Diversion (YJLD) Pilot Scheme Final Report*. (201 pages, available at: <https://www.gov.uk/government/publications/evaluation-of-the-youth-justice-liaison-and-diversion-pilot-scheme-final-report>).
4. Goldson, B. and Muncie, J. (2012) 'Towards a global 'child friendly' juvenile justice?', *International Journal of Law, Crime and Justice*, 40(1): 47-64 (ISSN: 1756-0616, doi:10.1016/j.ijlcrj.2011.09.004).
5. Goldson, B. (2015) 'The Circular Motions of Penal Politics and the Pervasive Irrationalities of Child Imprisonment', in Goldson, B. and Muncie, J. (eds.) *Youth Crime and Justice*. London: Sage (pp. 170-190, ISBN 978-1-44621-083-3).
6. Cunneen, C. Goldson, B. and Russell, S. (2018) 'Human rights and youth justice reform in England and Wales: A systemic analysis', *Criminology and Criminal Justice*, 18(4): 405-430 (ISSN: 1748-8958, doi:10.1177/1748895817721957).

Evidence of the quality of the underpinning research – beyond the normal peer-review conventions - include: Goldson's conferment as a Fellow of the Academy of Social Sciences in 2017 (<https://www.acss.org.uk/fellow/professor-barry-goldson-facss/>); his appointment to the Expert Advisory Board of the United Nations Global Study on Children Deprived of Liberty in 2017 (one of 22 'highly renowned experts in the field of children's rights'): <https://www.ohchr.org/EN/HRBodies/CRC/StudyChildrenDeprivedLiberty/Pages/StrategicPartner.aspx>); and the bestowal - by the International Juvenile Justice Observatory (IJJO) - of the 'Juvenile Justice Without Borders International Award' in 2018 (<http://www.oijj.org/en/oijj-international-award/2018>).

4. Details of the impact

In September 2016, following a protracted series of major incidents at Oberstown (culminating in inmate protests and a fire that caused widespread damage estimated to cost €3.5 million – 5.1(i)), the Oberstown Board of Management, acting on behalf of the Government Minister for Children and Youth Affairs, commissioned an 'Operational Review' and Goldson was appointed to co-lead it (with Hardwick) (5.1(ii) and 5.1 (iii)).

The principal purpose of the Review was to provide research-informed recommendations to improve policy and practice at Oberstown. The enduring impact on significantly and measurably improving human rights-compliant policy and practice at Oberstown is yielding major demonstrable benefits for young people in detention in Ireland and for the staff who work with them.

The ongoing impact on holding public bodies to account and exposing them to high-level scrutiny imposes a wider reach that is extending across a diverse range of publics including Parliamentarians and policy-makers, the Children's Ombudsman's office in Ireland, children's/human rights agencies, penal reform organisations and the general public.

Evidence of impact on improving policy and practice

In March 2017, Goldson (and Hardwick) submitted a detailed report of the Operational Review to the Minister for Children and Youth Affairs and to the Oberstown Board of Management. The report contained 95 recommendations that were distinctly and materially informed by insights and findings drawn from the underpinning research (see section 2 above). Both internal and 'arms-length' monitoring mechanisms, together with numerous debates, statements and both oral and written questions/answers during sittings of the Dáil Éireann, Houses of the Oireachtas (Ireland's Parliament) and the Joint Oireachtas (Parliamentary) Committee on Children and Youth Affairs, have subsequently provided a wide-range of evidence verifying that the adoption and implementation of the recommendations has impacted positively on improving policy and practice at Oberstown over the period 2017-2020.

Almost immediately after receiving the Report of the Operational Review (and cognate reports obtained from other reviews), the Minister for Children and Youth Affairs established a 'Review Implementation Group' (RIG). Chaired by the Chairperson of the Oberstown Board of Management and including representatives from the Government Department for Children and Youth Affairs and other key stakeholders, the RIG was tasked with 'referring all recommendations with policy and/or resource implications to the Minister for consideration [and] to propose a timed, costed schedule with designated responsibilities for implementation of the recommendations' (**5.2: page 9, para 4.1**). The RIG met on ten occasions - between March and December 2017 - before publishing a 'Final Report' on December 22, 2017 in which it set out 'key themes and priorities' for driving reforms (**5.2: pages 11-13**).

Alongside the RIG - that was required to report to the 'Board and the Minister on a monthly basis on the implementation of the review's recommendations' (**5.2: page 9, para 4.1**) - the Oberstown Board of Management also constituted a specific sub-committee to explicitly monitor progress in respect of the 95 'Operational Review' recommendations. In July 2017, the Board published a 23-page report in which it forensically and systematically set out its responses to 'each and every recommendation... [detailing] the measures that... have been taken or are due to be taken in the areas identified' (**5.3: page 3**).

In a companion report also published in July 2017, the Oberstown Board of Management stated: 'the recommendations [of the 'Operational Review'] address matters of national youth justice law and policy... and identify the steps necessary to ensure that better care is provided to young people on Campus. Recommendations address the use of restrictive practices, such as... single separation and restraint, and highlight the need for inclusive, post-incident reviews. The Review also addresses... the need to... strengthen management capacity and ensure that all staff are trained, supervised and held to account in the provision of high-quality care... the implementation of these recommendations is well underway' (**5.4: pages 5-6**).

The 'Oberstown Strategic Plan' (2017-20) was also published in 2017. The 'strategic objectives' for driving reform that are prioritised in the Plan mirror the 'Operational Review' recommendations that are explicitly informed by insights and findings drawn from the underpinning research including: the provision of best quality and human rights-compliant care for young people in detention; the systematic implementation of staff training, development and supervision; the

operationalisation of policies, procedures and standards consistent with international standards and; the application of robust governance and effective accountability mechanisms (**5.5: *passim***).

Additional evidence of positive and enduring impact on improving policy and practice is provided by arms-length monitoring mechanisms. On October 17, 2018, the Minister for Children and Youth Affairs wrote to Goldson and Hardwick stating: 'HIQA [Health Information and Quality Authority] is authorized... under the Children Act 2001 to undertake inspections of Oberstown Children Detention Campus... [it] published the report of this inspection this week... Overall the inspection found that... improvements were evident... as you know the recommendations from your report, all of which are at the kernel of how we move forward... are being implemented as part of a significant package of reform in Oberstown' (**5.6**). More specifically, the HIQA report published in 2018 notes: 'progress was evident in relation to... children's rights and care of children... improvements with respect to the planning and review of children's care... [and] a reduction in the use of restrictive practices' (**5.7(i): pages 7-8**). With specific regard to the use of 'single separation' (solitary confinement), for example, HIQA reported a 56% reduction 'in the use of this type of intervention' compared to the corresponding period in the previous year (**5.7(i): page 24**).

Further, the HIQA report of its inspection of Oberstown conducted in July 2019 (and published in January 2020) verifies that improvements in policy and practice are being sustained. It refers to 'a cultural shift... [that] promoted a less restrictive living environment for young people... The director was held to account by the board and there was a system in place to monitor and track the implementation of all required actions at an operational level... It was evident that the stabilisation of the campus had allowed for an increased focus on the care of young people, which included how day to day care was planned and delivered' (**5.7(ii): pages 7-9 *passim***).

Finally, evidence provided by 'arms-length' HIQA reports is consistent with the repeated written and oral statements/answers that the Minister has persistently issued to the Joint Oireachtas (Parliamentary) Committee on Children and Youth Affairs and to the Dáil Éireann, Houses of the Oireachtas (Ireland's Parliament) to the effect that the recommendations of the 'Operational Review', informed by the insights and findings from the underpinning research are: 'at the kernel of how we move forward to make Oberstown a safer place for young people and staff' and that 'the implementation of these recommendations has been my key priority to bring about improvements in standards. My Department is supporting and, where appropriate, monitoring the changes necessary to ensure that international standards and best practice are observed and to identify and address any barriers or challenges to maintaining our ethos of care' (December 18, 2018 - **5.8i: page 5**; see also September 20, 2018 - **5.8ii** and February 13, 2019 - **5.8iii**).

Evidence of impact on holding public bodies to account

Notwithstanding the publication of the recommendations of the 'Operational Review' and extensive evidence of impact in improving policy and practice (and directly benefiting young people and staff at Oberstown), both the Government Minister and the Oberstown Board of Management have thus far refused to publish the full Report and to place it in the public domain. Paradoxically, however, such resistance has yielded significant positive impact by holding public bodies to account, exposing them to high-level scrutiny and generating authoritative debate.

From 2017-present, sustained demands for the publication of the full Report have included major investigative journalistic interventions predicated upon extensive data obtained via Freedom of Information legislation. For example, prime-time national radio documentary coverage on RTE exposed high-level resistance to public scrutiny (November 11, 2018) (**5.9i**). Such resistance has been met by repeated calls from numerous authoritative bodies for the full Report to be made available in the public interest including: the Ombudsman for Children appearing before the Joint Committee on Children and Youth Affairs (January 16, 2018) (**5.9ii: page 10**); the Taoiseach [Prime Minister] being pressed to order the publication of the full Report in the Dáil Éireann, Houses of the Oireachtas (November 14, 2018) (**5.9iii: page 932**); extended oral questioning of the Minister for Children and Youth Affairs in the Dáil Éireann (December 13, 2018) (**5.9iv: pages 14-17**); public statements via agency web-pages including the Irish Penal Reform Trust (May 31,

2019) (5.9v) and, most recently, further written questions tabled in the Dáil Éireann to the incoming Minister for Children, Disability, Equality and Integration (September 29, 2020) (5.9vi). Further, Goldson and Hardwick made a lengthy appearance before the Joint Committee on Children and Youth Affairs (January 30, 2019) (5.10i: pages 1-22) and subsequently received correspondence from the Chair of the Committee confirming that: 'it is the Committee's view that the report should be published' (July 24, 2019) (5.10ii).

5. Sources to corroborate the impact (all corroborating sources are available on request)

5.1. Evidence (national media coverage) of major incidents at Oberstown and Professor Goldson's appointment to co-lead the Operational Review.

5.2. 'Review Implementation Group Final Report', 27 pages, December, 2017 (sets out 'key themes and priorities' for programme of reform).

5.3. 'Oberstown Children Detention Campus: Response of the Board of Management to the Recommendations of the Operational Review', 23 pages, July 2017 (systematically specifies responses to every recommendation and details the measures taken or scheduled to be taken towards adoption and implementation).

5.4. 'Oberstown Children Detention Campus: Summary Report of External Reviews', 10 pages, July 2017 (reports that the implementation of the Operational Review recommendations - directly informed by the underpinning research - is 'well underway').

5.5. 'Oberstown Children Detention Campus: Strategy 2017-2020', 8 pages (provides evidence that the 'strategic objectives' for driving reform mirror 'Operational Review' recommendations explicitly informed by insights and findings from the underpinning research).

5.6. Letter from Minister for Children and Youth Affairs addressed to Professor Goldson and Professor Hardwick, October 17, 2018 (confirming the Operational Review recommendations positively impacted on improvements in policy and practice and a 'significant package of reform').

5.7. HIQA (2018) 'Report of Oberstown Children Detention Campus', unannounced inspection 7-13 March 2018, 72 pages and HIQA (2020) 'Report of Oberstown Children Detention Campus', announced inspection 16-18 July 2019, 28 pages ('arms-length' inspection reports verifying sustained improvements in policy and practice directly informed by underpinning research and recommendations).

5.8. Ministerial written and oral statements/answers to the Joint Oireachtas Committee on Children and Youth Affairs and to the Dáil Éireann, Houses of the Oireachtas, 2018-19 (confirming that the research/recommendations are 'at the kernel' of policy and practice reform).

5.9. Corroborating sources drawn from national media, Parliamentary and civil society interventions, 2017-2020 (provides evidence of impact on holding public bodies to account and exposing them to authoritative high-level scrutiny).

5.10. Transcript of Professor Goldson and Professor Hardwick appearing before the Oireachtas Joint Committee of Children and Youth Affairs, 22 pages, and correspondence from the Chair of the Committee to Professor Goldson (provides evidence of impact on holding public bodies to account).