

**Department of Justice
Departmental Response
to recommendations in the Northern
Ireland Audit Office's Report
Speeding up justice: avoidable delay in
the criminal justice system**

**Presented to the Northern Ireland Assembly
by the Department of Justice**

25 May 2018



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Any enquiries regarding this document should be sent to:

Department of Justice
Block B
Castle Buildings
Stormont Estate
Belfast
Northern Ireland
BT4 3SG

Or emailed to: speedingupjustice@justice-ni.x.gsi.gov.uk

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Glossary of Abbreviations

CJB	Criminal Justice Board
CJINI	Criminal Justice Inspection Northern Ireland
CJPDG	Criminal Justice Programme Delivery Group
DoJ	Department of Justice
NIAO	Northern Ireland Audit Office
OLCJ	Office of the Lord Chief Justice
PPS	Public Prosecution Service
PSNI	Police Service of Northern Ireland

DEPARTMENT OF JUSTICE DEPARTMENTAL RESPONSE TO NORTHERN IRELAND AUDIT OFFICE (NIAO) RECOMMENDATIONS IN THE NIAO'S REPORT OF 27 MARCH 2018 ON "SPEEDING UP JUSTICE: AVOIDABLE DELAY IN THE CRIMINAL JUSTICE SYSTEM"

Department of Justice

Speeding up justice: avoidable delay in the criminal justice system

Introduction

This Departmental Response has been made at official level. Where specific recommendations relate to issues of policy these will require Ministerial endorsement.

The Criminal Justice Board (CJB), chaired by the Minister of Justice (when in post), comprises the senior leadership of the criminal justice system - the Lord Chief Justice, the Chief Constable and the Director of Public Prosecutions and is attended by senior Department of Justice (DoJ) officials. It provides strategic oversight of the criminal justice system.

The CJB, at its meeting on 17 April 2018, accepted all the recommendations made in the Northern Ireland Audit Office (NIAO) report and agreed to establish a Performance Improvement Group (consisting of senior representatives from the Police Service of Northern Ireland (PSNI), the Public Prosecution Service (PPS), the Northern Ireland Courts and Tribunals Service (NICTS) and the Office of the Lord Chief Justice (OLCJ), supported by DoJ) to progress the recommendations contained in the NIAO report. The Performance Improvement Group will report regularly to the CJB beginning in Autumn 2018.

NIAO Recommendation 1

The Department, in consultation with the Lord Chief Justice, should ensure that adequate administrative support is provided to the judiciary to facilitate more effective management of cases and case progression in the Crown Court. Both the PSNI and the PPS should ensure that any corresponding arrangements which are required to improve case management are also implemented.

DoJ accepts this recommendation.

DoJ has been in consultation with OLCJ and work is under way to develop a pilot to more effectively support judicial management of cases and case progression in the Crown Court. This will include the provision of additional administrative support to the judiciary through the appointment of Case Progression Officers. PSNI and PPS have agreed to put appropriate arrangements in place to support this initiative.

The scoping exercise for the pilot will be completed by September 2018, followed by the production of a business case and confirmation of funding which will determine when the pilot will start. It is anticipated that the pilot will start in the latter part of 2018-19, and that it will run for a period of 12 to 18 months and will include an evaluation process.

The CJB will receive regular reports on progress of the pilot, together with an implementation timeline, benefits arising and an evaluation plan. At the end of the pilot exercise, the CJB will consider the pilot evaluation to determine its success and next steps.

NIAO Recommendation 2

The CJINI plays an important role in holding the criminal justice system to account. The Department should establish an effective system for monitoring the implementation of the CJINI's recommendations to support improvement.

DoJ accepts this recommendation.

DoJ is committed to ensuring that recommendations arising from Criminal Justice Inspection Northern Ireland (CJINI) inspections are implemented where accepted.

Currently, CJINI recommendations are monitored by the business area responsible for progressing them. DoJ agrees however that a central system should be established and is working with CJINI and the criminal justice organisations to develop an effective system for monitoring the implementation of CJINI's recommendations. This will be the responsibility of DoJ's Criminal Justice Secretariat.

The Criminal Justice Secretariat is collating a database of all CJINI recommendations that have been accepted. The database will be maintained by the Criminal Justice Secretariat and progress will be regularly reviewed by the Criminal Justice Programme Delivery Group (CJPDG) beginning in Autumn 2018. The CJPDG consists of senior officials from the various criminal justice organisations and reports to the CJB. Its purpose is to oversee the delivery of objectives set by the CJB.

The CJPDG will report annually to the CJB on progress and this will support overall improvement in the criminal justice system.

NIAO Recommendation 3

The Department should establish an action plan and timetable for the eradication of the committal process.

DoJ accepts this recommendation.

Committal proceedings are held to determine whether, in the case of more serious criminal offences, there is sufficient evidence to require a defendant to stand trial. Committal proceedings can be in the form of oral evidence (called a Preliminary Investigation), where witnesses can be called to give evidence and cross examined, or as a paper exercise (called a Preliminary Inquiry), based on written witness statements. The practice of hearing oral evidence, particularly cross-examination, can have a significant impact on victims and witnesses, who may have to give evidence.

It can often take more than a year for a case to reach committal stage and the expectation is that removing the committal process and placing the case before the Crown Court at an earlier stage will reduce the time taken for cases to be progressed, as well as the trauma and stress for victims and witnesses.

The eradication of committal proceedings requires legislative change and also adaptations to the IT systems which support the criminal justice system.

The policy intention is to eradicate committal proceedings progressively over time, by removing specified offences from the committal process. The Justice Act (Northern Ireland) 2015 provides for the removal of murder and manslaughter cases from the committal process. The 2015 Act also allows for DoJ to bring forward subordinate legislation in future to remove further offences from committal.

The NI Executive Action Plan on tackling paramilitary activity and organised crime, published in July 2016, recommended that DoJ bring forward legislation to further reform committal proceedings, through removing the need for victims and witnesses to provide oral evidence before trial, and abolishing committal proceedings in respect of those offences most frequently linked to paramilitary groups. The then Justice Minister undertook to bring forward legislation to address the recommendations arising from the Action Plan and to also make some minor improvements to the 2015 Act. DoJ, in collaboration with justice partners, is working towards having the necessary legislation in place by April 2019. However, this is subject to the Committal Reform Bill being progressed.

DoJ will develop a timeline for the eradication of committal proceedings from the justice system and will make recommendations to the CJB in Autumn 2018. It is likely that eradication will be phased and implemented in a limited number of steps once the legislative process can be progressed.

NIAO Recommendation 4

The Criminal Justice Board (CJB), working with the Criminal Justice Programme Delivery Group (CJPDG), should establish a clear and shared understanding of the end-to-end criminal justice process, with a focus on securing effective collaborative working to reduce avoidable delay in the management of cases.

DoJ accepts this recommendation.

The CJB is committed to ensuring that all criminal justice organisations have a shared understanding of the end-to-end criminal justice process and the benefits of collaborative working.

The Performance Improvement Group established by the CJB to progress the recommendations contained in this NIAO report will drive forward the development of a shared understanding of the end-to-end criminal justice process and will produce an action plan by September 2018. Particular attention will be given to identifying key points in the process where improved collaborative working will reduce delays in the management of cases and opportunities will be identified to ensure that the benefits of collaborative working are maximised.

A progress report will be provided to the CJB in Autumn 2018.

NIAO Recommendation 5

The CJB, working with the CJPDG, should take a lead in developing and implementing protocols around the sharing of performance and financial management information between justice organisations.

DoJ accepts this recommendation.

The Performance Improvement Group will develop protocols on sharing performance and financial management information between criminal justice organisations. Careful consideration will be given to the legislative and regulatory requirements on sharing information between organisations. The Performance Improvement Group will report on progress to the CJB in Autumn 2018.

Once the protocols have been developed and approved, the CJB will ensure that these are implemented by the justice organisations as appropriate.

NIAO Recommendation 6

The CJB, working with the CJPDG, should establish processes which ensure that performance is analysed consistently, and that lessons which can deliver performance improvements are learned and shared across the system.

DoJ accepts this recommendation.

DoJ's Analytical Services Group has developed end-to-end performance measurements for the criminal justice system as part of DoJ's Programme for Government planning. This data will be provided to the Performance Improvement Group established by the CJB.

In parallel, performance and financial data is being used to develop a 'dashboard' to provide regular updates to the CJPDG and the CJB to share evidence-based information on the causes of delay and learn lessons on what works to enhance performance across the system.

In addition, an annual workshop on lessons learned will take place involving all criminal justice organisations, facilitated by the Performance Improvement Group and supported by CJINI. This will provide a structured stocktake of lessons learned in the previous 12 months.