



**Response to**

**'Consultation on Establishment of a Regional Care  
and Justice Campus'**

**January 2021**

## 1.0 INTRODUCTION

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UNISON is the leading trade union in Northern Ireland (NI), representing over 45,000 members, and is the largest trade union in the UK with over 1.3 million members. Our membership includes public service workers in health and social care; the education and higher education services; local government; youth justice; private companies providing public services; and the community and voluntary sector. 84% of our membership in Northern Ireland are women.

UNISON members work directly with children and young people whose liberty has been restricted within both the Woodlands Juvenile Justice Centre (JJC) and Lakewood Secure Care Centre (SCC). The proposals contained within this consultation document will directly affect not only the children and young people within the JJC and SCC, but also the workforce across both facilities and the wider workforce working with vulnerable children and young people across Northern Ireland. This submission has been made in consultation with our members and their representatives across both the JJC and SCC.

In relation to this consultation, UNISON not only seeks to protect and promote the rights of our members, but equally importantly we advocate for the rights of all children and young people whose liberty is restricted within the JJC and SCC, in line with the human rights standards set under the UN Convention on the Rights of the Child.

We are acutely aware that the children and young people detained in both facilities are vulnerable and will often have multiple complex needs. In our view, the response of the state to children and young people who have offended or who have been accused of committing criminal offences, and children and young people whose liberty is

restricted due to the risk of them suffering significant harm, or injuring themselves or others, must always be needs based and needs led.

## **2.0 BACKGROUND AND CONTEXT**

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Lakewood Secure Care Centre is the regional facility for children and young people assessed as requiring secure accommodation under Article 44 of the Children (Northern Ireland) Order 1995. This is on the basis that they are a looked after child with a history of absconding from where the Trust is providing them with accommodation, and are likely to abscond from any other description of accommodation; and if they abscond, are likely to come to significant harm; or if kept in another description of accommodation are likely to injure themselves or others.

The SCC can accommodate a maximum of 16 children across three secure homes, two with six beds each and one with four beds. The SCC is the only dedicated secure care provision in Northern Ireland. The South Eastern HSC Trust is commissioned by the Health and Social Care Board (HSCB) to run the Centre.

Woodlands Juvenile Justice Centre is operated by the Youth Justice Agency and accommodates children who have either been remanded in custody, received a custodial sentence from the courts, or have been placed there by police following arrest as a 'place of safety' under the provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE). The JJC can accommodate a maximum of 48 children, although it is currently staffed and resourced for 36 children at any one time. Looked after children are disproportionately more likely to find themselves detained within the JJC.<sup>1</sup>

Both facilities are located in Bangor and are in close proximity to one another.

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<sup>1</sup>Consultation document, p.12.

The consultation document sets out that in January 2017, following recommendations from an RQIA inspection and growing concern that children in care, often with the most complex needs, were spending periods of time within these facilities and experiencing repeat admissions, the Department of Health (DoH) and HSCB - in collaboration with the Department of Justice (DoJ) - commissioned a review of existing Regional Facilities for Children and Young People. This review reported in December 2018 and recommended the establishment of a new integrated Regional Care and Justice Campus for Northern Ireland comprising the SCC at Lakewood and the JJC at Woodlands.<sup>2</sup>

It is proposed within this consultation that a new Secure Care Centre will be based in Bangor and will comprise the two facilities currently operating as Lakewood Secure Care Centre and Woodlands Juvenile Justice Centre. Each facility will be made up of separate houses. The larger of the two facilities (Facility A) will have six houses, initially with six beds each. The smaller of the two (Facility B) will have three houses— two with four beds and one with two beds. In total, the secure care centre will have 46 beds.

Over time, the longer-term goal will be to reduce the capacity of the secure care centre so that no house accommodates any more than four children at any one time, giving a maximum capacity of 34. It is also proposed that consistent standards will apply across both facilities.<sup>3</sup>

In addition it is proposed that a regional Care and Justice Campus will extend to multiagency satellite provision, including a step-down facility and community-based

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<sup>2</sup> Consultation document, p.14

<sup>3</sup> Consultation document p.20

provision.<sup>4</sup> In addition, we understand from meeting with DoH officials that Facility A will be the JJC site and Facility B the SCC site.

Within the consultation document it is stated that the proposals being consulted upon have been developed jointly by the Departments of Health and Justice, in consultation with relevant stakeholders including staff and their representatives in both Lakewood and Woodlands.<sup>5</sup> As a trade union representing staff across both Lakewood and Woodlands, UNISON does not agree with this statement. Whilst we have sought to engage with this process, it has been on the basis of seeking to obtain the detailed information required to ensure our members can be meaningfully consulted on significant changes that will impact on their day-to-day work. We further understood from other stakeholders engaged in the development of these proposals that they do not fully endorse them.

### **3.0 WORKFORCE CONSIDERATIONS**

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UNISON notes that the consultation document marks Phase 2 of the Programme for development of the Regional campus, with Phase 3 being the implementation phase. The DoJ and DoH indicate that it is this point that the detail of how the Campus will operate in practice will be further developed in consultation with all relevant stakeholders. This will include consideration of the standards and regulatory framework within which the Campus will operate. It is stated that further targeted consultation on these operational matters will occur during the implementation phase.<sup>6</sup> We further note that the consultation document states that no decisions have yet been taken in relation to staffing of the Secure Care Centre or across the Campus and that no decisions relating to staffing in the Secure Care Centre will be taken without the full

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<sup>4</sup> Consultation document, p.7.

<sup>5</sup> Consultation document, p.6.

<sup>6</sup> Consultation document p.9

involvement of trade unions and staff.<sup>7</sup> **Such discussions must now begin as a matter of urgency.**

**UNISON has met with DoH officials during the consultation period and expressed the concern of our members working across both the JJC and SCC that these issues of major significance to our members have yet to be subject to any discussion with them and UNISON as their trade union. We are very concerned that such discussions are only proposed to take place during an implementation phase of these proposals, after significant decisions have already been made without full workforce involvement. The creation of a Regional Care and Justice Campus can only be successful where the workforce and their trade unions have been fully engaged and consulted as part of its development and have had legitimate questions, concerns and issues heard, considered and acted upon. UNISON has set out a number of these below in relation to which much greater clarity and transparency are needed:**

**Staffing levels and ratios:** As the consultation document sets out, the current maximum capacity of secure accommodation across both the Woodlands and Lakewood sites is 64. As admissions have been on a downward trend for the last several years, it is proposed that the new Secure Care Centre will have a maximum capacity of 46 initially, falling to a maximum capacity of 34 over two years of operation.<sup>8</sup> **UNISON is supportive of the intention behind these proposals, which is to reduce the numbers of children and young people deprived of their liberty within either the JJC or SCC, in line with Article 37(b) of the UNCRC which requires that depriving a child of their liberty should only be used as a measure of last resort.**

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<sup>7</sup> Consultation document p.56

<sup>8</sup> Consultation document, p.20

However, it is clear that significantly reducing the capacity across both the JJC and SCC will have an impact on the workforce. No analysis is provided within the consultation document of the workforce compliment across both sites; nor is there any proposal made in relation to what workforce may be needed within a new Secure Care Centre model. In addition, given that we understand that Facility A will be the JJC site and Facility B the SCC site, there is no clarity currently as to whether staff may be redeployed from one site to the other.

**In UNISON's view there must be urgent engagement with the workforce and their representative trade unions on these points. The implications for the workforce around fundamental issues including the quantum of jobs; redeployment; training; and the effect on terms and conditions of employment must all be urgently addressed. Whilst DoH officials have indicated that discussions on these issues will commence early in 2021, in our view such discussions should already have been an integral part of developing proposals up to this point. They must now be taken forward hand in hand with any further work on the development of a new Regional Care and Justice Campus.**

UNISON will not accept proposals for service reconfiguration which result in a loss of the quantum of jobs; or which negatively affect the terms and conditions of employment of our members. **Change protocols must be developed in conjunction with trade unions which protect the existing workforce, including a commitment to:**

- **properly conducted screening and a full equality impact assessment in compliance with Section 75 of the Northern Ireland Act 1998, approved Equality Schemes and Equality Commission Guidance;**
- **no compulsory redundancy;**
- **redeployment plans;**

- **training and re-training for existing staff adopting new roles; and**
- **protocols for permanent protection;**

In addition a key issue here raised by our members relates to the staffing ratios that will be deployed within the new Secure Care Centre. There is no clarity in relation to this issue within the consultation document. However it is notable that within the consultation document reference is made to the positive impact that staff can have on the children and young people within both the JJC and SCC. This should be built upon within any proposed new models.

**Standards and training:** As highlighted above, the consultation document states that consistent standards will apply across the new Secure Care Centre. However as the consultation document also highlights, currently Lakewood and Woodlands are governed by different standards and regulatory/inspection regimes. It is proposed that following this consultation, work will be undertaken with “relevant stakeholders” to develop and agree the relevant standards and operating practices.<sup>9</sup>

**UNISON requires assurances that we will be fully engaged on behalf of our members in any and all discussions on developing consistent standards across a new Secure Care Centre from the earliest possible stage.** Our members across both facilities are acutely aware that they currently work in separate facilities, operated by different employers, with differing policies and procedures across a range of issues affecting both the children and young people they care for and themselves. Both sites have differing management structures and differing issues affecting staff (referred to in more detail below). Different staff also work to different professional standards.

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<sup>9</sup> Consultation document, p.20.



**We will require assurances that full training will be provided to all staff on any new or amended policies and procedures that will apply in the Secure Care Centre.**

**Regional Framework for Integrated Therapeutic Care:** The consultation document highlights that the DoH has been leading the development of a new Northern Ireland Framework for Integrated Therapeutic Care (NIFITC) for Looked After Children. This will be adopted not only in the regional Care and Justice Campus but across all settings for looked after children.<sup>10</sup> It is also proposed that a multi-disciplinary team is established in the Secure Care Centre to co-ordinate the development and implementation of a holistic therapeutic plan for each child.<sup>11</sup>

In meeting with DoH officials, UNISON representatives from both the JCC and SCC have sought greater clarity from them in relation to the implications that this new Framework will have for their practice, as well as the practice of all those working with looked after children in the wider community. We have also sought further detailed information on the skills mix that workforce within the new Regional Campus will be required to have. UNISON is due to meet with Departmental officials specifically on the development of this framework shortly and will be seeking greater clarity on these issues.

**Governance and accountability arrangements:** We firstly note the proposal here that a Head of Operations will be appointed who will have day to day responsibility for the operation of the Secure Care Centre and the on-site step-down unit. It is proposed that the appointment of a Head of Operations will be required in law and that their specific role and responsibilities will also be specified in legislation. It is also proposed that the Head of Operations will be appointed as early as possible to oversee the move towards

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<sup>10</sup> Consultation document, p.29.

<sup>11</sup> Consultation document, p.29

a Secure Care Centre comprising the current Lakewood and Woodlands sites, initially in a shadow phase.<sup>12</sup>

As we have highlighted above, both the JJC and SCC are currently operated separately by differing public authorities that are themselves accountable to differing NI Executive Departments. Staff within the JJC and SCC operate under differing managerial and team structures and currently no integrated managerial or oversight structures exist across both sites. The creation of a new Head of Operations role will obviously raise a number of important questions for staff in terms of both their day-to-day line management and the overall leadership and direction of a new Regional Campus, issues which may prove particularly difficult during any transition period to a new Regional Campus.

All staff, including staff who currently have managerial responsibilities or are part of the senior management teams across both the JJC and SCC will need to be involved in detailed discussions on the development of new managerial structures. Given the proposal that a Head of Operations will be appointed shortly these discussions should begin without delay. There should be no confusion as to where both authority and accountability lie.

Several options are presented within the consultation document in terms of accountability and responsibility for running the Regional Care and Justice Campus.<sup>13</sup>

**In our view it is regrettable that these options have been presented for public consultation before detailed discussions have taken place with the workforce and their trade unions on these options and the impact that they could have on the workforce.** In the absence of such detailed discussion it is difficult for us to meaningfully respond at this stage in relation to the appropriateness of these options.

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<sup>12</sup> Consultation document p.44

<sup>13</sup> Consultation document, p.44 – 47.

However, we would highlight the following significant issues which are not referred to or addressed within the consultation document:

- It is unclear from the consultation document what role would be played by the public authorities who currently operate the JJC and SCC (the Youth Justice Agency and South Eastern HSC Trust) if accountability for running the Regional Care and Justice Campus was to pass to one Government Department, as is proposed in option 1, or both the DoH and DoJ under a formally constituted Partnership Agreement as suggested under option 2.
- Our members working in the JJC are employed by the YJA, with members in the SCC employed by the South Eastern HSC Trust. **It is unclear who their employer would be under these options, particularly options 3 and 4 which appear to effectively propose that one of these arms-length bodies would run the new Campus, as opposed to both the YJA and SE Trust continuing to take responsibility.** Any proposal to have a single employer for the entire workforce within a Regional Care and Justice Campus would be immediately complicated by the fact that workers within the SCC are employed under HSC Agenda for Change pay and terms and conditions, whilst workers within the JJC are employed on a mixture of NJC and civil service pay and terms and conditions.

**UNISON requires urgent and substantive engagement on all of these issues which could have serious implications for our membership across both the JJC and SCC.**

#### 4.0 SECTION 75 OF THE NORTHERN IRELAND ACT 1998

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UNISON notes that an equality screening exercise for these proposals has been carried out by the DoH and DoJ, but has resulted in the policies being screened out as not requiring a full Equality Impact Assessment (EQIA) at this stage.

UNISON requests that this decision be reviewed and that the proposals be subject to a full EQIA, including the required public consultation. **In our view the equality screening that has been carried out by the Department is incomplete and subsequently the Department has breached its obligations under section 75 of the Northern Ireland Act and its approved Equality Scheme.**

Section 4.3 of the both the DoH and DoJ approved Equality Scheme states that:

*“The Department will use the tools of screening and equality impact assessment to assess the likely impact of a policy on the promotion of equality of opportunity and good relations. In carrying out these assessments we will relate them to the intended outcomes of the policy in question and will also follow:*

- *the guidance on screening, including the screening template, as detailed in the Commission’s Guidance ‘Section 75 of the Northern Ireland Act 1998 - A Guide for Public Authorities (April 2010)...’*

In breach of this commitment, the Departments have not followed the guidance set out by the Equality Commission in relation to screening.

The Equality Commission is clear that as a first step in the screening exercise, public authorities should gather evidence to inform their screening and that the public authority should ensure that any screening decision is informed by relevant data. This

may be either quantitative or qualitative or both and should help indicate whether or not there are likely equality of opportunity and/or good relations impacts associated with a policy. The Commission is clear that the absence of evidence does not indicate that there is no likely impact. A public authority should make arrangements to obtain relevant information, whether quantitative or qualitative.<sup>14</sup> Both Departments commit under their approved Equality Schemes to gather relevant information and data to inform the screening decision.<sup>15</sup>

**Despite these requirements, the equality screening carried out here provides no evidence in relation to the effect of these proposals on the workforce across all of the section 75 categories in either the SCC or JJC. The complete absence of assessment in relation to the impact of these proposals on the workforce across the section 75 categories significantly undermines the conclusion that the impact of these proposals is minor and does not require an EQIA. This is a significant omission which must be rectified via a review of the screening document and a full EQIA.**

**Under section 4.14 of the DoH approved Equality Scheme and section 4.16 of the DoJ approved Equality Scheme, both Departments' undertake to review a screening decision if a consultee, including the Equality Commission, raises a concern about the decision reached. UNISON formally requests that the Department review the screening decision here; and proceeds to screen the policy in as requiring a full EQIA.**

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<sup>14</sup> 'Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities' Equality Commission for Northern Ireland, p.52.

<sup>15</sup> Section 4.8.

## **CONCLUSION**

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Given the issues highlighted within this submission UNISON would welcome a clear commitment on the part of the DoH and DoJ to further engage with us and other relevant stakeholders and to commence formal negotiations on all matters affecting the terms and conditions of our members in respect of these proposals. We anticipate a detailed response to our comments which demonstrates that they have been given proper consideration. We believe that direct engagement is the most valuable form of engagement in relation to these proposals.

**For further information, please contact:**

**John Patrick Clayton – [j.clayton@unison.co.uk](mailto:j.clayton@unison.co.uk)**

**Marianne Buick – [m.buick@unison.co.uk](mailto:m.buick@unison.co.uk)**

**Telephone – 028 90270190**

**UNISON, Galway House, 165 York St, Belfast, BT15 1AL**