

Criminal Justice Review

**IMPLEMENTATION PLAN
UPDATED JUNE 2003**



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Foreword

We are pleased to introduce this revised Plan for the implementation of the changes flowing from the Criminal Justice Review¹. The implementation of these changes will make a major contribution to enhancing the effectiveness of the criminal justice system and represents another significant step towards the full implementation of the Belfast Agreement.

The Review was the most important and far-reaching survey of criminal justice in Northern Ireland in the last 30 years. The decisions the Government has taken on it will deliver a more effective, transparent, accountable, responsive and progressive system. The implementation of this Plan in line with resources should help to promote confidence among all parts of the community while delivering a fair and impartial system of justice.

Key elements in the new criminal justice system in Northern Ireland will be:

- the new Public Prosecution Service for Northern Ireland, maintaining a high level of objectivity, professionalism and consistency in all prosecution decisions;
- the Chief Inspector of Criminal Justice, who will lead an Inspectorate committed to providing informed independent scrutiny, a consistent approach and high standards;
- a central focus on addressing and meeting the needs of victims of crime;
- Community Safety, developed through an inclusive partnership-based approach to meet local needs;
- Youth Conferences to address offending behaviour and seek to repair damaged relationships within the community;
- a Northern Ireland Law Commission to review and update the law; and
- the establishment of a Judicial Appointments Commission.

The Government has accepted, under the Belfast Agreement, the desirability of devolving policing and justice on a basis that is robust and workable and broadly supported by the parties. Progress will be dependent on the NI Assembly and Executive operating on a stable basis and an enabling security environment. The two Governments have encouraged the political parties in Northern Ireland to address and agree the practicalities of such further devolution, including the necessary institutional arrangements, with a view to the introduction of the necessary legislation in the Westminster Parliament at the earliest opportunity and with a view to ensuring that it is achieved within the lifetime of the next Assembly.

In pursuing this aim, the Government recognises the continuing importance of public confidence in the justice system and of political support on a cross-community basis. The Government made clear in the Joint Declaration published in April 2003 that further change would be introduced in the context of a second Justice Bill. The new legislation will make

¹ Unless otherwise indicated, any reference to the "Review" relates to the Criminal Justice Review.

provision on the following matters:

- to establish a Judicial Appointments Commission prior to the devolution of responsibility for criminal justice matters;
- to place time limits on the length of service of all of its members, both lay and judicial;
- to provide that a key objective of the Judicial Appointments Commission will be to engage in a programme of action to secure a judiciary in Northern Ireland that is as reflective of Northern Ireland society as can be achieved consistently with the requirement of appointment on merit;
- to provide that the composition of the Judicial Appointments Commission itself taken as a whole will, as far as possible, be reflective of the community in Northern Ireland;
- to provide that in respect of appointments of the Lord Chief Justice and Lords Justices of Appeal, the First Minister and Deputy First Minister acting jointly will make recommendations to the Prime Minister, who in turn will recommend appointments on that basis;
- to remove the requirement for the Lord Chief Justice’s agreement to removal or suspension on foot of a Tribunal recommendation;
- to place a duty on the Director of Public Prosecutions to refer all cases of suspected police malpractice to the Police Ombudsman;
- to make it an offence to seek to influence the DPP’s prosecutorial decisions without legitimate cause; and
- to place a duty on the criminal justice agencies in Northern Ireland to have due regard to relevant international human rights conventions and standards in carrying out their functions.

We are confident that this revised Implementation Plan, supported by the Justice (Northern Ireland) Act 2002 and any additional legislation, provides a firm basis for renewing the criminal justice system and further increasing public confidence in it. We are committed to working in partnership to ensure that the challenging targets contained in this Plan are met.



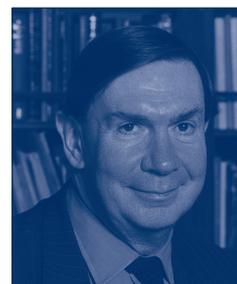
The Rt Hon Paul Murphy
*Secretary of State for
Northern Ireland*

A blue-tinted handwritten signature of Paul Murphy.



The Rt Hon The Lord Goldsmith QC
*Attorney General for
Northern Ireland*

A blue-tinted handwritten signature of Lord Goldsmith QC.



**The Rt Hon The Lord
Irvine of Lairg**
Lord Chancellor

A blue-tinted handwritten signature of Lord Irvine of Lairg.

Introduction

BACKGROUND

Report of the Criminal Justice Review

The terms of reference for the Review of the criminal justice system were set out in the Belfast Agreement. The Agreement envisaged a wide-ranging review of criminal justice (other than policing and those elements of the system relating to the emergency legislation). The purpose of the criminal justice system is to support the administration of justice, to promote confidence in the criminal justice system and to contribute to the reduction of crime and the fear of crime, and the Review aimed to:

- deliver a fair and impartial system of justice to the community;
- be responsive to the community's concerns, and encourage community involvement where appropriate;
- have the confidence of all parts of the community; and
- deliver justice efficiently and effectively.

There has been extensive consultation on the Review and the Government's response to it. The Review Group met with a wide range of interests in formulating its recommendations and its report, published in March 2000, was subject to a six month period of consultation. On November 2001, a draft Justice (Northern Ireland) Bill was published for consultation, along with an implementation plan. At each stage, responses were received from a wide range of groups and individuals, including the local and national political parties, the criminal justice agencies, other organisations in the statutory, voluntary and community sectors and the public. The legislation, which received Royal Assent on 24 July 2002, was also the subject of detailed scrutiny and debate during its passage through Parliament.

The implementation phase is now well under way, with actions being taken across a range of Ministerial responsibilities.

Ministerial responsibility for the Criminal Justice System

- **The Secretary of State for Northern Ireland** has responsibility for policing and for criminal justice matters generally. He is also responsible for a number of agencies and other bodies: the Northern Ireland Prison Service, Forensic Science Northern Ireland and the Probation Board for Northern Ireland; and he funds the Department of the Director of Public Prosecutions. He is supported in this work by Jane Kennedy MP, who deals with policing and security matters, and Des Browne MP, who has responsibility for criminal justice matters.
- **The Lord Chancellor** is responsible for the Northern Ireland Court Service, and has overall responsibility for the effective management of the courts, the appointments of judges and magistrates, policy in respect of legal aid and providing funds to make legal aid payments.
- **The Attorney General** superintends the Director of Public Prosecutions for Northern Ireland.

Revised Implementation Plan

This revised publication clearly defines areas of responsibility, timescales and the actions that will be taken to implement each recommendation.

The recommendations will be implemented by the relevant agencies and departments, facilitated by the Northern Ireland Office. Where the recommendations combine the work of the criminal justice agencies (Department of the Director of Public Prosecutions, Northern Ireland Court Service, Northern Ireland Office, Northern Ireland Prison Service, Probation Board for Northern Ireland and the Police Service of Northern Ireland), we have referred to these agencies collectively.

The Plan indicates where legislative provisions are required to give effect to the recommendations and, unless otherwise stated, the vehicle for this is the Justice (Northern Ireland) Act 2002.

This publication also highlights other important milestones and factors (such as the devolution of criminal justice functions) that may impact on implementation.

The Plan follows the format of the Review as far as possible, though some recommendations have been re-grouped to show appropriate linkages. For ease of reference, there is an index at the end of the Plan showing where to find the response to each recommendation.

In some instances recommendations have already been implemented, while others will take a significant period of time to implement in full. This Plan, however, provides an important tool for monitoring the implementation of the Review in its entirety.

Among the 294 recommendations there are significant initiatives that will ensure the effectiveness and efficiency of both the agencies and the legal framework of the criminal justice system, whilst fostering public confidence and understanding, namely:

- **Public Prosecution Service for Northern Ireland** (Prosecution, Recommendations 17-65)
 Work has already started in restructuring and extending the remit of the existing DPP(NI). The phased implementation of the new Public Prosecution Service for Northern Ireland is scheduled for completion by December 2006. (Provisions are made in the Justice (Northern Ireland) Act 2002);
- **Chief Inspector of Criminal Justice** (Organisation & Structure, Recommendation 263)
 A statute-based, independent Chief Inspector of Criminal Justice will be responsible for the inspection of all aspects of the criminal justice system, other than the courts. (Provision is made in the Justice (Northern Ireland) Act 2002);
- **Community Safety Strategy** (Community Safety, Recommendations 192-206)
 The aim of the community safety strategy document, "Creating a safer Northern Ireland", which was published in March 2003, will be to create the conditions which promote an inclusive partnership-based approach in developing community safety initiatives between relevant agencies, voluntary groups, the private sector and local communities, with a view to reducing crime, the fear of crime and enhancing public safety;
- **Judicial Appointments Commission** (The Judiciary, Recommendations 77-107)
 It is proposed that there should be a Judicial Appointments Commission representative of the judiciary, the legal professions and the community. Its remit will include responsibility for making recommendations on judicial appointments up to the level of High Court judge;
- **Northern Ireland Law Commission** (Law Reform, Recommendations 244-255)
 There will be an independent Law Commission for Northern Ireland. Its responsibilities will include review of both civil and criminal law, including practice and procedure, and making recommendations to the Government on whatever changes it may consider necessary or desirable. (Provisions are made in the Justice (Northern Ireland) Act 2002);
- **Youth Justice Agency** (Juvenile Justice, recommendations 185-186 and incorporating Restorative and Reparative Justice, recommendations 158-162 & 164)
 The new Youth Justice Agency was created on 1 April 2003. The Agency will assume the range of functions and responsibilities which previously fell to the Juvenile Justice Board. It will provide the necessary capacity and structures to take forward the major changes recommended by the Review for the juvenile justice system, with a focus on the prevention of offending and re-offending. It will take the lead in delivering the new and innovative youth conferencing service. The Agency Headquarters will be based in Belfast;
- **Youth Conferences** (Restoration & Reparative Justice, Recommendation 147)
 This conferencing system is designed to address the needs of victims, to focus on offending behaviour and proportionality, and to seek to repair damaged relationships. The system supports full participation of the offender and his/her family and it

empowers conference participants to formulate a plan of action. (Provisions are made in the Justice (Northern Ireland) Act 2002); and

- **Victims** (Victims & Witnesses, Recommendations 228-243)
The Review recommended that the interests of victims of crime should feature in the codes of practice and plans of all criminal justice organisations that interface with them and this revised Implementation Plan supports the criminal justice system as a whole. A Victims and Vulnerable or Intimidated Witnesses Steering Group with representation from the six criminal justice agencies has already been established, providing a forum to consider victims issues.

Since the Review was published, some additional initiatives have been launched which do not form part of the Plan but which will make an important contribution to its success, namely:

- **Causeway**
The Causeway Programme is a major, cross-cutting Information Technology project. Its purpose is to deliver significant improvements to the effectiveness and efficiency of criminal justice in Northern Ireland through improved sharing of information between the criminal justice agencies;
- **Law and Order Action Group**
The Law and Order Action Group, including the Secretary of State, the Attorney General, Jane Kennedy MP, Des Browne MP and Rosie Winterton MP, was established in September 2002 to ensure an agreed, co-ordinated approach to tackling every aspect of criminality in Northern Ireland. Senior officials attend to advise and the Chief Constable and the DPP also attend;
- **Oversight Commissioner**
The Government has decided to appoint an Oversight Commissioner to monitor implementation of the Review. The Commissioner will be a person of standing, appointed by open competition, who has appropriate experience of the UK legal system at a senior level;
- **Video-conferencing**
The use of video-conferencing has been piloted in the courts and prisons and work is ongoing on how this way of working can be extended; and
- **Commissioner for Children**
A Commissioner for Children will be appointed shortly. Drawing on the UN Convention on the Rights of the Child, the Commissioner will promote the rights of children and will have extensive statutory powers of investigation into how children, including those in the Criminal Justice System are treated.

Equality

The Review recommendations on equality will enhance the agencies' ability to deliver their equality duties under section 75 of the Northern Ireland Act 1998, which states that:

“A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of all opportunity.”

In implementing the Review, the Government will take into account the effect new or existing policies will have on all of the nine groups listed in the Northern Ireland Act. Each policy area has been screened to determine whether there is evidence that a policy could have a differential impact on different groups of people. Where such evidence exists, Equality Impact Assessments will be produced to show what action needs to be taken to deal with the differential effect.

The results of the screening exercise are available on the Northern Ireland Office website, which can be found at www.nio.gov.uk.

Further information

The reader may wish to obtain further information regarding specific areas of interest referred to throughout the Plan. A Glossary of contact addresses etc. is attached at the back of this plan for ease of reference. Details of some areas are available on the Northern Ireland Office website at www.nio.gov.uk, and are highlighted accordingly.

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Human Rights and Guiding Principles

Recommendation 1**HUMAN RIGHTS TRAINING**

We recommend that human rights issues should become a permanent and integral part of training programmes for all those working in criminal justice agencies, the legal professions and the relevant parts of the voluntary sector. [para. 3.25]

Accepted**Lead Responsibility:** Criminal Justice Agencies

The Government agrees that respect for and the protection of human rights must be central to the criminal justice system. The Government has given a commitment to bring forward fresh legislation to place a duty on the criminal justice agencies in Northern Ireland to have due regard to relevant international human rights conventions and standards in carrying out their functions.

The various human rights treaties and standards which are relevant to the field of criminal justice are set out in Research Report 14, which was published alongside the Criminal Justice Review.

Current training on human rights issues for the six criminal justice agencies² and voluntary sector bodies is summarised as follows:

- The NIO is committed to human rights training and has and will continue to provide a range of courses for all staff including legal professionals. Human rights awareness has also been subsumed into the Induction course provided to all new staff.
- The Court Service Annual Learning Plan includes training sessions for all staff covering human rights legislation and related issues. Human rights training will also be incorporated into the Court Service Induction Programme for all new employees.
- NIPS staff have been provided with human rights and equality training. Updated briefing packs are currently being issued to all staff. All new staff receive this training on induction.
- The PSNI provides an introductory "Course for All" - including human rights awareness and police ethics training - for all police officers and civilians. A workbook and aide memoire are provided to all police officers. Specialist training is also provided for groups such as middle management, police prosecutors and officers who police difficult parades. Human rights training is now fully integrated into a wide range of management, foundation and post foundation training.
- In 2000/2001 the DPP(NI) provided human rights training to all staff and in particular external training was provided to all legally qualified staff. The DPP(NI) will continue to provide a range of training and information on these issues for all staff. Human rights training will also form an integral part of the Induction course provided to all staff in the DPP(NI) and in the Public Prosecution Service.
- The PBNI has completed awareness training in human rights for senior managers, Board

² Details of the six criminal justice agencies are provided in the Glossary of this plan.

members and all staff. The staff training events were also attended by representatives of partner organisations carrying out functions on behalf of PBNI. These include the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO), Extern, hostels and voluntary and community organisations. Human rights awareness is a standard part of staff induction training.

- In addition the NIO provides core funding to three voluntary organisations, namely, Victim Support Northern Ireland, Extern and NIACRO. Staff within these organisations have attended medium level human rights training provided by the NIO and Home Office Legal Adviser's Branch.

Timescale: Implementation ongoing.

Recommendation 2**CRIMINAL JUSTICE AIMS**

We endorse the Criminal Justice Board aims for 1999/2000 as a good model for the criminal justice system-wide set of aims. [para.3.28]

Aim A

To dispense justice fairly and efficiently and to promote confidence in the criminal justice system

- (i) Provide fair and just criminal processes and outcomes.
- (ii) Improve service delivery by enhancing levels of effectiveness, efficiency and co-operation within the criminal justice system.
- (iii) Make the criminal justice system as open, inclusive and accessible as possible and enhance and promote public confidence in the administration of justice.

Aim B

To contribute to the reduction of crime and the fear of crime

- (i) Work co-operatively to help reduce crime.
- (ii) Reduce numbers of persons re-offending and frequency of re-offending for persistent offenders.
- (iii) Reduce levels of fear of crime.

Recommendation 3**PUBLICATION OF AIMS,
PLAN AND ANNUAL REPORT**

We recommend that the aims of the criminal justice system be published, together with a criminal justice plan outlining measures to be taken in support of them and appropriate performance indicators. An annual report on progress in implementing the plan should also be published. [para. 3.29]

Accepted**Lead Responsibility:** Criminal Justice Board

The "Criminal Justice System - Purpose and Aims" document (see Glossary), as agreed by the criminal justice agencies, was published in December 2001. The purpose and aims outlined in the document will be reflected also in each organisation's individual aims and objectives. They set out the shared goals and values for the system and give examples of some of the initiatives which will be taken forward over the next few years. This revised Plan will support the purpose and aims and function as the core planning document for the criminal justice system. It will form the basis of individual agency plans in implementation.

The "Criminal Justice System – Purpose and Aims" document will be revised and published by December 2003. The success of meeting these aims will be measured through annual reports on progress.

Timescale: Revised document to be published by December 2003. First annual report to be published by autumn 2004.

Recommendation 4

WORKFORCE STRATEGY

We recommend that, whatever machinery is devised for administering criminal justice matters after devolution, it should have as a primary task the development of a concerted and proactive strategy for securing a "reflective" workforce in all parts of the system. [para. 3.35]

Accepted in Principle

Lead Responsibility: Criminal Justice Agencies

The Government is committed to ensuring that the criminal justice system attracts the full confidence of all parts of the community. It fully supports the objective of securing a reflective workforce in all parts of the system. To this end, the relevant criminal justice agencies will engage in programmes of action and outreach. There is already a statutory requirement on the Judicial Appointments Commission (which is to be established before devolution) to draw up and implement a programme designed to ensure that the pool of candidates for judicial office is, as far as is practicable, reflective of the community (see also recommendation 67). After devolution, the organisational arrangements for administering criminal justice matters will be the responsibility of the Northern Ireland Executive. The Government will work with the Executive to help put agreed arrangements for securing a reflective workforce in place.

The following measures are among those being taken to help secure a reflective workforce:

- The PSNI has launched a number of competitions for police trainees based on the 50/50-community basis recommended in Patten. The 50/50-community basis for recruitment is a temporary measure which is subject to triennial review. The aim is to ensure a consistent flow of suitable trainees and the first 44 student officers selected on the 50/50-community basis graduated from the Foundation Faculty on 5 April 2002. The recruitment competitions were, for the first time, arranged by an independent agency, the Consensia Partnership. Independent assessors were recruited by Consensia and were involved in the assessment stages of the competition. In addition, independent community observers, appointed by the former Police Authority, oversaw the selection process and their comments on improving the process to the benefit and comfort of the applicants have been taken on board.

The approach adopted by the PSNI has been open and transparent in developing both policy and practice. This policy development included consultation with the Equality Commission on how the legal requirement should operate. The requirement to select on a 50/50-community basis also applies to recruitment competitions for the appointments of 6 or more support staff and the PSNI is committed to securing a fully reflective workforce.

- The Court Service adopts a proactive approach to delivering a workforce reflective of the community. This includes reviewing recruitment practices, targeted advertising, equality training for those involved in selection, outreach with educational bodies and volunteering programmes. Employment policies and procedures are regularly reviewed and updated in line with current best practice, to enable the fair participation of

employees throughout their career. Monitoring the uptake of policies and opportunities enables the Northern Ireland Court Service to measure the effectiveness of the workforce strategy.

- The PBNI is committed to the pursuit of best practice to ensure equality of participation in employment. This includes ongoing review and updating of job descriptions and person specifications, comprehensive advertising and appropriate training for all those involved in selection processes. Extensive monitoring arrangements are in place to test effectiveness. The Board is conscious that the majority of its employees are drawn from one professional discipline and will continue to monitor participation in training for the discipline and provide comment and feedback to professional and training organisations as appropriate.
- The expansion of the prosecution service under the procedures required by the recruitment and selection policies of the Northern Ireland Civil Service will help to secure a reflective workforce. (see also recommendation 62).
- The NIPS' limited recruitment in the last number of years has made significant increases in under-represented groups more difficult. However, competitions in 2000 and 2001 show that the application rates from these groups have doubled over a ten-year period. This reflects improvements in the external environment, for example, as a result of the Belfast Agreement, as well as changes to procedures in the Prison Service. The Service continues to work towards the achievement of a balanced workforce, though what is possible will be limited by the opportunities available for recruitment.

Timescale: Implementation ongoing. Responsibility will fall to the Executive following devolution of justice and policing.

Recommendation 5

EQUITY MONITORING

We recommend that the Criminal Justice Board and its research sub-committee be tasked with developing and implementing a strategy for equity monitoring the criminal justice system, as it affects categories of people, in particular by community background, gender, ethnic origin, sexual orientation and disability; whilst ensuring that this is done in a way that does not compromise judicial independence. [para. 3.38]

Recommendation 6

PUBLICATION OF EQUITY MONITORING INFORMATION

We recommend that the outcome of equity monitoring should be published on a regular basis, to the maximum extent possible without risking the identification of the community background of individuals. [para. 3.41]

Accepted

Lead Responsibility: Criminal Justice Board

The Government is committed to developing and implementing a strategy for equity monitoring the criminal justice system and to publishing the outcome of equity monitoring on a regular basis. The Research and Statistics Sub-Group of the Criminal Justice Board has been tasked with taking this forward and a considerable amount of work has already been done, including the following:

- a commissioned research report on the practicalities of monitoring religious belief and community background;
- a survey on issues of public confidence relating to the provision of section 75 related information³ ; and
- a project to ensure that the initial specification for the Causeway Programme met the agencies' requirements in terms of equity monitoring.

The Causeway Programme will be capable of producing anonymised statistical data on defendants processed and will enable equity monitoring information to be recorded and analysed in a way that will protect the confidentiality and human rights of individuals within the system. The equity monitoring process will be developed and implemented in phases beginning with the administrative data that is already collected as part of the prosecution process (e.g. data on age and gender of defendants), and progressing to other equality categories not already recorded, such as marital status and racial group. The Research and Statistics Sub-group will continue to develop its strategy through a dedicated project led by a specially commissioned equity monitoring driver. The project, which will include a pilot/feasibility study, will commence in August 2003. Equity monitoring implementation will be linked to the implementation phase of the Causeway Programme, which is due to complete in November 2006.

³ See Glossary

Within the criminal justice agencies the following work is already underway:

- The PSNI has issued a General Order to all officers outlining section 75 statutory duties for the PSNI. There is an Internal Working Group within PSNI which looks at issues to do with the monitoring of categories, with particular reference to ensuring that section 75 needs are appropriately met and that there is harmonisation of categories across the different PSNI systems. PSNI is also in contact with the Equality Commission to seek to ensure that police systems are fully compliant.
- The DPP(NI) and subsequently the Public Prosecution Service will continue to support and be subject to the requirements of the Northern Ireland Civil Service. Section 38 of the Justice (Northern Ireland) Act 2002 applies sections 75 and 76 to the Public Prosecution Service with the exception of functions relating to the prosecution of offences.
- The PBNI has introduced monitoring of its staff across eight of the nine categories listed under section 75 (omitting political opinion) and has carried out a pilot project monitoring 100 offenders using the same form.
- The NIPS has trained all of its staff in section 75 responsibilities. Equality training is provided to all new staff on induction.

Timescale: Implementation of an equity monitoring process will be phased in from 2004 onwards, and in tandem with the implementation of the Causeway Programme.

Recommendation 7

STATEMENTS OF ETHICS

As part of our strategy for developing transparency and accountability mechanisms, we recommend the publication of statements of ethics for each of the criminal justice agencies covering all those employed or holding office in the criminal justice system. [para. 3.45]

Accepted

Lead Responsibility: Criminal Justice Agencies

The criminal justice agencies are developing statements of ethics within their organisations and these will be published by end December 2003. The statements of ethics will be subject to consultation, including with the Northern Ireland Human Rights Commission and the Equality Commission. They will reflect the relevant international human rights treaties and conventions to which the agencies must have regard in carrying out their functions. They will also make clear that employees are not permitted to belong to any organisation which, by its policies or actions, is clearly committed to acting contrary to the law or the interests of the criminal justice system. Breaches of statements of ethics will be dealt with under each agency's own disciplinary arrangements.

In taking this work forward, the agencies are sharing views and experiences so as to help ensure consistency in the standards to be applied across the criminal justice system. The position in each of the agencies is as follows:

- The Northern Ireland Civil Service Code of Ethics sets out the constitutional framework within which all Northern Ireland Civil Servants work and the values which they are expected to uphold, in accordance with procedures laid down in the Northern Ireland Civil Service Pay and Conditions of Service.
- The Court Service will publish a Code of Ethics during 2003.
- Section 52 of the Police (Northern Ireland) Act 2000 requires the Policing Board to issue a Code of Ethics which it may, from time to time, revise. The Code was publicly launched on 13 February 2003 and now forms the basis on which police behaviour will be judged for the purposes of internal discipline. The Code has been issued to each officer, accompanied by an explanatory booklet devised by the PSNI. This Code replaces the existing Professional Code of Ethics and the Code of Conduct for Police Officers, as determined by the Secretary of State.
- The PBNI has included a Code of Ethics in their 2003-2004 Business Plan. The Plan will be distributed to all members of staff, statutory and non-statutory agencies and community groups. It will also be widely available to the general public. The code will recognise and reflect:
 - (a) the obligations and expectations inherent in probation work as a professional activity;
 - (b) the Board's equality and human rights obligations; and
 - (c) best personnel and managerial practice.

- The DPP(NI) will have a draft Code of Ethics and a draft Code of Practice developed in 2003 for the commencement of the pilot scheme for the new Public Prosecution Service in December 2003. These draft Codes will be revised and developed during the course of the pilot scheme and publication will follow the experience of the scheme.
- Every NIPS employee is required to abide by the Northern Ireland Civil Service Code of Ethics. In addition all prison grades are expected to abide by standards of conduct set out in the NIPS Code of Conduct and Discipline. The organisation's statements of purpose, vision and values demonstrate commitment to fairness, equality and respect. All of these are publicly available through the NIPS website.

Timescale: Action as outlined above will take place during 2003.

Recommendation 8

MEMBERSHIP OF ORGANISATIONS

If an organisation were, by its policy or its actions, clearly committed to acting contrary to the law or the interests of the criminal justice system, then it would be for the criminal justice agencies to make clear that their employees were not permitted to belong to such an organisation. [para. 3.47]

Accepted in part

Lead Responsibility: Criminal Justice Agencies

While membership of an organisation which is clearly committed to acting contrary to the law would be incompatible with employment by a criminal justice agency, there is scope for discussion about what is meant by "acting contrary to the interests of the criminal justice system". The criminal justice agencies would consider on a case by case basis whether any of its employees are acting contrary to the law and in breach of their Codes of Practice/Statements of Ethics.

The Government believes that the issue of membership of organisations can be dealt with appropriately in Statements of Ethics. As noted at recommendation 7 above, such statements will make clear that employees are not permitted to belong to any organisation which, by its policies or actions, is clearly committed to acting contrary to the law or the interests of the criminal justice system. Breaches of Statements of Ethics will be dealt with under each agency's disciplinary arrangements.

- The Northern Ireland Civil Service Code of Ethics sets out the constitutional framework within which all Northern Ireland Civil Servants work and the values which they are expected to uphold, in accordance with procedures laid down in the Northern Ireland Civil Service Pay and Conditions of Service Code and the Staff Handbook.
- All members of staff of the DPP(NI) are Northern Ireland Civil Servants and are therefore required to act in accordance with the Northern Ireland Civil Service Code of Ethics.
- The Statement of Ethics to be published by the Court Service will include provision that employees will not be allowed to belong to any organisation committed to acting contrary to the law.
- The NIPS Code of Conduct and Discipline (for prison grades) sets out standards of conduct and examples of behaviour attracting disciplinary action including criminal convictions and bringing discredit to the Service. Discredit would cover membership of illegal organisations.
- In relation to the PSNI, membership of organisations is added in section 51 of the Police (NI) Act 2000 (Notifiable Membership), paragraph 1.7 of the Code of Ethics (Notifiable Membership) and Recommendation 126 of the Independent Commission on Policing for Northern Ireland (Registration of Interests and Association).
- Members of staff of the PBNI are required to ensure that behaviour in their private lives does not bring the Probation Board into disrepute. They are further charged with ensuring that their conduct, affiliations or expressed opinions are not, nor could be, perceived as casting doubt on their impartiality, objectivity or integrity in regard to issues, demands and responses within their professional domain.

Timescale: Implementation ongoing.

Recommendation 9**ROLE OF DEFENCE LAWYERS**

We agree with the Special Rapporteur on the Independence of Judges and Lawyers that government has a responsibility to provide the machinery for an effective and independent investigation of all threats made against lawyers and note the role of the Police Ombudsman if such allegations relate to the actions of police officers. Further, we endorse his recommendation that training seminars should be organised to enable police officers and members of other criminal justice agencies to appreciate the important role that defence lawyers play in the administration of justice and the nature of their relationship with their clients. [para. 3.53]

Accepted**Lead Responsibility:** Criminal Justice Agencies

Work is underway to organise a training programme across the criminal justice system and an outline programme will be developed by the Court Service by September 2003.

- The NIPS will avail of a wider criminal justice programme to deliver such seminars. It is intended to deliver the programme to staff who are in contact with lawyers through correspondence and professional visits.
- On 5 April 2002 the PSNI issued a written general instruction to officers, outlining the role of defence lawyers. This document includes appropriate reference to the United Nations Basic Principles on the Role of Lawyers which relates to the lawyer/police relationship. The role of solicitors/defence lawyers is also included in some PSNI training courses, such as the Custody Officers Course and the Investigative Interview Course. These are directed at student officers, Detective Sergeants, Detective Constables and other role-related personnel. These were incorporated into the First Line Managers Course for Sergeants and junior management which began in September 2002.

Timescale: Programme to be developed by September 2003.

Recommendation 10**BURSARIES FOR LEGAL TRAINING**

We recommend the continuation of bursaries to ensure that entry to the legal professions is open to people of talent from all sections of the community, regardless of means. [para. 3.55]

Accepted in Principle**Lead Responsibility:** Department for Employment and Learning (DEL)

DEL will continue to fund 40 fees only bursaries for the Institute of Professional Legal Studies in 2003/04.

Timescale: Implementation ongoing.

Recommendation 11

HUMAN RIGHTS TRAINING FOR LAWYERS

We recommend that lawyers should receive appropriate training in human rights principles before starting to practise. [para. 3.56]

Accepted

Lead Responsibility: Law Society of Northern Ireland and the General Council of the Bar of Northern Ireland

An audit of the present training provision has confirmed that the Institute of Professional Legal Studies provides a three-day human rights course which is provided as part of the compulsory training for both barrister and solicitor students. Furthermore, audits of all aspects of human rights training have been carried out to ensure that the human rights dimension to other relevant modules within the pre-admission programme are included, where relevant and appropriate, within those modules.

Timescale: Implemented.

Recommendation 12

LIST OF EXPERTS

We suggest that there would be some benefit in the compilation by the Law Society of a list of experts in particular fields that could be drawn on by the defence. [para. 3.60]

Accepted in principle

Lead Responsibility: Law Society of Northern Ireland

The Law Society of Northern Ireland has a well established Expert Witness database, maintained by the Law Society's Library. It comprises details of medical and non-medical experts, both inside and outside the jurisdiction. In relation to forensics the list includes experts on explosives, fingerprinting, forensic engineers, chemical pathologists, DNA testing and clinical forensic physicians and psychologists.

The availability of this data base, which is regularly updated, is advertised in the promotional material circulated by the Library to the profession and on the Society's website.

Timescale: Implemented.

Recommendation 13**RESEARCH INTO PACE**

We recommend research into the impact of PACE at the stage of police questioning. [para. 3.63]

Accepted

Lead Responsibility: NIO

NIO Statistics and Research Branch commissioned research into the Police and Criminal Evidence legislation in April 2002. The planned research will focus on juveniles, in particular their understanding of the implications of the police caution and the process of police charging and any subsequent detention (see recommendation 180).

Timescale: A report of the research will be published during autumn 2003.

Recommendation 14**PUBLIC INFORMATION AND
EDUCATION STRATEGY**

We recommend a public information and education strategy for the criminal justice system. This might include the following features, some of which are already in place:

- The production and distribution of guides to various aspects of criminal justice, targeting specific groups such as witnesses, victims, children, minority groups and defendants.
- The prominent display of mission statements for each criminal justice agency.
- The publication of statements of principles showing how the system as a whole will address specific issues, such as the treatment of victims, racial discrimination or cross-agency working.
- The publication by all agencies of codes of practice in accessible language.
- The publication by all agencies of annual reports, which include objectives, indicators and an account of performance.
- The publication of statistical and research material in accessible form.
- Consideration of innovative methods for increasing public understanding such as open days at courts for schools, colleges and the public, and the creation of videos explaining aspects of the criminal justice system.
- The inclusion of a criminal justice module in the school civics curriculum. [para. 3.67]

Recommendation 15**CRIMINAL JUSTICE IN SCHOOL
CURRICULUM**

The need for awareness of criminal justice issues should be considered as part of the current review of the Northern Ireland curriculum. [para. 3.68]

Accepted

Lead Responsibility: Criminal Justice Board

A Public Information Working Group (PIWG) has been established as a sub-group of the Criminal Justice Board to take these recommendations forward on an inter-agency basis. The Group has completed a number of projects, including:

- the development of a Criminal Justice System Northern Ireland (CJSNI) website, www.cjsni.gov.uk;
- the creation of a corporate logo for CJSNI; and
- an Information Audit to inform the future work programme of the Group.

The Group is now engaged in developing a system-wide information strategy to improve the quality and cohesiveness of information in the public domain about the criminal justice system. Consideration is being given to the use of innovative methods for increasing public understanding of the system, such as CD ROMs and information videos.

The PIWG has engaged with the education authorities on the potential for including criminal justice in the school citizenship curriculum, and will continue to explore how this might best be achieved.

All criminal justice agencies, except the DPP (NI), publish annual reports. The publication of annual reports by the DPP is linked to the establishment of the new Public Prosecution Service.

Statistics and research are published by the NIO Statistics and Research Branch in Report or Bulletin format on both the NIO and NISRA websites. Hard copies are also distributed to groups and individuals with a professional interest. These are publicised widely through the media and free copies are available on request.

The Court Service's Public Information Centre has been open since September 2002 and carries a full range of information leaflets as well as providing free access to the Court Service website.

Timescale: Development of information and education initiatives will form the ongoing work programme of the Public Information Working Group.

Recommendation 16**COMPLAINTS MECHANISMS TO BE WIDELY AVAILABLE**

All parts of the criminal justice system should be covered by complaints mechanisms that are well publicised, easily accessible and understood, administered with due sensitivity and expedition and which, where appropriate, have an independent element. The workings of the complaints mechanisms should receive coverage in annual reports and, in those parts of the system subject to inspection be inspected. [para. 3.70]

Accepted**Lead Responsibility:** Criminal Justice Agencies

All of the criminal justice agencies are aware of the need to have in place appropriate complaints mechanisms and they have systems in place to document the progress of each complaint received. Criminal justice agencies employ a variety of methods to inform the public of their complaints procedures, the most common being an information leaflet or booklet. Some agencies provide information in a suitable format, on request, for those who have sight or hearing impairment.

On appointment, the Chief Inspector of Criminal Justice (who is to be independent of Government) will be invited to inspect the operation of complaints mechanisms within organisations with a role in the criminal justice system.

In addition:

- Since 6 November 2000, all complaints against police officers in the PSNI have been investigated by the Office of the Police Ombudsman. Complaints can be made directly to the Ombudsman or to a member of the PSNI, the Policing Board or the Secretary of State. In the case of a complaint made to one of the latter three bodies, it is referred to the Ombudsman immediately. (See also recommendation 21 in respect of referrals by the prosecution.)
- The DPP(NI) complaints process, and how this is to be further developed, is set out in the response to recommendations 56 and 57. Also, staff in the DPP(NI) are governed by the Northern Ireland Civil Service Code.
- PBNI publishes a complaints leaflet, displays information in its office and explains the process to individuals under supervision. Information about how to make a complaint is posted on the PBNI website. Following an independent audit the complaints process is to be reviewed and revised.
- PBNI has an internal process, while independent bodies inspect both the Court Service and NIPS.
- The NIPS glean information from customer surveys. The PBNI regularly reviews complaints received and gets feedback from complainants. Furthermore, the PBNI's

Annual Report contains information regarding the complaints procedure, for example outlining the mechanism itself and how the complaints are dealt with.

- The Court Service provides information on its complaints procedure through leaflets, prominently displayed at courthouses, at its Information Centre and on its website. Information is available in a range of formats. The Court Service also reports on its complaints procedure in its Annual Report. The handling of complaints by the Court Service is subject to inspection by the Parliamentary Ombudsman.
- The independence of the complaints mechanism is ensured in all organisations as an impartial member of staff deals with it. The Court Service, NIPS and PBNI also make papers available for independent evaluation.
- The arrangements for handling complaints within the Juvenile Justice system are set out at recommendation 184.

Timescale: Implementation ongoing.

Prosecution

Introduction

Public Prosecution Service Implementation Project

Most of the recommendations in this section of the Implementation Plan will be implemented by the Public Prosecution Service Implementation Project. The project has already started and is being taken forward by a Project Board comprising senior representatives of the DPP(NI), the PSNI, the Legal Secretariat to the Attorney General, the NIO and two independent members (who are not part of the criminal justice system and who have legal and business backgrounds respectively). The project sponsors are Lord Goldsmith (Attorney General for Northern Ireland) and Paul Murphy (Secretary of State for Northern Ireland). An Implementation Team has been set up and is responsible to a Project Manager who reports directly to the Project Board.

A Project Initiation Document (PID), detailing the project's scope and timescales, has been accepted by the Project Board. The terms of reference for this project are:

To establish a new independent, fair and effective prosecution service as required by legislation and in accordance with the Criminal Justice Implementation Plan.

Implementation Timetable

The Review was mindful of the lessons to be learnt from the experience of setting up the Crown Prosecution Service for England & Wales. For this reason, implementation will be phased to allow the new service to be rolled out on an incremental basis.

The establishment of the new Prosecution Service will initially be facilitated through a pilot project. The pilot will commence in December 2003 to pave the way for the phased implementation of the service over the following 3 years. A summary of the overall project plan, highlighting the key milestone dates, is shown below:

	Month	Year
<i>Commence Implementation Project</i>	April	2002
Define Service Delivery Model	August	2002
Commence Detailed Design	August	2002
Commence Pilot Project Design & Build	January	2003
Conduct Pilot Project	December	2003
Commence phased implementation of new Public Prosecution Service NI	April	2005
Complete phased implementation of new Public Prosecution Service NI	December	2006
<i>Complete Implementation Project</i>	December	2006

Substantial resources for the new Prosecution Service have been made available under the Government's Spending Review 2002 (SR2002), though further funding will be needed under SR2004 for the Project to be fully completed.

Recommendation 17**SINGLE INDEPENDENT
PROSECUTING AUTHORITY**

We recommend that in all criminal cases, currently prosecuted by the DPP(NI) and the police, responsibility for determining whether to prosecute and for undertaking prosecutions should be vested in a single independent prosecuting authority. [para. 4.127]

Recommendation 58**RENAME DPP (NI) AS THE PUBLIC PROSECUTION
SERVICE FOR NORTHERN IRELAND**

We recommend that the Department of the Director of Public Prosecutions be renamed the Public Prosecution Service for Northern Ireland. [para. 4.174]

Accepted**Lead Responsibility:** NIO

Part 2 of the Justice (NI) Act 2002 makes provision for a single fully independent prosecution service responsible for undertaking all criminal prosecutions. The new service will be a fundamental element in the new criminal justice system. The Act also makes provision for the prosecution service for Northern Ireland to be known as the Public Prosecution Service. The new service will build upon the work of the existing Department. The pilot scheme for the new Public Prosecution Service will commence in December 2003 and will be rolled out over 3 years.

Timescale: Commencing December 2003.

Recommendation 18**INVESTIGATION TO REMAIN WITH POLICE**

We recommend that the investigative function should remain the responsibility of the police and not be subject to external supervision. [para. 4.130]

Accepted**Lead Responsibility:** Police Service of Northern Ireland

The Government agrees that the separation of the prosecution and investigative processes is an important safeguard. Oversight of the work of the police is a matter for the Police Ombudsman and, in any case, would not be consistent with the independence of the prosecution service.

Timescale: Implemented.

Recommendation 19

STATEMENT OF ABILITY AND DETERMINATION TO PROMPT AN INVESTIGATION

We recommend that the powers contained in Article 6(3) of the Prosecution of Offences (Northern Ireland) Order 1972 be retained and that the head of the prosecution service should make clear publicly the service's ability and determination to prompt an investigation by the police of facts that come into its possession, if these appear to constitute allegations of the commission of a criminal offence, and to request further information from the police to assist it in coming to a decision on whether or not to prosecute. [para. 4.131]

Accepted

Lead Responsibility: NIO and DPP(NI)

The powers contained in Article 6(3) of the Prosecution of Offences (Northern Ireland) Order 1972 have been retained in the new arrangements provided for in the Act. The prosecution service will make clear in its Code of Practice the circumstances under which it will request such information. Publication of the Code of Practice for the new Public Prosecution Service will be in place before the commencement of the pilot.

Timescale: December 2003.

Recommendation 20

REFERRAL TO POLICE OMBUDSMAN

We recommend that Article 6(3) of the 1972 Order be supplemented with a provision enabling the prosecutor to refer a case to the Police Ombudsman for investigation where he or she is not satisfied with an Article 6(3) response. [para. 4.132]

Accepted

Lead Responsibility: NIO and DPP(NI)

Article 6(3) of the Prosecution of Offences Order 1972 currently requires the Chief Constable to provide information to the prosecution service on indictable offences alleged to have been committed in Northern Ireland and any other alleged offences as may be specified. The DPP(NI) may also request that the Chief Constable provide information about any matter which may need investigation on the grounds that it may involve an offence or is information necessary to carry out the other functions of the prosecution service. If the police are not fulfilling their obligations under this provision then this is a legitimate matter for investigation. The Government agrees that if such an investigation is required, the Police Ombudsman would be the most appropriate person to carry it out. Provisions supplementary to the current Article 6(3) powers will take effect when section 34 of the Act is commenced. The timescale for this will coincide with the commencement of the phased implementation of the new Public Prosecution Service scheduled for April 2005.

Timescale: April 2005.

Recommendation 21**MALPRACTICE ALLEGATIONS
TO BE INVESTIGATED**

We recommend that a duty be placed on the prosecutor to ensure that any allegations of malpractice by the police are fully investigated. [para. 4.133]

Accepted

Lead Responsibility: NIO and DPP(NI)

Any member of the public may report allegations of police malpractice to the Police Ombudsman. It would then be for the Ombudsman to decide whether or not it would be appropriate for an investigation to take place. The Act added the head of the prosecution service to the list of those statutory office holders able to refer such matters to the Ombudsman. The Government has given a commitment to bring forward fresh legislation to place a requirement on the Director to refer to the Police Ombudsman all cases where a member of the police force may have committed an offence or behaved in a manner which would justify disciplinary proceedings. The timescale for this will coincide with the commencement of the phased implementation of the new Public Prosecution Service, following the pilot projects.

Timescale: April 2005.

Recommendation 22**ADVICE TO POLICE ON PROSECUTORIAL ISSUES**

We recommend that it be a clearly stated objective of the prosecution service to be available at the invitation of the police to provide advice on prosecutorial issues at any stage in the investigative process. [para. 4.135]

Accepted

Lead Responsibility: NIO and DPP(NI)

Provisions requiring the prosecution service to give advice where requested are included in the Act. Advice will be limited to prosecutorial issues only and not stray into supervision of the investigation of any offence (see recommendation 18 above). This will commence with the pilot scheme for the new Public Prosecution Service.

Timescale: December 2003.

Recommendation 23

SCRUTINY OF DECISION TO PROSECUTE

We suggest that, where a prosecutor has been extensively involved in advising the police on prosecutorial matters at the investigative stage, in order fully to safeguard the independence of the prosecution process consideration should be given to the possibility of arranging for the decision to prosecute to be made or scrutinised by another member of the prosecution service. [para. 4.136]

Accepted

Lead Responsibility: DPP(NI)

The Implementation Team for the new prosecution service is considering the practical consequences of the recommendation, including resource implications, and its impact on the effectiveness of prosecution decision-making. The pilot scheme will examine the relationships with police, the initiation of proceedings and the resource implications for the Public Prosecution Service.

Timescale: Commencing December 2003.

Recommendation 24 PROSECUTOR'S ROLE AND "HOLDING" CHARGES

We recommend that where the police prefer a "holding" charge under Article 38(7) of the Police and Criminal Evidence (Northern Ireland) Order 1989, a prosecutor should be seized of and be responsible for the presentation of the case before a magistrates' court in accordance with the provisions of Article 47 of the Order. [para. 4.138]

Recommendation 25 PROSECUTOR'S RESPONSIBILITY FOR CHARGING

It should be the prosecutor's sole responsibility to formulate and determine the charge that is presented to the court. [para. 4.138]

Recommendation 26 PROSECUTOR'S RESPONSIBILITY FOR REMAND

The prosecutor should have legal responsibility for the application to the magistrates' court for remand, including the presentation of all supporting evidence. [para. 4.139]

Recommendation 27 WITHDRAWAL OF CHARGES

We recommend that consideration be given to amending the Police and Criminal Evidence (Northern Ireland) Order 1989 to enable a prosecutor, on reviewing the case, to withdraw the charges before the court appearance. [para. 4.139]

Recommendation 29 PROSECUTOR TO HAVE FULL RESPONSIBILITY FOR THE CASE

We recommend that the prosecutor should assume full responsibility for the case between the point of charge (or summons) and trial, including tracking progress of the case, advising the police on the evidence required to secure conviction and deciding on what matters should be disclosed to the defence. [para. 4.141]

Accepted**Lead Responsibility:** NIO and DPP(NI)

These recommendations are consistent with the principle that it should be for the prosecution service to undertake and carry out all prosecutions. Provision to give effect to these recommendations has been included in the Act and the prosecution service will take forward the necessary preparatory work to carry out these functions. The relationships with police, the initiation of proceedings and the resource implications for the Public Prosecution Service will be examined in the pilot study.

Timescale: Commencing December 2003.

Recommendation 28

PUBLICATION OF NAME AND FACT OF ARREST

We recommend that (if the law is changed in the way we suggest), until the prosecutor has determined whether to proceed with the remand application, the fact of the arrest and the name of the person detained should not be publicised. [para. 4.139]

Accepted with Qualifications

Lead Responsibility: NIO and DPP(NI)

The Government believes that the name of the person arrested should not be publicised until the prosecutor has determined whether to proceed with the remand application. However, the Government considers that the presumption should be that the fact that an (unnamed) person has been arrested is a legitimate matter for public knowledge. Legal advice is that it is unnecessary to include a statutory provision to this effect in the Act.

Timescale: Implemented in part

Recommendation 30

COMMENCEMENT OF LEGISLATION

We suggest that the timing of commencement of legislation that will flow from our recommendations should be planned so as to ensure that all necessary resources, preparation and training are in place and completed before procedural changes are introduced. [para. 4.142]

Recommendation 66

LESSONS OF GLIDEWELL REPORT

We recommend that those who are considering the resource implications and the organisational issues arising from our proposals in respect of the prosecution function should examine the Glidewell Report, with a view to seeing whether there are lessons to be learnt from the experience of England and Wales. [para. 4.183]

Accepted

Lead Responsibility: DPP(NI) and NIO

The Government is fully aware of the findings of the Glidewell report. Resources will be provided to enable the DPP(NI) to manage the transition to the new prosecution service. The Government intends to commence the legislative provisions as soon as possible after Royal Assent, subject to the prosecution service being ready to take on its new responsibilities. The new service will extend its role on an incremental basis, with full implementation and commencement at the end of the process. The Act provides that the phased implementation of the Public Prosecution Service is to be completed within five years after commencement of section 31(1). The pilot scheme will commence in December 2003 and the phased implementation will commence in 2005 with completion in December 2006.

Timescale: Commencing December 2003 with completion in December 2006.

Recommendation 31**REVIEW OF DISCLOSURE PROVISIONS**

We believe that the present disclosure provisions should be reviewed and suggest in Chapter 14 that this might be one of the matters for consideration by a Law Commission. [para. 4.143]

Accepted

Lead Responsibility: Northern Ireland Law Commission

Part 3 of the Act provides for the establishment of the Northern Ireland Law Commission. The Government accepts the recommendation that disclosure procedures under the provisions of the Criminal Procedure and Investigations Act 1996 should be considered as part of the Law Commission's early programme of work. However, it is worth noting that the forthcoming Criminal Justice and Sentencing Bill will make proposals for some extensive changes to the current disclosure regime, by way of amendments to the Criminal Procedure and Investigations Act 1996.

Timescale: It will be for the Commission to develop and agree its programme of work with the Secretary of State (see recommendations 244-255).

Recommendation 32**TRANSFER OF CASES TO CROWN COURT**

We recommend that consideration be given to introducing simplified procedures for transferring cases to the Crown Court in Northern Ireland, while ensuring safeguards for a defendant who wishes to argue that there is no case to answer. Such a development could be accompanied by a major effort further to reduce time taken to bring cases to trial. [para. 4.144]

Accepted

Lead Responsibility: NIO and Criminal Justice Agencies

The Ministerial Trilateral (see recommendation 264) is giving priority to a number of initiatives designed to reduce unnecessary delay in bringing cases to trial. A study to examine the scope for introducing simplified procedures for transferring cases to the Crown Court in Northern Ireland, with a view to removing any unnecessary delays from the system and promoting public confidence in the rule of law, has been commissioned and will report to Ministers by end of 2003. Ministers will consider what action to take in light of the report's recommendations. As noted in the response to recommendation 269, work is ongoing to reduce the time taken to bring cases to trial.

Timescale: By end of 2003.

Recommendation 33

DEVELOPMENT OF STANDARDISED FORMS

We recommend that once the police at divisional level decide that they wish to proceed and judge that they have sufficient evidence to warrant prosecution, the facts of the case should be sent to the prosecutor. In order to facilitate the process, consideration should be given to the development of standard forms, with the information fields necessary for purposes of issuing a summons, which could be e-mailed or faxed to the prosecutor. [para. 4.146]

Recommendation 34

ARRANGEMENTS FOR SUMMONS CASES

We recommend that in summons cases arrangements be made to ensure that the facts of the case are passed to the prosecutor by a police officer who is close to and familiar with the investigation. [para. 4.147]

Recommendation 36

CAUTION GUIDELINES TO BE AGREED

We recommend that caution guidelines should be agreed between the police and the prosecution service. Statistics should be kept and the practice kept under review, with particular attention being paid to consistency of approach and to ensuring that cases are dealt with expeditiously. [para. 4.151]

Accepted

Lead Responsibility: DPP(NI)

The prosecution service will take forward the changes required and make appropriate arrangements as part of its expansion. Caution guidelines have been agreed. A Service Delivery Model has been developed by DPP(NI). This model will contain a number of options for delivery of the service as required by these recommendations. One (or more) of these options will be tested in the pilot scheme.

Timescale: Commencing December 2003.

Recommendation 35

LEGALLY QUALIFIED STAFF AND COUNSEL

We envisage moving towards a position where it is the norm for legally qualified staff of the prosecution service to present cases at magistrates' courts (including committals), while retaining the option of briefing independent counsel when appropriate. [para. 4.149]

Accepted

Lead Responsibility: DPP(NI)

It is intended to be the norm that legally qualified staff of the prosecution service present cases at the magistrates' courts. On occasions counsel will be briefed where it is appropriate so to do. The pilot scheme, when commenced, will have that as an aim.

Timescale: Commencing December 2003.

Recommendation 37**DIVERSION TO BE CONSIDERED
BY PROSECUTORS**

We recommend that prosecutors be enjoined positively to consider the diversion option in their consideration of cases. The options available to them might be:

- referral back to the police with a recommendation to caution;
- diversionary options, for example mentally disordered offenders or drug users being referred to treatment or young offenders being offered programmes to address offending behaviour; and
- the making of arrangements for restorative interventions. [para. 4.152]

Accepted

Lead Responsibility: NIO and DPP(NI)

Prosecutors can at present respond to a recommendation from the police that a caution be administered and consequently direct that there should be no prosecution. Arrangements are being made to allow prosecutors to divert juveniles to youth conferences (see recommendation 165) and consideration will be given to the extension of conferencing to young adults and adults (see recommendation 144).

Timescale: End of 2003.

Recommendation 38**REVIEW DIVERSION DECISION
IN EVENT OF BREACH**

We think it right for the prosecutor to have the ability to review the decision not to prosecute if the offender fails to follow through the arrangements for diversionary activity, treatment or restorative agreements. [para. 4.153]

Accepted

Lead Responsibility: NIO and DPP(NI)

Prosecution will remain an option in the event that an alleged offender fails to comply with diversionary arrangements. This will commence with the pilot scheme for the new Public Prosecution Service. (See also recommendation 148.)

Timescale: Commencing December 2003.

Recommendation 39

PROSECUTORIAL FINE

We recommend that consideration be given to introducing the prosecutorial fine in Northern Ireland. [para. 4.154]

Accepted

Lead Responsibility: NIO and DPP(NI)

A scheme of prosecutor-administered fines currently operates in Scotland for less serious offences. If such a fine is accepted and paid no proceedings are commenced and no conviction is recorded. If a fine is declined or not paid the case proceeds to court as normal. NIO and DPP(NI) will consider how such a scheme could operate in Northern Ireland and will bring forward legislation as required.

Timescale: Dependent on legislation.

Recommendation 40

AWARENESS OF DIVERSION

It will be necessary for the prosecution service, together with the police, to engage with the community and other agencies and service providers about what is involved in the diversionary process and to seek to arrive at a clear understanding of what diversionary schemes and options may be available at the local level. [para. 4.155]

Recommendation 41

OUTREACH TO THE COMMUNITY AS AN OBJECTIVE

We recommend that outreach to the community and inter-agency working be a stated objective of the prosecution service. [para. 4.156]

Accepted

Lead Responsibility: DPP(NI)

The Implementation Team for the new prosecution service, in consultation with PSNI and the Youth Justice Agency, will take forward work on the arrangements that will be required to give effect to these recommendations.

Timescale: Commencing 2003.

Recommendation 42**DEVOLUTION OF RESPONSIBILITY
FOR PROSECUTION**

We recommend that political responsibility for the prosecution system should be devolved to local institutions along with other criminal justice functions, or as soon as possible after devolution of such functions. [para. 4.158]

Accepted**Lead Responsibility:** NIO

The Government intends that responsibility for prosecution will be devolved at the same time as other justice functions. Preparatory work to create a new prosecution service is proceeding and a pilot scheme will commence in December 2003 as this is not dependent on devolution. (See also recommendation 256 on the devolution of justice functions.)

Timescale: Subject to devolution.

Recommendation 43**ATTORNEY GENERAL FOR NORTHERN IRELAND**

We recommend that consideration be given to establishing a locally sponsored post of Attorney General who, inter alia, would have oversight of the prosecution service. We see the Attorney General as a non-political figure drawn from the ranks of senior lawyers and appointed by the First Minister and Deputy First Minister. We would suggest a fixed term appointment, with security of tenure, say for five years, which would not be affected by the timing of Assembly terms. [para. 4.160]

Accepted**Lead Responsibility:** NIO

Currently the Attorney General for England and Wales acts as Attorney General for Northern Ireland. Section 22 of the Act will allow the First Minister and Deputy First Minister to appoint a local Attorney General after devolution of justice functions. The Attorney General for Northern Ireland includes some functions that would not be relevant for a local law officer to exercise as they relate to matters in the excepted field. On devolution these excepted functions will be exercised by the Attorney General for England and Wales acting as Advocate General for Northern Ireland. The split between the functions of the two offices is set out in the Act. Additional functions for the local Attorney relating to the Assembly and Executive suggested by the Review (such as Legal Advisor to the Assembly) will be matters for the Assembly and Executive.

Timescale: Subject to devolution.

Recommendation 44

PARTICIPATION IN ASSEMBLY BUSINESS

We recommend that the formulation in section 27 of the Scotland Act 1998 be adopted in that, although not a member of the Assembly, the Attorney should be enabled by Standing Orders to participate in Assembly business, for example, through answering questions or making statements, but without voting rights. [para. 4.161]

Accepted

Lead Responsibility: NIO and Northern Ireland Assembly

Appropriate provision is included at section 25 of the Act.

Timescale: Subject to devolution.

Recommendation 45

END TO POWER OF DIRECTION

There should be no power for the Attorney General to direct the prosecutor, whether in individual cases or on policy matters. [para. 4.162]

Accepted

Lead Responsibility: NIO

Ending the power of direction will help to ensure the independence of the new prosecution service in the new circumstances after devolution. Provision to this effect is included in the Act.

Timescale: Subject to devolution.

Recommendation 46**RELATIONSHIP BETWEEN PROSECUTION AND ATTORNEY GENERAL**

We recommend that legislation should: confirm the independence of the prosecutor; make it an offence for anyone without a legitimate interest in a case to seek to influence the prosecutor not to pursue it; but make provision for statutory consultation between the head of the prosecution service and the Attorney General, at the request of either. [para. 4.163]

Accepted**Lead Responsibility:** NIO

Safeguarding the independence of the prosecutor, while allowing for the appropriate level of accountability and transparency, was one of the most important issues considered by the Criminal Justice Review. Section 42 of the Act confirms that the Director of Public Prosecutions will exercise his functions independently and provides for consultation with the Attorney General and the Advocate General.

The Government has also given a commitment to bring forward fresh legislation to create an offence of seeking to influence the Director's prosecution decision without legitimate cause.

Timescale: Implementation ongoing.

Recommendation 47**QUESTIONS ON INDIVIDUAL CASES**

We recommend that it be made clear on the face of legislation, as in section 27 of the Scotland Act 1998, that the Attorney could decline to answer questions on individual cases where to do so might prejudice criminal proceedings or would be contrary to the public interest. [para. 4.163]

Recommendation 48**ACCOUNTABILITY OF HEAD OF PROSECUTION**

We recommend that the head of the prosecution service should be accountable to the appropriate Assembly Committee for financial and administrative matters relating to the running of the service. [para. 4.163]

Accepted**Lead Responsibility:** NIO

Appropriate provisions have been included in the Act.

Timescale: Subject to devolution.

Recommendation 49

GIVING OF REASONS

We recommend that, where information is sought by someone with a proper and legitimate interest in a case on why there was no prosecution, or on why a prosecution has been abandoned, the prosecutor should seek to give as full an explanation as is possible without prejudicing the interests of justice or the public interest. It will be a matter for the prosecutor to consider carefully in the circumstances of each individual case whether reasons can be given in more than general terms and, if so, in how much detail, but the presumption should shift towards giving reasons where appropriate. [para. 4.167]

Accepted with Qualifications

Lead Responsibility: DPP(NI)

The giving of reasons for non-prosecution is a complex issue. In many cases the reason for non-prosecution is a technical one (for example, the unavailability of a particular proof which is essential to establish the case). A balance needs to be struck between the proper interest of victims and witnesses and other concerns, including damage to the reputation or other injustice to an individual, the danger of infringing upon the presumption of innocence or other human rights, the risk of jeopardising the safety of individuals and the risk of prejudicing a continuing police investigation.

The Government therefore recognises that the propriety of applying the general practice to refrain from giving reasons other than in the most general terms must be examined and reviewed in every case where a request for the provision of detailed reasons is made. The Government accepts that where such requests are received, the Director of Public Prosecutions must consider the applicability of considerations which militate against providing detailed reasons together with any other considerations which seem to him material to the particular facts and circumstances of the case in question, and, assess the weight to be accorded these considerations.

In addition, the Director of Public Prosecutions, in consultation with the Attorney General, has reviewed his policy in the light of the judgments delivered by the European Court of Human Rights on 4 May 2001 in a number of Northern Ireland cases, including the case of *Jordan v The United Kingdom*. Having done so, the Director recognises that there may be cases in the future, which he would expect to be exceptional in nature, where an expectation will arise that a reasonable explanation will be given for not prosecuting where death is, or may have been, occasioned by the conduct of agents of the State. Subject to compelling grounds for not giving reasons, including his duties under the Human Rights Act 1998, the Director accepts that in such cases it will be in the public interest to reassure a concerned public, including the families of victims, that the rule of law has been respected by the provision of a reasonable explanation. The Director will reach his decision as to the provision of reasons, and their extent, having weighed the applicability of public interest considerations material to the particular facts and circumstances of each individual case.

Timescale: Practice will continue to evolve in accordance with review, legal advice and developments in the law.

Recommendation 50**PROSECUTION SERVICE PUBLICATIONS**

We recommend that the head of the prosecution service be required by statute to publish the following:

- an annual report;
- a code of practice outlining the factors to be taken into account in applying the evidential and public interest tests on whether to prosecute; and
- a code of ethics, based in part on the standards set out in UN Guidelines. [para. 4.169]

Accepted

Lead Responsibility: NIO and DPP(NI)

Provisions requiring the prosecution service to publish these documents are set out in sections 37 and 39 of the Act as they represent an important accountability measure for the prosecution service. The timescale for the annual report by the Director is set out in section 39. A draft Code of Practice and a draft Code of Ethics will be in place by December 2003.

Timescale: December 2003.

Recommendation 51

INSPECTION OF THE PROSECUTION SERVICE

We recommend that the prosecution service should be subject to inspection, with a significant independent input. [para. 4.170]

Recommendation 52

BUYING IN EXPERTISE

We recommend that the Criminal Justice Inspectorate, which we propose in Chapter 15, be given that responsibility for buying in the professional expertise necessary to carry out inspections. [para. 4.171]

Recommendation 53

**FUNCTIONS OF THE
CRIMINAL JUSTICE INSPECTORATE**

We recommend that the Criminal Justice Inspectorate be under a statutory duty to arrange for the inspection of the prosecution service, report to the Attorney General on any matter to do with the service which the Attorney refers to it and also report the outcome of inspections to the Attorney General. [para. 4.171]

Recommendation 54

**INSPECTORATE TO PUBLISH RESULTS
OF INSPECTIONS**

We recommend that the Criminal Justice Inspectorate should include in its annual report a review of inspection activity and its outcomes in relation to the prosecution service. [para. 4.171]

Accepted

Lead Responsibility: NIO

Provision is included in Part 3 of the Act for the Chief Inspector of Criminal Justice for Northern Ireland to carry out inspections of the prosecution service to ensure it is meeting its objectives. Inspections of the prosecution service will serve to ensure effectiveness and efficiency in the criminal justice system and its evolution into a more joined-up system of justice. Provision is also available for the Chief Inspector to buy in professional expertise from elsewhere where necessary. The Act also places a duty on the Chief Inspector to consult with the Secretary of State and the Attorney General when drawing up the programme of inspections as well as send both parties a copy of the finalised programme. The Chief Inspector must report to the Secretary of State on each inspection and review carried out, and the Secretary of State must lay a copy of the report in both Houses of Parliament at Westminster. The Chief Inspector must report to the Attorney General for Northern Ireland on any part of a report concerning the Public Prosecution Service for Northern Ireland.

Work on the appointment of inspectors and work programmes for the Inspectorate will be taken forward to enable the Inspectorate's initial work programme to begin in Autumn 2004 (see recommendation 263).

Timescale: Implementation ongoing.

Recommendation 55**PUBLICATION OF COMPLAINTS PROCEDURES**

Details of complaints procedures for the prosecution service should be publicly available and included in the service's annual report, along with an account of the handling of complaints throughout the year. [para. 4.172]

Accepted

Lead Responsibility: DPP(NI)

This is being taken forward by the Implementation Team for the new prosecution service. A complaints procedure will be developed in the course of the pilot scheme.

Timescale: Commencing December 2003.

Recommendation 56**INDEPENDENT ELEMENT TO COMPLAINTS PROCEDURES**

We recommend that an independent element be introduced into the procedures where the complainant is not satisfied with the initial response and where the complaint is not about the exercise of prosecutorial discretion. [para. 4.172]

Recommendation 57**AUDIT OF COMPLAINTS PROCEDURE**

The Criminal Justice Inspectorate should audit the operation of the prosecution service's complaints procedures on a regular basis. [para. 4.172]

Accepted

Lead Responsibility: DPP(NI)

The Government is committed to ensuring that all parts of the criminal justice system in Northern Ireland are covered by complaints mechanisms that are well-publicised, easily accessible and understood, and which, where appropriate, have an independent element (see also recommendation 16).

To this end, an independent element will be introduced into the complaints procedures for the prosecution service by November 2003. The mechanism will apply where the complainant is not satisfied with the initial response and where the complaint is not about the exercise of prosecutorial discretion. The independent figure will be responsible for reviewing the complaint and advising the Director of Public Prosecutions. Thereafter, the independent figure will reply to the complainant on his/her examination of the complaint and any further action agreed by the Director.

The independent figure will also periodically review the overall handling of complaints by the prosecution service, on the basis of representative sampling, and advise the Director on his or her findings.

Timescale: November 2003.

Recommendation 59

APPOINTMENT OF HEAD OF PUBLIC PROSECUTION SERVICE

We recommend that the appointment process for the head of Public Prosecution Service and deputy be through open competition, with a selection panel, in accordance with procedures established by the Civil Service Commissioners for Northern Ireland. These appointments would be made by the Attorney General for Northern Ireland. Appointments would be for a fixed term, or until a statutory retirement date. There should be statutory safeguards to ensure that removal from office by reason of misconduct or incapacity would be possible only after a recommendation to that effect coming from an independent tribunal. [para. 4.176]

Accepted

Lead responsibility: DPP(NI) and NIO

These arrangements will apply to appointments taking place after devolution. Provision is made in section 30 of the Act.

Timescale: Statutory provision has been made.

Recommendation 60

LOCAL OFFICES

We recommend that the Public Prosecution Service should establish local offices from which the bulk of prosecutorial work in their respective areas would be conducted. The boundaries of such offices should be coterminous with police and court boundaries, which in turn are based on district council areas. [para. 4.178]

Recommendation 61

DELEGATION TO LOCAL OFFICES

We recommend that each of these offices should be headed by a senior prosecutor of sufficient status for decisions on most prosecutions to be delegated to the local offices. [para. 4.178]

Accepted

Lead responsibility: NIO and DPP(NI)

Provision has been made in section 29 of the Act to allow the Director to create local offices as a key element of the new Public Prosecution Service. The Director will establish such offices and appoint staff to have responsibility for the conduct of prosecutions within defined geographical areas, subject to his direction and control. It is proposed that these offices should be located in Londonderry, Ballymena, Omagh, Newry and Lisburn (subject to the availability of suitable accommodation). This will be taken forward by the Implementation Team for the new prosecution service.

Timescale: Commencing April 2004 with all local offices open by September 2006.

Recommendation 62**EXPANSION OF PROSECUTION SERVICE**

External recruitment of new staff should be subject to open competition, in accordance with fair employment and equal opportunities best practice. A substantial recruitment exercise would provide the opportunity to attract applicants from a range of diverse backgrounds, including defence lawyers and people from all parts of the community, with a geographical spread across Northern Ireland. [para. 4.180]

Accepted**Lead responsibility:** DPP(NI)

The Government welcomes the opportunity that expansion of the prosecution service will provide to continue to attract applicants from a range of diverse backgrounds. This will contribute to the Government's objective of securing a reflective workforce across the criminal justice system. The full establishment of the Public Prosecution Service will require staff numbers to rise from 150 to over 500 (including an increase in the professional legal staff from 40 to 150). Appointment on merit will remain the fundamental principle in all future recruitment to the Public Prosecution Service.

The Implementation Team for the new prosecution service will take forward these recommendations when recruiting staff. The recruitment process to expand the new prosecution service has already begun, with open competitions for new legal posts being held in September 2001 and June 2002. Recruitment through open competition has also been carried out for a range of Senior Corporate Service Managers.

Timescale: Implementation ongoing.

Recommendation 63**FIXED TERM CONTRACTS / FINANCIAL ASSISTANCE**

Consideration should be given to some posts being the subject of fixed-term contracts and to offering financial assistance to a limited number of students seeking professional qualifications, on the basis that they might start their career within the Public Prosecution Service. [para. 4.180]

Accepted**Lead Responsibility:** DPP(NI)

The Implementation Team for the new prosecution service, in consultation with the Civil Service Commissioners and the legal professional bodies, will consider how this recommendation can be best achieved before the phased implementation of the new public prosecution service. This is subject to consultation with legal bodies and trade unions.

Timescale: By April 2005.

Recommendation 64

HEAD OF CORPORATE SERVICES

We recommend the appointment of a senior manager as head of Corporate Services to work to, and alongside, the head of the Public Prosecution Service. This post would have particular responsibility for driving the change agenda and ensuring the efficient and effective management of what will be a larger and more dispersed organisation than is the case at present. [para. 4.181]

Accepted

Lead responsibility: DPP(NI)

Following an open competition to recruit a new Assistant Director, as Head of Corporate Services, the successful candidate was appointed in December 2001. The Assistant Director has been appointed as the head of the prosecution service's Implementation Team and as such the post-holder will play a crucial role in developing the new prosecution service.

Timescale: Implemented.

Recommendation 65

IDENTIFICATION OF TRAINING NEEDS

We recommend that at the earliest possible stage in establishing the Public Prosecution Service training needs should be identified and the necessary resources deployed to meet them. [para. 4.182]

Accepted

Lead responsibility: DPP(NI)

The Implementation Team has identified training needs and will deploy the necessary resources to meet them. A comprehensive training needs analysis for all staff commenced in May 2003.

Timescale: To be completed by end 2003.

The Judiciary

Recommendation 67**JUDICIAL INDEPENDENCE**

We recommend that primary Westminster legislation should make explicit reference to the requirement for an independent judiciary and place a duty on the organs of government to uphold and protect that independence. [para. 6.82]

Accepted

Lead Responsibility: Northern Ireland Court Service and NIO

The Government recognises that the independence of the judiciary is of paramount importance and must continue to be protected. Provision ensuring that those responsible for the administration of justice in Northern Ireland uphold the continued independence of the judiciary is contained in section 1 of the Justice (Northern Ireland) Act 2002.

Timescale: Implemented.

Recommendation 68**MERIT PRINCIPLE**

Merit, including the ability to do the job, thus providing the best possible quality of justice, must in our view continue to be the key criterion in determining appointments. [para. 6.84]

Accepted

Lead Responsibility: Court Service

Candidates for judicial appointment are selected on merit, regardless of ethnic origin, gender, marital status, sexual orientation, political affiliation, religion or disability. The Government fully endorses the principle of appointment on merit and has reaffirmed it in section 5 of the Act.

Timescale: Implemented.

Recommendation 69

JUDICIARY TO BE REFLECTIVE OF SOCIETY

It should be a stated objective of whoever is responsible for appointments to engage in a programme of action to secure the development of a judiciary that is as reflective of Northern Ireland society, in particular by community background and gender, as can be achieved consistent with the overriding requirement of merit. [para. 6.85]

Accepted

Lead Responsibility: Court Service

The Government is fully committed to the objective of securing a judiciary that is as reflective of Northern Ireland society, in particular by community background and gender, as can be achieved consistently with the overriding requirement of merit.

Section 5 of the Act requires that the Judicial Appointments Commission must, so far as it is reasonably practicable to do so, secure that a range of persons reflective of the community in Northern Ireland is available for consideration by the Commission whenever it is required to select a person to be appointed, or recommended for appointment, to a listed judicial office. This will be facilitated through a programme of action and outreach to stimulate interest in becoming a judge, especially from the sections of the community where historically applications have been disproportionately low.

The Government has given a commitment to bring forward fresh legislation to establish the Judicial Appointments Commission in advance of devolution. The legislation will also put in statute that a key objective of the Judicial Appointments Commission will be to engage in a programme of action to secure a judiciary in Northern Ireland that is as reflective of Northern Ireland society as can be achieved consistently with the requirement of appointment on merit.

Prior to establishment of the Judicial Appointments Commission, the Court Service will take the lead in discussions with key stakeholders to develop best practice in terms of outreach. These will include members of the judiciary, the Bar Council, the Law Society, the Equality Commission and other interested parties. The Commissioner for Judicial Appointments (see recommendation 95) will report on progress in his annual report.

Timescale: Implementation ongoing. New measures for Judicial Appointments Commission are subject to legislation.

Recommendation 70**ELIGIBILITY OF SOLICITORS**

We endorse the view that extensive experience of advocacy should not be regarded as a prerequisite of success in a judicial capacity and recommend that practice and/or standing requirements for recruitment to all levels of the bench should not differentiate between barristers and solicitors. [para. 6.89]

Recommendation 71**ELIGIBILITY CRITERIA**

We recommend that consideration be given to consolidating and amending the legislation relating to eligibility criteria for judicial appointments with a view to shifting the emphasis to standing (i.e. period since being called to the Bar or admitted as a solicitor) rather than practice. Time spent in lower judicial posts should also be recognised for eligibility purposes. [para. 6.90]

Recommendation 72**PROGRESSION BETWEEN JUDICIAL TIERS**

In our view it should be clear that progression from one judicial tier to another is regarded as an accepted form of appointment, provided that it takes place on the basis of merit as part of open competition. [para. 6.91]

Accepted

Lead Responsibility: Court Service

These recommendations reflect existing plans for the further development of eligibility criteria and the continuing recognition of progression between tiers as one avenue for judicial appointment. Provision for this is contained in section 18 of the Act which came into operation on 15 October 2002. Merit will continue to be the overriding principle in appointment.

Timescale: Implemented.

Recommendation 73

DEVOLUTION OF JUDICIAL APPOINTMENTS

We recommend the enactment of legislation enabling responsibility for judicial appointments in Northern Ireland to be devolved on an agreed basis at a date to be determined by the Government in the light of the prevailing circumstances. This would of necessity be primary Westminster legislation. The legislation would include provisions establishing the machinery and procedure by which appointments were to be made. [para. 6.95]

Recommendation 74

ACCOUNTABILITY AFTER DEVOLUTION

On devolution, political responsibility and accountability for the judicial appointments process should lie with the First Minister and the Deputy First Minister. [para. 6.96]

Recommendation 76

CROSS-COMMUNITY VOTING

We suggest that consideration be given to including in the primary Westminster legislation that provides for the transfer of judicial matters of a provision that no vote, resolution or Act of the Assembly on judicial matters should be valid unless it has cross-community support, as defined by section 4(5) of the Northern Ireland Act 1998. [para. 6.97]

Accepted

Lead Responsibility: Court Service and NIO

The Government intends to devolve responsibility for judicial appointments alongside other justice functions. Sections 2-6 of the Act make provision for political responsibility and accountability for the judicial appointments process to lie with the First Minister and Deputy First Minister after devolution. They include details of the machinery and procedures by which judicial appointments will be made. Section 83 of the Act also provides for the cross-community safeguard advocated by the Review. In addition to this, the Government will wish to develop a concordat with the Executive to cover the handling of judicial appointments after devolution of justice functions.

Timescale: Implemented.

Recommendation 75**APPOINTMENT OF LORD CHIEF JUSTICE AND LORD JUSTICES OF APPEAL**

For the appointment of the Lord Chief Justice and Lord Justices of Appeal, responsibility for making recommendations to Her Majesty The Queen would lie with the Prime Minister, as now, but on the basis of recommendations from the First Minister and the Deputy First Minister. [para. 6.96]

Recommendation 85**APPOINTMENT PROCEDURE FOR LORD CHIEF JUSTICE AND LORD JUSTICES OF APPEAL**

We recommend that the First Minister and Deputy First Minister should consult with the Judicial Appointments Commission over the procedure to be adopted in appointments to the positions of Lord Chief Justice and Lord Justice of Appeal and submit such procedure to the Prime Minister for approval. The same principles of transparency and appointment on merit should apply as with other appointments. [para. 6.109]

Accepted

Lead Responsibility: Court Service and NIO

Section 4 of the Act substitutes a new section 12 in the Judicature (Northern Ireland) Act 1978 providing for the Prime Minister to make recommendations to Her Majesty on senior judicial appointments after consultation with the First Minister and Deputy First Minister and the Lord Chief Justice. That section also provides for the Judicial Appointments Commission to advise the First Minister and Deputy First Minister on the procedure to be followed on making these senior judicial appointments.

The Government has given a commitment to bring forward fresh legislation to provide that in respect of such appointments, the First Minister and Deputy First Minister acting jointly will make recommendations to the Prime Minister, who in turn will recommend appointments on that basis.

Timescale: Dependent on legislation.

Recommendation 77

**DEVOLUTION OF JUDICIAL APPOINTMENTS
TO JUDICIAL APPOINTMENTS COMMISSION**

We recommend that legislation enabling responsibility for judicial appointments to be devolved should include provision for the establishment of a Judicial Appointments Commission.[para. 6.102]

Recommendation 78

**MEMBERSHIP OF JUDICIAL
APPOINTMENTS COMMISSION**

As for membership of the Commission, we envisage a strong judicial representation drawn from all tiers of the judiciary (including a representative of the lay magistracy – see Chapter 7) and nominated for appointment by the Lord Chief Justice after consultation with each of those tiers. The Lord Chief Justice or his nominee would chair the Commission. In line with practice elsewhere, there would be one representative nominated by the Law Society and one by the Bar Council. In total the Commission might consist of around five judicial members, two from the professions and four or five lay members. [para. 6.103]

Recommendation 79

**REPRESENTATIVENESS OF
JUDICIAL APPOINTMENTS COMMISSION**

The lay members of the Commission should be drawn from both sides of the community, including both men and women. This could be achieved through a legislative provision along the lines of section 68(3) of the Northern Ireland Act 1998 which provides that the Secretary of State should, so far as practicable, secure that the Northern Ireland Human Rights Commission is representative of the community in Northern Ireland. [para. 6.104]

Recommendation 80

**APPOINTMENT TO
JUDICIAL APPOINTMENTS COMMISSION**

The First Minister and Deputy First Minister would appoint the nominees of the Lord Chief Justice and the professions and would secure the appointment of lay members through procedures in accordance with the guidelines for public appointments (the Nolan procedures). [para. 6.104]

Accepted

Lead Responsibility: Court Service and NIO

Section 3 of the Act makes provision for the establishment and membership of the Judicial Appointments Commission after devolution. The Government has given a commitment to bring forward fresh legislation to establish the Judicial Appointments Commission in advance of devolution and to place the same time limits on the length of service of judicial members as there are on lay members.

Chaired by the Lord Chief Justice, the Commission will comprise 13 members. In addition to the Lord Chief Justice there will be five other judicial office holders from the various judicial tiers. The other members will comprise a barrister, a solicitor and five lay persons.

The Government is committed to the objective of a Judicial Appointments Commission which is in its own composition reflective of society in Northern Ireland as far as possible and will reflect this commitment in any fresh legislation. The Act provides that in

appointing the lay members, the First and Deputy First Ministers should, as far as possible, ensure that (taken together) they are representative of the community.

Timescale: Dependent on legislation.

Recommendation 81

RESPONSIBILITIES OF THE COMMISSION

The Commission should be responsible for organising and overseeing, and for making recommendations on, judicial appointments from the level of High Court judge downwards. [para. 6.105]

Recommendation 82

SELECTION PANELS

Working through an Appointments Unit, the Commission would organise its selection panels which, for appointments at deputy resident magistrate and above, would always include at least one member of the judiciary at the tier to which the appointment was to be made and a lay person. The selection panel would shortlist, take account of the available information on the candidates, and conduct interviews with a view to making recommendations to the Commission. [para. 6.105]

Recommendation 83

SELECTION PROCESS

We recommend that for all judicial appointments, from lay magistrate to High Court judge, and all tribunal appointments, the Commission should submit a report of the selection process to the First Minister and Deputy First Minister together with a clear recommendation. [para. 6.106]

Recommendation 84

APPOINTMENT BY FIRST MINISTER AND DEPUTY FIRST MINISTER

The First Minister and Deputy First Minister would be required either to accept the recommendation or to ask the Commission to reconsider, giving their reasons for doing so; in the event of their asking for a recommendation to be reconsidered, they would be bound to accept the second recommendation. The First Minister and Deputy First Minister would then:

- in respect of High Court and county court judges, and resident magistrates, advise Her Majesty The Queen to appoint the recommended candidate;
- in respect of appointment of deputy county court judges and deputy resident magistrate, and of appointments below the level of resident magistrate, make the appointment. [para. 6.106]

Recommendation 107

CODE OF ETHICS

We recommend that consideration be given to drawing up a statement of ethics which might be annexed to the annual report of the Judicial Appointments Commission. [para 6.138]

Accepted

Lead Responsibility: Court Service and NIO

Sections 3 to 5 of the Act give effect to the new appointment procedures and the role of the Commission after devolution though, as noted above (see recommendations 77-80), Government will bring forward legislation to establish the Commission in advance of devolution. The preparation of a code of ethics, governing the judiciary in Northern Ireland, will be considered by the Judicial Appointments Commission once established

Timescale: Full implementation subject to the creation of a Judicial Appointments Commission.

Recommendation 86**JUDICIAL APPOINTMENTS UNIT**

The Judicial Appointments Commission would require a fully resourced administrative structure in the form of a Judicial Appointments Unit separate from the Court Service (or Department of Justice) but staffed by officials drawn from it. This Unit, under the supervision of the Commission, would assist the Commission in:

- establishing criteria for appointment which provide for the level of technical and legal competence required by particular posts and the personal qualities necessary for members of the judiciary, including an awareness of social and human rights issues;
- organising the selection processes which would include open advertising, published criteria for appointment and structured interviews for all appointments from High Court judges downwards;
- ensuring that selection panels had before them all the information on which to base decisions, including the results of consultation with the senior judiciary and professional associations;
- publishing detailed information on all aspects of the appointments system in Northern Ireland, along the lines of Judicial Appointments, the Lord Chancellor's Department publication for England and Wales;
- publishing an annual report on the appointments process;
- developing a strategy of equal opportunity and outreach designed to broaden the pool of potential applicants in a way that maximised the opportunity for men and women from all parts of the community to secure appointments; and
- identifying and, where possible, addressing factors which might make it more difficult, or constitute a disincentive, for qualified candidates from particular parts of the community to apply for appointment. [para. 6.111]

Accepted**Lead Responsibility:** Court Service

There is at present a Judicial Appointments Unit in the Court Service already undertaking many of these functions. Other areas will be progressed in line with the recommendations contained in the Audit Report published by the Commissioner for Judicial Appointments for Northern Ireland and in advance of the establishment of a Judicial Appointments Commission. The Judicial Appointments Unit will transfer to support the Judicial Appointments Commission on its establishment.

Timescale: Full implementation subject to the creation of a Judicial Appointments Commission.

Recommendation 87	CONSULTATION REGARDING CANDIDATES
<p>There should remain a role for formal written consultation with the senior judiciary and the heads of the legal profession in respect of candidates for appointment as county court judge and above. For the sake of ensuring transparency and fairness, the results of such consultation should be made available to the selection panels for these posts, who would consider them along with all other relevant information. [para. 6.112]</p>	

Accepted

Lead Responsibility: Court Service

The Lord Chancellor will continue to operate this policy and has recently extended it to certain appointments below the level of county court judge. The information gathered during consultation is made available to interview panels to assist them in the selection process.

Timescale: Implemented.

Recommendation 88	REFEREES
<p>We consider that the present practice of asking for named referees for lower tier appointments should be extended to include candidates for appointment as High Court or county court judges and suggest that consideration be given to including an element of self-assessment in application forms for judicial appointments. [para. 6.112]</p>	

Accepted

Lead Responsibility: Court Service

This policy of asking for named referees was reviewed and has been extended to include a number of other judicial offices, including county court judges. The possibility of extending it further is currently being considered in light of the recommendations made in the Commissioner for Judicial Appointments’ Audit Report. All application forms for judicial office currently contain an element of self assessment.

Timescale: Implemented.

Recommendation 89**EQUAL OPPORTUNITIES**

We recommend that those responsible for judicial appointments should engage in discussions with the Bar Council and Law Society about equal opportunity issues and their implications for the judicial appointments process. The Equality Commission should be asked to assist with these discussions. [para. 6.113]

Accepted

Lead Responsibility: Court Service

Working with the Equality Commission, the Court Service will lead these discussions. Proposals will be subject to review by the Commissioner for Judicial Appointments who will issue a report.

Timescale: Commissioner's report to be issued by autumn 2003.

Recommendation 90**ENCOURAGEMENT OF APPLICATIONS**

Efforts should be made to stimulate interest in becoming a judge, especially in sectors which are under-represented or where historically applications have been disproportionately low. [para. 6.114]

Accepted

Lead Responsibility: Court Service

Candidates for judicial office are drawn from the ranks of the legal profession in Northern Ireland. Under section 5 of the Act the Judicial Appointments Commission must endeavour to secure, so far as practicable, that a range of persons reflective of the community is available for consideration. In recent years this pool of candidates has evolved to become more reflective of the community. The Court Service will consult with the Equality Commission, Law Society and Bar Council to determine how best to reach the widest possible audience when advertising for judicial vacancies. Appointments will always be made solely on the basis of merit.

Timescale: Consultations to be completed by the end of 2003.

Recommendation 91

DATABASE OF CANDIDATES

We are attracted to the idea of developing a database of qualified candidates interested in securing judicial appointment, and we recommend that this idea be considered further. [para. 6.115]

Accepted

Lead Responsibility: Court Service

The Judicial Appointments Unit is developing a new IT system to support the judicial appointments process. Consideration will be given to including a capacity to support such a database in the requirement specification.

Timescale: The new IT system is due to be operational by January 2004.

Recommendation 92

PART-TIME APPOINTMENTS

We recommend that consideration be given to introducing a small number of part-time appointments. [para. 6.116]

Accepted

Lead Responsibility: Court Service

The Court Service will consult with key stakeholders including the judiciary, Lord Chancellor's Department, Bar Council, Law Society and Equality Commission on the possibility of introducing part-time judicial appointments.

Timescale: Consultations with key stakeholders will be concluded by the end of 2003.

Recommendation 93

BACKGROUND OF APPLICANTS

We recommend that consideration be given to finding a satisfactory way, with the assistance of proxy indicators if necessary, of assessing for statistical purposes the religious and ethnic background of applicants for judicial posts and of those who wish to be included in the database. There would also need to be assessment for statistical purposes of the ethnic background of applicants. This information would not be available to those involved in the selection process [para. 6.120]

Accepted

Lead Responsibility: Court Service

The Court Service is developing arrangements to monitor the disability, religious and ethnic background of applicants for judicial appointments, including provision of an equity monitoring form which is to be submitted with all application forms. The information gathered from this process will not be available to those responsible for administering individual judicial appointment schemes.

Timescale: By September 2003.

Recommendation 94**TIMING OF IMPLEMENTATION**

We recommend that those elements of our appointments strategy which do not require legislative change be adopted for implementation at an early stage and be operated within the existing structures. Early steps should also be taken to establish a dedicated Judicial Appointments Unit within the Northern Ireland Court Service to assist the Lord Chancellor and the Lord Chief Justice in their duties within the current judicial appointments process. [para. 6.122]

Accepted

Lead Responsibility: Court Service

The Court Service has established a Judicial Appointments Unit which operates as a discrete administrative unit. This unit currently administers the judicial appointments process and will take full account of the recommendations of the Review and the recommendations of the Commissioner for Judicial Appointments in his ongoing review of the appointment procedures (see recommendation 95).

Timescale: Implemented.

Recommendation 95**JUDICIAL APPOINTMENTS COMMISSIONER**

We recommend the early appointment of a person or persons of standing to oversee and monitor the fairness of all aspects of the existing appointments system and audit the implementation of those measures that can be introduced before devolution. Such a person or persons should not be a practising member of the legal profession, should be independent of the judicial system and government, and should have the confidence of all parts of the community. They should have access to all parts of the appointments process and report annually to the Lord Chancellor. That report should be published. [para. 6.123]

Accepted

Lead Responsibility: Court Service

The Commissioner for Judicial Appointments for Northern Ireland, Mr John Simpson, was appointed in December 2001. The Commissioner is expected to publish his first Annual Report in autumn 2003.

Timescale: Implemented.

Recommendation 96

OATH

We recommend that, on appointment, members of the judiciary be required to swear an oath along the following lines:

I, [], do swear [or do solemnly and sincerely and truly affirm and declare] that I will well and faithfully serve in the office of [], and that I will do right to all manner of people without fear or favour, affection or ill will according to the laws and usages of this realm. [para. 6.128]

Accepted

Lead Responsibility: Court Service and NIO

Section 19 of the Act, which came into force on 15 October 2002, makes provision for the new oath.

Timescale: Implemented.

Recommendation 97

ACADEMIC INPUT TO JUDICIAL STUDIES BOARD

We think that the membership of the Board, drawing representation from each judicial tier, is about right, although an academic input might bring benefits. [para. 6.131]

Accepted

Lead Responsibility: Court Service

The Judicial Studies Board has been invited to consider enhancing its membership in this way.

Timescale: Implemented.

Recommendation 98

ANNUAL REPORT

We believe that the Board should produce an annual report on its activities and on its training plans for the judiciary. It should continue to be supported by an administrative secretariat. [para. 6.131]

Accepted

Lead Responsibility: Court Service

A report of the Judicial Studies Board's activities each year is incorporated into the Annual Report of the Court Service. Consideration is being given to enhancing the level of information to be included in that Report.

Timescale: Implemented.

Recommendation 99**DEVELOPMENT OF TRAINING**

We think that the Judicial Studies Board should develop a prioritised training plan, with members of the judiciary making the major contribution but also taking account of the views of the professions and other stake-holders. [para. 6.132]

Accepted

Lead Responsibility: Court Service

In September 2002 the Judicial Studies Board appointed a ‘Tutor’ judge whose responsibilities include the development of judicial training and a prioritised training plan for consideration and approval by the Board. The development of judicial training is kept under constant review by the Board.

Timescale: Implemented.

Recommendation 100**CO-OPERATION WITH OTHER JURISDICTIONS**

We recommend that the Judicial Studies Board pay particular attention to maximising the benefits to be secured from co-operation with England and Wales, Scotland and the Republic of Ireland. [para. 6.133]

Accepted

Lead Responsibility: Court Service

A UK Judicial Studies Council has been established, made up of representatives from the various Judicial Studies Boards within the UK. The Judicial Studies Board of Northern Ireland is represented on that Council. Regular exchanges also take place between the Northern Ireland Board and the Judicial Studies Institute in the Republic of Ireland. The Judicial Studies Board for Northern Ireland hosted a cross-border and intra-UK Family Law Conference in March 2003. The Board is also a founder member of the European Judicial Training Network.

Timescale: Implemented.

Recommendation 101	INDUCTION TRAINING
We believe that induction training should be mandatory. [para. 6.134]	
Recommendation 102	JUDICIAL INVOLVEMENT IN TRAINING
We think that training is more likely to have a beneficial effect and secure the necessary commitment if it is developed by the judiciary for the judiciary on a voluntary basis. The Judicial Studies Board should monitor closely the progress of voluntary training and the degree of participation in it. [para. 6.134]	

Accepted

Lead Responsibility: Court Service

The Judicial Studies Board provides training for all members of the judiciary, including induction training. Although induction training is not mandatory, a judge will only be assigned to hear cases requiring particular expertise if the presiding judge is satisfied that he or she has sufficient experience and, where appropriate, any training that may be necessary. It is invariably the case that judges accept the induction training that is offered. The Board draws upon the knowledge of the judiciary in designing training events and considers the comments of those who have attended events. The Board also monitors the level of attendance at training events.

Timescale: Implemented in part.

Recommendation 103	TENURE
We endorse the current arrangements that give full-time judges and magistrates tenure during good behaviour until a statutory retirement age. [para. 6.136]	

Accepted

Lead Responsibility: Court Service

The Act maintains these arrangements.

Timescale: Implemented.

Recommendation 104**JUDICIAL TRIBUNALS**

We recommend that removal from office of a judge or lay magistrate should only be possible on the basis of the finding of a judicial tribunal constituted under statutory authority and convened by the First Minister and Deputy First Minister or the Lord Chief Justice, that a magistrate or judge was unfit for office by reason of incapacity or misbehaviour. [para. 6.136]

Recommendation 105**COMPLAINTS PROCEDURE**

We recommend that a complaints procedure be devised and published. This would make clear that complaints about the exercise of judicial discretion could only be addressed through the judicial (ie the appeal) process, essential if judicial independence is to be maintained. Complaints about conduct or behaviour would be the ultimate responsibility of the judiciary, although, as now, officials in the Court Service could be tasked with dealing with the administration of such matters. [para. 6.137]

Recommendation 106**TRIBUNALS FOR SERIOUS COMPLAINTS**

We recommend that for the most serious complaints which appear to have substance, including those which might merit some form of public rebuke or even instigation of the procedure for removal from office, the Lord Chief Justice should have the option of establishing a judicial tribunal to inquire into the circumstances and make recommendations. [para. 6.137]

Accepted

Lead Responsibility: Court Service and NIO

Provision to give effect to these recommendations is contained in sections 6-8 and 16 of the Act. The arrangements reflect practice in many other jurisdictions and, taken with other recommendations from the Review, will enhance the transparency of the complaints process. The Government has given a commitment to bring forward fresh legislation to remove the requirement in the existing legislation (section 7(5) of the Act) that the Lord Chief Justice must agree to removal or suspension on foot of a recommendation by a judicial tribunal.

Timescale: Implemented. Adjustments will depend on legislation.

Recommendation 108

JUDICIAL SALARIES

On remuneration we recommend that judges' salaries continue to be fixed by reference to their equivalents in England and Wales, which are within the remit of the Senior Salaries Review Body. [para. 6.139]

Accepted

Lead Responsibility: Court Service

Judicial salaries in Northern Ireland will continue to be fixed by reference to their equivalents in England and Wales. Section 81 of the Act ensures that remuneration and terms and conditions of service for judicial office holders in Northern Ireland will remain an excepted matter.

Timescale: Implemented.

Recommendation 109

HEAD OF THE JUDICIARY

We recommend that the Lord Chief Justice should have a clearly defined position as head of the whole judiciary (including the lay magistracy) in Northern Ireland. [para. 6.141]

Accepted

Lead Responsibility: Court Service and NIO

Section 12 of the Act makes the necessary provision.

Timescale: Implemented.

Recommendation 110

RESIDENT MAGISTRATES TO BE REDESIGNATED DISTRICT JUDGES (MAGISTRATES' COURTS)

We recommend that legislation be passed to re-designate resident magistrates as district judges (magistrates' courts). [para. 6.142]

Not Accepted

Lead Responsibility: Court Service and NIO

In the Implementation Plan published on 12 November 2001, it was indicated that the Government supported this recommendation on the grounds that it would demonstrate that the magistracy is an integral part of the judiciary. A draft provision to give effect to this was included in the Justice Bill and the matter was debated extensively during the Bill's passage.

In light of the views expressed by Parliament, and a careful analysis of the responses received in regard to this recommendation during consultation on the draft Bill, the Government has decided not to proceed with the proposed re-designation at this time.

Lay Involvement in Adjudication

Recommendation 111**JURY TRIALS**

We fully endorse the principle of jury trial in cases tried on indictment at the Crown Court. [para. 7.3]

Recommendation 122**REVIEW OF ASPECTS OF JURY TRIAL**

We think that there are aspects of jury trials that should be reviewed including, inter alia, measures to prevent intimidation of jurors, and the role of juries in particular classes of case. [para. 7.66]

Accepted

Lead Responsibility: Northern Ireland Court Service

The Government supports the principle of jury trial on cases heard on indictment at the Crown Court. Ministers have made clear that they want to see an end to trials of scheduled cases under emergency legislation by a single judge sitting alone, as soon as the security situation allows.

A policy to counter the intimidation of jurors and others on court premises was issued in autumn 2002. The policy aims to ensure the safety of jurors and to eliminate the causes and potential causes of intimidation. Measures currently being taken, or under consideration, include the provision of written advice on jury summonses, separate parking arrangements, entrances and waiting rooms and appropriate levels of security personnel. A review will also be undertaken as to how the Court Service communicates with jurors including the use of a jury orientation video and information leaflets.

Timescale: Implemented.

Recommendation 112**SUMMARY ADULT TRIALS**

We do not believe that a sufficiently strong case has been made at present to warrant change from the current system whereby a professional magistrate sitting alone adjudicates at summary adult trials. [para. 7.48]

Accepted

Lead Responsibility: Court Service

The Government agrees.

Timescale: No action required.

Recommendation 114

LAY PANELLISTS IN YOUTH COURTS

We strongly endorse the continued involvement of lay panellists in youth courts. [para. 7.50]

Recommendation 115

ROLE OF LAY PEOPLE

We do not think that lay people should any longer have the power to extend the period during which a suspect might be held in custody by the police, hear committal proceedings or adjudicate on a range of complaints against adults. There should however continue to be a role for suitably trained lay justices in presiding over special courts for first remand hearings. [para. 7.52]

Recommendation 116

ISSUING SUMMONSES AND WARRANTS

We recommend that lay people should continue to have a role in hearing complaints with a view to issuing summonses and warrants. [para. 7.53]

Recommendation 117

LAY MAGISTRATES

We recommend that all lay appointees empowered to fulfil judicial functions should be designated as lay magistrates. [para. 7.55]

Accepted

Lead Responsibility: Court Service and NIO

These recommendations recognise the important role performed by lay people within the justice system and seek to enhance that role. Provision giving effect to them is contained in sections 9-11 of and Schedule 4 to the Justice (Northern Ireland) Act 2002.

Timescale: Implemented.

Recommendation 121

MONITORING AND EVALUATION

We recommend that the quality and impact of lay involvement, especially in the youth court and in the county court, be monitored and evaluated as a possible basis for extending the work of lay magistrates. [para. 7.61]

Accepted

Lead Responsibility: Court Service

The monitoring and evaluation of lay involvement in the youth court will commence in January 2005.

Timescale: January 2005.

Recommendation 113**COMMUNITY INVOLVEMENT**

We strongly endorse the view that efforts should be made to make the system more responsive to community concerns and to encourage lay involvement in an informal capacity. We make recommendations elsewhere about opening up the courts to the public and we believe that the judiciary could make a significant contribution to this. Participating in various types of discussion fora, facilitating court visits and seeking out the views of the public on the way in which the system works should significantly reduce the likelihood of their being "out of touch" and should enhance confidence generally. [para. 7.49]

Accepted

Lead Responsibility: Court Service

The Court Service has had a programme of outreach activities running for some years. Annual work programmes will be in place to support the full implementation of the Outreach Strategy by 2006.

Timescale: The first annual programme is in place.

Recommendation 129**COURT USER GROUPS**

We recommend the establishment of court user groups across Northern Ireland inclusive of the judiciary, the professions, criminal justice agencies, and voluntary organisations representing victims and witnesses. We also suggest that consideration be given to means of sharing best practice between such groups. [para. 8.47]

Recommendation 134**ROLE OF COURT USER GROUPS**

Local court user groups will have a role in making suggestions for and monitoring improvements in facilities with reference to agreed standards. [para. 8.51]

Accepted

Lead Responsibility: Court Service

Court User Groups have been established covering all courts. Issues raised and best practice suggestions emerging from within these groups are discussed by and shared among Court Service Business Managers.

Timescale: Implemented.

Recommendation 118

RESPONSIBILITIES OF LAY MAGISTRATES

We recommend that a system be devised whereby lay magistrates would be formally authorised to perform each of the three functions only following appropriate training. We would envisage training being the responsibility of a sub-committee of the Judicial Studies Board. Current members of the Juvenile Lay Panel will already have received structured training and we envisage that they would therefore be eligible for re-appointment as lay magistrates without the need for a selection process in their case; it will of course be necessary to appoint significant numbers of additional lay panellists to provide for the expanded jurisdiction of the youth courts. [para. 7.56]

Accepted

Lead Responsibility: Court Service

Lay magistrates will be formally authorised to perform the three functions (first remand hearings; hearing complaints with a view to issuing warrants and summonses; and sitting as lay panellists in youth courts and as assessors at the hearing of appeals to the county court from youth courts) only following appropriate training delivered in accordance with a training plan approved by the Judicial Studies Board. Members of the current lay panel will be eligible for appointment as lay magistrates without the need to submit to a selection process. There is a well established system for considering the training needs of members of the lay panel through the lay panel training committee.

Timescale: Training will be completed by September 2004.

Recommendation 119

APPOINTMENT PROCESS

We envisage appointments to the position of lay magistrate being made using the same mechanism as used for other members of the judiciary. The selection procedure should, however, draw upon the advice of local committees, as now, which should include a mix of existing magistrates and representatives of outside interests, including people with a community focus. The objective should be to secure the appointment of magistrates on the basis of publicly available criteria through advertisement and a proactive effort to secure nominations from organisations in the community including, for example: the private sector, voluntary and community organisations, churches and other local groups. There should be a retirement age of 70 for lay magistrates. [para. 7.57]

Accepted

Lead Responsibility: Court Service

The Court Service is currently developing a series of initiatives to recruit lay magistrates by public advertisement and open competition. Action will also be undertaken to increase public awareness of the office and encourage those interested to attend information roadshows. All candidates who meet the eligibility criteria will be invited to attend a merit-based interview.

Section 9 of the Act makes provision for lay magistrates to retire at the age of 70.

Timescale: By September 2004.

Recommendation 120

ATTENDANCE PROCEDURES

It should be for the body responsible for courts' administration to organise the attendance of lay magistrates at court to enable them to fulfil their functions and stand-by rotas in case they are needed out of hours. [para. 7.58]

Accepted

Lead Responsibility: Court Service

Mechanisms are already in place to organise the attendance of members of the Lay Panel at youth courts. These will be developed further and reviewed to accommodate the new responsibilities of lay magistrates.

Timescale: Implemented.

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Courts

Recommendation 123**REVIEW OF INQUESTS**

We recommend an independent review into the law and practice of inquests in Northern Ireland.
[para. 8.36]

Accepted

Lead Responsibility: Home Office and Court Service

Northern Ireland was included in the remit of the Fundamental Review of Death Certification and Coroner Services in England, Wales and Northern Ireland, commissioned by the Home Secretary. The aim of the Review is to create new and more modern death certification and investigation systems which serve the needs of the public, are adaptable to change, improve the rights of bereaved families, and provide better support to professional workers within the system. Throughout the review process regular consultations have been held with a reference group in Northern Ireland, made up of individuals from community groups and support groups and members of the wider public who have had direct personal experience of the coroners' system here.

The review body's final report was laid before Parliament and published on 4 June 2003. The Northern Ireland Court Service is conducting a consultation exercise on the report in Northern Ireland. The Government will look carefully at the recommendations in the report and their implications for Northern Ireland. The Government will take into account and give serious consideration to any representations made about matters relating to inquests in Northern Ireland, before taking decisions on the way forward. The Northern Ireland Court Service has responsibility for policy on coroners' courts and will lead on the handling of consultation and implementation of the review in Northern Ireland. The consultation period will take place between June 2003 and March 2004.

Timescale: The Review Group's report was published on 4 June 2003.

Recommendation 124**COURTS TO BE EFFICIENT AND EFFECTIVE**

We believe that the courts in Northern Ireland should operate efficiently but also effectively and in a way that promotes confidence in the criminal justice system. [para. 8.41]

Accepted

Lead Responsibility: Court Service

The Government agrees that courts in Northern Ireland should operate efficiently, effectively and in a way that promotes confidence in the criminal justice system. Mechanisms to monitor case progression are in place and will be further developed in conjunction with other agencies in the criminal justice system. The Court Service is developing an Integrated Court Operations System which will be fully implemented by March 2005. By automating a range of court processes, it aims to enhance service delivery.

Timescale: Implementation ongoing.

Recommendation 125

PUBLIC EDUCATION STRATEGY

The courts' administration should contribute to and be fully involved in the co-ordinated strategy of public education and information about the criminal justice system. [para. 8.45]

Accepted

Lead Responsibility: Court Service

The Court Service is represented on the Public Information Working Group (see recommendation 14) which has been established to take forward a strategy of public education and information about the criminal justice system. The Court Service's new Communications Strategy will be informed by the work being taken forward by the wider group.

Timescale: The Court Service's Communication Strategy is in place.

Recommendation 126

PUBLIC INFORMATION

We endorse the current efforts of the Northern Ireland Court Service to provide information to the public and recommend that this work is developed further. [para. 8.46]

Accepted

Lead Responsibility: Court Service

This is being taken forward in the context of the Court Service's Communication Strategy which reflects the themes of public understanding, accountability and community involvement. In taking the strategy forward a review of existing communication methods will be carried out to ensure that information is widely accessible and available to meet the public's needs. Full use will be made of the Internet site, the new Information Centre and reception areas in courthouses and public offices.

Timescale: The Court Service's Communication Strategy is in place.

Recommendation 127**DISSEMINATION OF INFORMATION**

Information points in courthouse reception areas should include a range of leaflets explaining what goes on in courts, while the internet and video might be used to disseminate information. [para. 8.46]

Accepted

Lead Responsibility: Court Service

A range of information leaflets is already available at all courthouse reception areas including, for example, a leaflet on the small claims procedure. Information is also available through the Court Service website. In September 2002 the Court Service opened its Public Information Centre which is stocked with the full range of information leaflets and provides free access to the Court Service website. The opening of the Information Centre in Belfast is central to the promotion and development of the Court Service's new Communication Strategy which reflects the themes of public understanding, accountability and community involvement.

Timescale: The Court Service's Communication Strategy is in place.

Recommendation 128**COURT VISITS**

Visits to courts should continue to be encouraged as a way of increasing community awareness and understanding. [para. 8.46]

Accepted

Lead Responsibility: Court Service

The Court Service has had a programme of outreach activities designed to increase community awareness running for some years. An annual work programme of activities will be drawn up to support the Court Service's Outreach Strategy.

Timescale: The Court Service's Outreach Strategy is in place.

Recommendation 130

MEMBERSHIP OF THE CRIMINAL JUSTICE ISSUES GROUP

We see the Criminal Justice Issues Group as a body bringing together the judiciary, the heads of the main criminal justice agencies, the legal profession and the voluntary sector to promote good practice throughout the system. [para. 8.47]

Recommendation 266

ROLE OF THE CRIMINAL JUSTICE ISSUES GROUP

We agree with those who suggested that the membership of the Criminal Justice Issues Group should be expanded to include representatives of the major voluntary sector organisations, given the important role they currently play - and will continue to play in future - in delivering criminal justice, and we so recommend. [para. 15.76]

Accepted

Lead responsibility: NIO

Work being taken forward to review the constitution of and to develop a programme of work for a Criminal Justice Issues Group.

Timescale: By the end of 2003.

Recommendation 131

RECEPTION AND WAITING AREAS

We recommend that it should be an objective for all court buildings to have appropriate reception, waiting and consultation areas for those attending court, with adequate refreshment facilities and proper access for the disabled. Consideration should also be given to the need to accommodate and staff information points, witness support facilities and other community services as considered appropriate in the local area. [para. 8.49]

Accepted

Lead responsibility: Court Service

Priority has been given to achieving compliance with the Disability Discrimination Act 1995. In support of this objective the Court Service commissioned an independent Disability Survey Report for the court estate. A programme of work to improve both access to, and facilities within, court buildings has been substantially completed with the remaining works scheduled for completion by the end of July 2003. Following the announcement of the Court Service's Accommodation Strategy, additional work in support of the Disability Discrimination Act is planned for completion by the end of September 2003. The Court Service's new Communication Strategy will give full consideration to the need to accommodate and staff information points. The Court Service Accommodation Strategy was announced in November 2002. The resulting programme of work will be phased in over the next 5 years.

Timescale: Work in compliance with the Disability Discrimination Act will be completed by July 2003. Further work will be phased in over the next 5 years.

Recommendation 132**COURTROOM LAYOUT**

We recommend that the layout of courtrooms should take account of the needs of the judge and those attending court to have good lines of sight and be able to hear the proceedings. [para. 8.50]

Recommendation 133**RESEARCH INTO COURTROOM LAYOUT**

Courtrooms should have the appropriate degree of formality, and be designed to minimise the risk of jury or witness intimidation. We also recommend research into audibility, layout and procedure in the courts throughout Northern Ireland to highlight any simple improvements that might be made. We note the importance of those participating in court speaking clearly. [para. 8.50]

Accepted

Lead Responsibility: Court Service

The Court Service Accommodation Strategy, announced in November 2002, provides for the modernisation of courtrooms at all courthouses in Northern Ireland where practicable. All new court buildings will be designed with good sightlines and contain modern sound systems. Laganside Courts provide specialised accommodation and facilities, such as video witness rooms, for the vulnerable and intimidated, children and other special witnesses and victims of crime. The Court Service is committed to extending the use of enabling technologies such as video conferencing and video witness rooms to reduce the risk of intimidation to witnesses. Separate entrance areas from those used by the public are also provided. For those serving as jurors a jury lounge, with its own separate entrance, is provided. For those with a hearing difficulty, an Infrared Loop System, which boosts audio reception, is available.

Timescale: Implemented.

Recommendation 135**SIMPLIFICATION OF DRESS**

We recommend the simplification of dress worn in court and an end to the wearing of wigs except on ceremonial occasions. [para. 8.52]

Accepted in Principle

Lead Responsibility: The judiciary and the legal profession.

Court dress is by custom determined by the judiciary and the legal profession and implementation of this recommendation is for them to consider and consult on as necessary. Procedures have already been modified in areas where informality is clearly desirable, such as children's proceedings, and further consultation will take place pending the outcome of a review of this issue which is currently underway in England and Wales.

Timescale: To be developed.

Recommendation 136

SIMPLIFICATION OF LANGUAGE IN COURTS

We recommend that steps be taken to ensure the language used in the criminal courts is easily understood by lay people. [para. 8.53]

Accepted

Lead Responsibility: Court Service and Criminal Justice Agencies

This has been raised with the Judicial Studies Board but it is not an exclusively judicial matter. The Bar and Law Society will also be encouraged to address this recommendation. Independent research suggests that handling of cases involving children has significantly improved with questions more easily understood.

Timescale: To be kept under continual review.

Recommendation 137

INTERPRETERS

We endorse the work that is currently under way in drawing up a common list of interpreters to be used for victims, witnesses and suspects. [para. 8.54]

Accepted

Lead Responsibility: NIO

A list of interpretation services has been compiled and circulated to criminal justice organisations. As a result of this work, the Victims and Vulnerable or Intimidated Witnesses Steering Group (VVIW) is considering the use of accredited interpreters (see also recommendation 229).

It will remain the responsibility of whichever agency is handling the case at any given point in time to identify need and ensure that interpreters are available.

Timescale: Implemented.

Recommendation 138**IRISH LANGUAGE**

We recommend that consideration of the use of the Irish language in courts be taken forward in the wider context of the development of policy on the use of Irish in public life generally. [para. 8.56]

Accepted

Lead Responsibility: Court Service

The European Charter for Regional or Minority Languages (the Charter) is an international convention designed to protect and promote regional and minority languages. Part II of the Charter commits the Government to facilitate and encourage the use of Irish in speech and writing in public and private life where appropriate and to seek to remove, where possible, restrictions which would discourage or work against the maintenance or development of Irish.

An Interdepartmental Group established to implement the Charter is continuing to work to ensure the effective implementation of the Charter in Northern Ireland.

The Interdepartmental Charter Group has approved the establishment of a sub-group which will consider the scope for applying those provisions of Part III, Article 9 of the Charter which relate to the use of Irish in courts. The aim is to establish the sub-group by the end of June 2003 and for a preliminary report to be provided for the Government early in 2004.

Timescale: Implementation ongoing.

Recommendation 139**COURT SECURITY**

In line with the assessment of security risk, the Court Service should assume full responsibility for security at its courthouses, for jury keeping and for the reception and provision of information for court users. [para. 8.58]

Accepted

Lead Responsibility: Court Service

The Court Service appointed a private sector provider in September 2001 to undertake the duties previously undertaken by the police in relation to general security, court orderly and jury keeping duties.

Timescale: Implemented.

Recommendation 140

INTIMIDATION IN COURT

We recommend that the Court Service should have the responsibility, in consultation with the police, for drawing up policy in relation to countering intimidation of jurors, witnesses, victims and other members of the public on court premises and for ensuring that the policy is implemented. [para. 8.59]

Accepted

Lead Responsibility: Court Service

A policy to counter intimidation was published in September 2002 following consultation with relevant organisations including PSNI and Victim Support. The policy is designed to promote the safety of all court users within the court environment and to eliminate the causes and potential causes of intimidation. Measures currently being taken or under consideration include the provision of written advice on witness summonses, separate parking arrangements, entrances and waiting rooms and appropriate levels of security personnel.

Timescale: Implemented, though the policy will be kept under continual review.

Recommendation 141**SYMBOLS**

We recommend that there should be no change in the arrangements for displaying the Royal Coat of Arms on the exterior of existing courthouses. However, in order to create an environment in which all those attending court can feel comfortable we recommend that the interior of courtrooms should be free of any symbols. We recommend that the flying of the Union flag at courthouses should continue to be in line with flag flying practice at other government buildings which are the responsibility of the Secretary of State for Northern Ireland. These practices would become subject to any decision of the Assembly on devolution of responsibility for courts administration.

[para. 8.62]

Accepted in part

Lead Responsibility: Northern Ireland Court Service

Section 66 of the Justice (Northern Ireland) Act 2002 makes provision in relation to the display of the Royal Coat of Arms at courthouses.

The Act precludes the display of the Royal Coat of Arms: -

- inside courtrooms (except those in a number of existing courthouses which have architectural significance); and
- on the exterior of existing courthouses where it was not previously displayed.

The Government has considered carefully continuing representations from the political parties in Northern Ireland about the issue of symbols. The Government acknowledges that the use of symbols and emblems in courts is a sensitive issue and that there is a continuing need to ensure that they are used in a manner that promotes mutual respect rather than division. The Government continues to believe that the Justice Act provisions on symbols in courts strike a sensible balance on this extremely difficult issue. Nevertheless, arrangements will be made to monitor the issue and to consider what further action might be required. The Government will discuss with the parties how to find an agreed way forward on this sensitive issue.

Flag flying practice at courthouses is already, as a matter of administrative policy, in line with flag flying at other Government buildings in Northern Ireland. Section 67 will allow this to be placed on a statutory footing.

Timescale: Implemented.

Recommendation 142

ROYAL DECLARATION

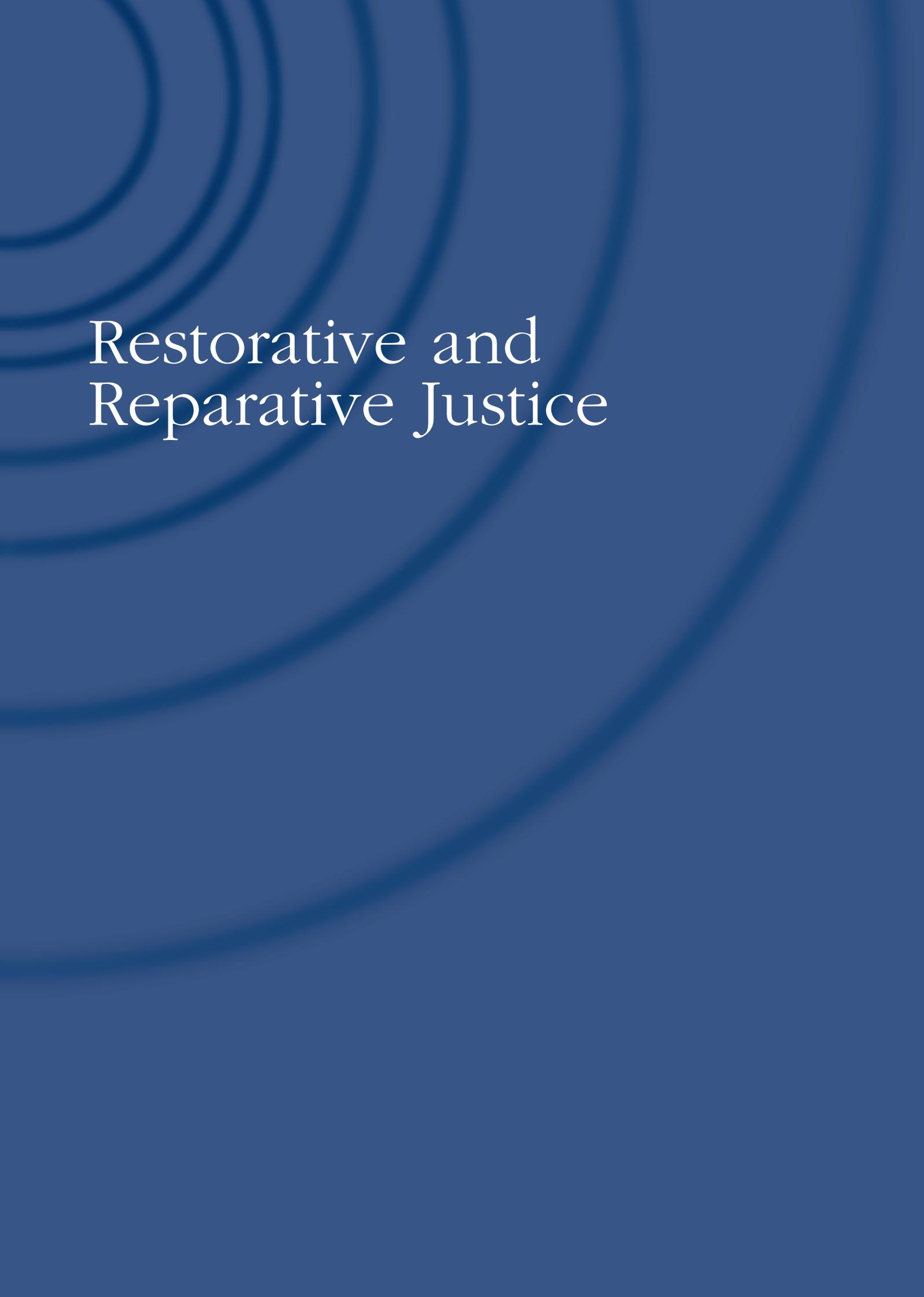
We believe that the declaration of "God Save The Queen" on entry of the judiciary to the court is unnecessary and we recommend that this practice should end. [para. 8.63]

Accepted

Lead Responsibility: Court Service

This recommendation has been implemented administratively.

Timescale: Implemented.

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Restorative and Reparative Justice

Recommendation 143**DEVELOPMENT OF RESTORATIVE JUSTICE APPROACHES**

We recommend the development of restorative justice approaches for juvenile offenders. [para. 9.53]

Recommendation 144**PILOTING AND EVALUATION OF RESTORATIVE JUSTICE SCHEMES**

We recommend that restorative justice schemes for young adults (i.e. those between 18 and 21 years of age inclusive) and adults be piloted and evaluated carefully before final decisions are made on whether and how they might be applied across Northern Ireland as a whole. [para. 9.54]

Recommendation 146**INTEGRATION INTO JUVENILE JUSTICE SYSTEM**

We recommend that restorative justice should be integrated into the juvenile justice system and its philosophy in Northern Ireland, using a conference model (which we term a "youth conference") based in statute, available for all juveniles (including 17 year olds, once they come within the remit of the youth court), subject to the full range of human rights safeguards. [para. 9.60]

Recommendation 147**RESTORATIVE JUSTICE**

We recommend that a Northern Ireland system should focus on:

- reparative justice and meeting the needs of victims, so giving them a real place in the youth conference, rather than just regarding it as a means to reform the offender;
- rehabilitative justice, where what is important is the prevention of re-offending by the young person, so that the youth conference focuses on offending behaviour;
- proportionality, rather than pure retributive justice;
- reintegrative shaming, where the offender acknowledges the harm done, but where the youth conference clearly separates the offender from the offence and focuses on the potential for reintegrating the offender into the community in the plan and on the prevention of re-offending;
- repairing relationships which have been damaged or broken by crime;
- devolving power to youth conference participants (see below for discussion of who those participants might be) to create the youth conference and the plan, but requiring subsequent approval for the plan from the court for cases which have gone to court (see below in relation to police/prosecution referrals);
- encouraging victims to bring one or more supporters (who might be, but need not necessarily be, a member of Victim Support);
- encouraging offenders to bring significant others (especially their families, but also particular members of the community important to them) to the youth conference, but not placing such a strong emphasis on the responsibility of the family to deal with offending as is done in New Zealand. [para. 9.62]

Lead Responsibility: NIO

The Justice (Northern Ireland) Act 2002 provides for these recommendations through the introduction of a youth conferencing system for juveniles, both as an intervention prior to court and as a formal court-based system. Referrals to the conferencing system from both the court and the prosecution will be possible from the outset. The new arrangements are to be piloted from December 2003, for a period of 16 months. The pilot will be thoroughly evaluated before the system is rolled out across Northern Ireland.

The conferencing system is designed to address the needs of victims, to focus on offending behaviour and proportionality, and to seek to repair damaged relationships. The system supports full participation by the offender and his/her family, and empowers conference participants to formulate a plan of action. This plan is safeguarded by a requirement that the court, in the case of court-ordered conferences, or the prosecutor, in diversionary conferences (see recommendations 145-166), must approve the plan.

The Government also accepts that schemes for young adults and adults which are based on the restorative philosophy should be piloted and evaluated before decisions are taken as to whether and how they might be applied across Northern Ireland.

Timescale: Youth conferencing is to be piloted by December 2003 to coincide with the start of the new Public Prosecution pilot, for a period of 16 months, and rolled out after the pilot has been thoroughly evaluated. Consideration will be given to piloting schemes for young adults and adults after the evaluation of youth conferencing for young offenders.

Recommendation 145**INFORMAL WARNINGS AND CAUTIONS**

We recommend that in Northern Ireland the police continue to have the option of issuing informal warnings or cautions to juveniles. [para. 9.59]

Recommendation 163**POLICE AND PROSECUTOR REFERRALS**

We recommend that priority be given to establishing facilities for court-referred youth conferences, and that the system be expanded to provide for police and prosecutor referrals more slowly. [para. 9.87]

Recommendation 165**PROSECUTOR REFERRALS**

We think it is important that, when resources permit, youth conferences, as with other forms of diversion, should be available through prosecutor referral as well as police referral. [para. 9.92]

Recommendation 166**OPTION TO PROSECUTE**

For prosecutor referrals, the right to prosecute should remain until the plan has been completed. In the case of police referrals the co-ordinator should monitor the implementation of any agreed plan and report back to the police, but the police should not have the option of proceeding further. [para. 9.93]

Accepted**Lead Responsibility:** NIO

The police will continue to have the option of issuing informal warnings or cautions to juveniles, in accordance with guidelines agreed with the prosecution service. A range of options are presently being developed in relation to issue of informal warnings or cautions to juveniles. One option may be for the prosecution service to become involved in the decision making process at an earlier stage. The decision to warn or caution the juvenile informally will be made by the prosecutor. The delivery of the warning or caution would remain with the police. The options will be tested in the Pilot scheme which will begin by the end of 2003.

The Government accepts that the youth conferencing system should be available to young people accused of crime as an intervention prior to the court process, and so the Act allows for referrals by the prosecutor prior to (and if successful, instead of) appearance at court. This will divert from the formal system those who would benefit from such action and will avoid adding to delay in the courts.

The system will work as follows: having established a firm intention to prosecute, the Director of the prosecution service may make a referral to a diversionary youth conference. If the conference fails or the agreed plan is not fully completed, then a prosecution may still take place allowing the matter to go to court.

Timescale: Diversionary conferences are to be piloted along with court-ordered conferences starting by the end of 2003 for a period of 16 months. After thorough evaluation of the pilot the system is to be rolled out across Northern Ireland.

Recommendation 148

COMBINATION OF SANCTIONS

Even where there is a need for custody or a traditional criminal justice community sanction (such as probation, community service or a compensation order), we recommend that these should be capable of being combined with other elements within a youth conference order (allowing a number of elements to be incorporated into a plan, not all of which can be combined at present). [para. 9.63]

Recommendation 149

COURT-REFERRED YOUTH CONFERENCE SCHEME

We recommend that a court-based youth conferencing scheme should operate on the basis of court referrals, with the youth conference resulting in a report to the court which contains a plan. If approved by the court, the plan will form the basis for the court disposal. Court-ordered referrals should be required after guilt has been admitted or determined, but before disposal. They should be discretionary for offences that are triable only on indictment. [para. 9.65]

Recommendation 150

PRE-SENTENCE REPORT

Where the court orders a youth conference, we recommend that there should be no requirement to request a pre-sentence report, so as to avoid introducing a further cause of delay. [para. 9.66]

Accepted

Lead Responsibility: NIO

The Government agrees that conference participants should be empowered to agree a plan of action. It endorses the important safeguard that such a plan should then be subject to approval by either the court, in the case of a court-ordered conference, or the prosecutor, where it is a diversionary conference.

In order for the conference plan to address the needs of individual offenders it is important that it should be able, subject to court approval, to recommend combinations of sanctions which cannot currently be combined. The conference cannot recommend a more punitive sanction than that which the court could impose. However, in order to ensure that those young offenders for whom only a custodial sanction is appropriate may also take advantage of the constructive assistance offered by a youth conference plan, the conference may recommend that the court impose a custodial sentence in combination with a plan. It will be for the court, and not the conference, to determine the type and length of the custodial element.

In formulating its decisions the conference will consider all relevant information, such as would currently be included in a pre-sentence report. The agreement of a conference plan, therefore, dispenses with the need for a separate pre-sentence report.

The Act allows for a broad degree of flexibility when agreeing a conference plan. A number of elements may be combined, ranging from an apology to the victim, through supervision in the community, educational programmes, treatment for problems such as alcohol or drugs, to a period in custody. Ensuring that an agreed plan is proportionate to the offence committed will be the responsibility of the conference co-ordinator and the prosecutor or court.

Timescale: Youth conferencing pilot is to start by the end of 2003 and rolled out after it has been thoroughly evaluated.

Recommendation 151**ATTENDANCE BY VICTIM**

Every effort should be made by the conference co-ordinators to contact victims, to encourage them to attend and to organise conferences in such a way as to facilitate the attendance of victims.

[para. 9.68]

Recommendation 152**ATTENDANCE BY SUPPORTERS**

Victims should be able to be accompanied at the conference by a supporter (or, at the discretion of the co-ordinator, more than one supporter - a restriction on numbers would be inappropriate, especially in the case of child victims). [para. 9.70]

Recommendation 153**VICTIM STATEMENT**

If the victim does not wish to attend the conference, then he or she should be offered the alternative of submitting a written statement (describing the effect of the offence and indicating whether an apology, reparation or compensation would be received positively). [para. 9.71]

Recommendation 154**ATTENDANCE OF VICTIM OPTIONAL**

If victims do not wish to attend a youth conference that should not prevent it from going ahead.

Victims should not have a veto on conferences taking place. [para. 9.71]

Accepted**Lead Responsibility:** NIO

The Government agrees that the new system of youth justice should place a high priority on addressing the needs of victims. The Act provides that the victim of the offence may attend the conference by right, if he or she wishes. It also provides for victims to bring with them one or more supporters, if that would facilitate their attendance. It is right, however, that where the victim does not wish to attend the conference, there should be no pressure on them to do so, but the conference should still proceed. Conference co-ordinators will have a responsibility for making known to the conference, in those cases where the victim does not wish to attend in person, the victim's views on how the offence has affected him or her. This can be done by the victim making a written statement.

Timescale: Youth conferencing pilot is to start by the end of 2003 and rolled out after it has been thoroughly evaluated.

Recommendation 155

DEFINITION OF “FAMILY”

We recommend that in Northern Ireland, for purposes of attendance at youth conferences, "family" should be viewed in its broad context to include those, such as church or youth leaders, who play a significant role in the offender's life. [para. 9.72]

Recommendation 156

MANDATORY PARTICIPANTS

We recommend that the following should always take part in a youth conference:

- the co-ordinator;
- the juvenile and the juvenile's parents or guardians; and
- either a police officer or prosecutor. [para. 9.76]

Recommendation 157

OPTIONAL PARTICIPANTS

We recommend that the following may participate in the youth conference:

- the victim (if he or she agrees) and the victim's supporters;
- significant others relevant to the offender (at the co-ordinator's discretion);
- a defence solicitor or barrister (where this is wished by the offender or his or her guardian); and
- where appropriate, professionals such as probation and social services, who can provide information to the conference about possible options for the plan and about the offender's background (but only as information providers and at the co-ordinator's discretion). [para. 9.77]

Accepted

Lead Responsibility: NIO

The Government fully endorses the principle that different participants should have different levels of involvement in the conferencing process. The Act provides that the conference may not proceed without the young offender, his or her parents/guardian/appropriate adult, a police officer and the co-ordinator. No other potential participant may prevent a conference going ahead. The victim(s) of the offence, a defence solicitor/barrister (to provide advice and support only), certain other professionals (social worker, probation officer, attendance centre officer, etc.) and the family of the offender may attend and participate in the conference. The victim may be accompanied by one or more supporters if this will make attendance easier, but these supporters will not be entitled to participate in the conference beyond sharing information about the effects of the crime.

Timescale: Youth conferencing pilot is to start by the end of 2003 and rolled out after it has been thoroughly evaluated.

Recommendation 158**MONITORING AND BREACH POWERS**

We recommend that the youth conference co-ordinator should have the same type of monitoring and breach powers as probation officers in relation to monitoring probation orders and their requirements. If offenders do not complete their plans in their entirety or, in the judgement of the co-ordinator, sufficiently, then breach proceedings would start. [para. 9.79]

Recommendation 159**YOUTH CONFERENCE CO-ORDINATORS**

We recommend that the youth conference and youth conference co-ordinators should be housed within a separate arm of the Department of Justice or one of its agencies. [para 9.82]

Recommendation 162**INTER-AGENCY ARRANGEMENTS**

We recommend that youth conference co-ordinators should take the lead in developing networks and inter-agency arrangements in local areas, and should co-ordinate the development of a local menu of programmes and options that might form part of a youth conference order. They should develop close links with a variety of organisations and groups with an interest in youth conferences in local areas, including funders, programme providers, community groups, sentencers, the police, probation, social services and education authorities. [para. 9.86]

Recommendation 164**DIVERSIONARY CONFERENCES**

We believe that in the longer term, as resources permit, youth conference co-ordinators should assist with pre-court conferences as part of a diversionary strategy. [para. 9.90]

Accepted**Lead Responsibility:** NIO

The youth conference work will be taken forward separately, within the new Youth Justice Agency (see recommendations 185 and 186). Conference co-ordinators will be housed within the Agency. The establishment of networks for information sharing and support and for the provision of programmes will be vital in ensuring the proposed system operates as effectively as possible.

Establishing such networks will be a key role of the co-ordinators. The co-ordinator's responsibilities will include monitoring compliance with the conference plan, (although the Act allows for the monitoring role to be delegated if appropriate) and initiating breach proceedings. This will be done by bringing the issue to the attention of the prosecutor (diversionary conferences) or to the court (court-ordered conferences). The role of the co-ordinator in the pre-court conference will be the same as at a conference ordered by the court. Work to establish the conferencing service has progressed in parallel with the legislation. The Director of the Youth Conference service was appointed in August 2002. Recruitment of a deputy, and of the conference co-ordinators, is also under way.

Timescale: Youth conferencing pilot is to start by the end of 2003 and rolled out after it has been thoroughly evaluated.

Recommendation 160

NATIONAL AND LOCAL PROGRAMMES

We recommend that the development of restorative justice, and in particular the development of the menu of national and local programmes and projects which the youth conference can draw upon, should be driven at both national and local level. [para. 9.85]

Recommendation 161

YOUTH CONFERENCE INTER-AGENCY BODY

We recommend that a national level inter-agency body responsible for youth conferencing should be established; it might be a sub-group of the Criminal Justice Board. It could have responsibility for ensuring the availability of programmes across Northern Ireland to support community sanctions, restorative justice generally, and youth conferences in particular. It should deal with the accreditation and setting of standards for restorative justice, including those that apply to community restorative justice schemes, and encourage the spreading of good practice. [para. 9.85]

Accepted

Lead Responsibility: NIO

The incorporation of the conferencing service within the Youth Justice Agency will help ensure oversight of availability and provision of programmes.

Timescale: Implementation ongoing.

Recommendation 167

REVIEW OF COURT SENTENCING POWERS

We recommend that the courts' sentencing powers be reviewed to facilitate the possibility of restorative interventions, including the formal payment of compensation before sentence is finally passed. [para. 9.94]

Accepted

Lead Responsibility: NIO

The Government agrees that sentencing powers should be reviewed with a view to making them more flexible. It is envisaged that conditions could be attached to deferred sentences in order to address the circumstances of individual offenders - for example, where alcohol or drug abuse plays a role in the offence the successful completion of a rehabilitation programme might result in a community sentence rather than a custodial one. A detailed review of sentencing powers started in July 2002 and will be completed by July 2003. Implementation will follow, subject to any necessary legislation.

Timescale: July 2003.

Recommendation 168**COMMUNITY RESTORATIVE JUSTICE SCHEMES**

We believe that community restorative justice schemes can have a role to play in dealing with the types of low-level crime that most commonly concerns local communities. However, we recommend that community restorative justice schemes should:

- receive referrals from a statutory criminal justice agency, rather than from within the community, with the police being informed of all such referrals;
- be accredited by, and subject to standards laid down by the Government in respect of how they deal with criminal activity, covering such issues as training of staff, human rights protections, other due process and proportionality issues, and complaints mechanisms for both victims and offenders;
- be subject to regular inspection by the independent Criminal Justice Inspectorate which we recommend in Chapter 15; and
- have no role in determining the guilt or innocence of alleged offenders, and deal only with those individuals referred by a criminal justice agency who have indicated that they do not wish to deny guilt and where there is prima facie evidence of guilt. [para. 9.98]

Accepted**Lead Responsibility:** NIO

The Government agrees that community based restorative justice schemes can have a part to play in helping to secure a normal society in Northern Ireland and remains willing in principle to support such schemes. All such community schemes must be founded on respect for human rights and must work actively to uphold the human rights of all. They must also be prepared to work with statutory agencies, including the PSNI, and be willing to seek accreditation and to adhere to standards laid down by the Government. While the Government is prepared to adopt a flexible approach to schemes which are actively working towards accreditation, we cannot easily or readily set such fundamental concerns aside.

In order to facilitate the move towards accreditation the NIO will draw up guidelines, developed in consultation with relevant parties, including statutory agencies and community schemes, for the operation of the schemes which would bring them into line with the Review's recommendation.

Timescale: Implementation ongoing.

Juvenile Justice

Recommendation 169**STATEMENT OF AIMS AND PRINCIPLES**

We recommend that in drawing up legislation flowing from this Review, the Government should develop, agree and incorporate a clear statement of the aims of the juvenile justice system in Northern Ireland and a statement of the principles which should guide those who exercise the powers conferred by the legislation with due regard to the international human rights standards to which the United Kingdom has given commitment. [para. 10.66]

Accepted**Lead Responsibility:** NIO

As recommended, section 53 of the Justice (Northern Ireland) Act 2002 sets out the aims and principles of the youth justice system. The position of children who come into contact with the justice system will also be safeguarded by the appointment of a Commissioner for Children who will promote the rights of children and will have extensive statutory powers of investigation.

Timescale: Implemented.

Recommendation 170**PROVISION FOR 10 TO 13-YEAR-OLD OFFENDERS**

We recommend that children aged 10-13 inclusive who are found guilty of criminal offences should not be held in juvenile justice centres, and that their accommodation needs should be provided by the care system. [para. 10.69]

Accepted**Lead Responsibility:** NIO and Department of Health, Social Services & Public Safety (DHSSPS)

The Act makes provision for 10 to 13-year-olds who require custody to be held in secure accommodation provided within the care system. The NIO and the Department of Health, Social Services and Public Safety are working closely together to develop the necessary operational and resource arrangements to bring these provisions into effect. Given the issues currently facing the residential care system, it is envisaged that these new arrangements will be implemented in the context of the overall plan for the sector being developed by the Children Matter Task Force due to be completed over the next 2 to 3 years.

Timescale: Likely to be some time before the necessary arrangements can be made.

Recommendation 171

YOUTH COURT TO INCLUDE 17-YEAR-OLDS

We recommend that 17-year-olds be brought within the ambit of the youth court. [para. 10.70]

Accepted

Lead Responsibility: Court Service

Section 63 of the Act makes provision for 17-year-olds to be brought within the ambit of the youth court. The Court Service has established an internal project group to carry forward the necessary planning and preparatory work to enable this to be implemented.

Timescale: September 2004.

Recommendation 172

17-YEAR-OLD OFFENDERS REMANDED AND SENTENCED TO YOUNG OFFENDERS CENTRE

In the particular circumstances of Northern Ireland we recommend that it should continue to be the practice for 17 year olds to be remanded and sentenced to the young offenders centre. [para. 10.72]

Accepted with Qualifications

Lead Responsibility: NIO

The majority of 17-year-olds requiring custody will continue to have their needs met appropriately in a Young Offenders Centre. As an additional safeguard, courts have been given limited discretion to place a 17-year-old in a Juvenile Justice Centre where certain conditions are met and if they believe it to be in the young person's best interest (section 64 of the Act refers).

Timescale: Implemented.

Recommendation 173

VULNERABLE OR IMMATURE 17-YEAR-OLDS

We recommend that the staff at the young offenders centre pay particularly close attention to the 17-year-olds in their care and be prepared to take special measures, including the provision of separate accommodation, for any who are assessed as being vulnerable or immature. [para. 10.72]

Accepted

Lead Responsibility: NIPS

The NIPS recognises the special needs of young adults in the prison system and continually strives to improve its supervision arrangements. This is achieved by various measures including:

- induction arrangements which allow specific problems to be addressed early;
- a personal officer scheme which gives inmates direct contact to specific staff. This scheme was introduced on schedule in early 2002; and
- an anti-bullying policy that is being implemented at Young Offenders Centre. This includes the separation of accommodation for bullies from their victims.

Timescale: Implementation ongoing.

Recommendation 174

COMMUNITY SERVICE

We recommend that a form of community service should be developed for those under 16 years of age, with a maximum period of service of 40 hours. The service to be undertaken should be tailored to the needs of juveniles of that age group and be of a nature most likely to maintain and promote the development of the juvenile in responsible, beneficial and socially acceptable ways. The arrangements should be piloted and evaluated rigorously. [para. 10.74]

Recommendation 175

REPARATION ORDERS

We recommend the introduction of reparation orders in Northern Ireland. [para. 10.75]

Accepted

Lead Responsibility: NIO

Sections 54 and 55 of the Act make provision for two new community orders – a community responsibility order and a reparation order. Plans for their introduction are being taken forward with a range of agencies in the statutory, voluntary and community sectors.

The rules, standards and operational specifications for each of these orders, along with plans for their piloting and evaluation, will be in place for implementation by December 2003. The necessary commencement order will be made prior to this date.

Timescale: The pilot will begin in December 2003.

Recommendation 176

BAIL AND REMAND FACILITIES

We recommend:

- i) the piloting and evaluation of bail information and support schemes to provide the courts with information and advice to assist them with making bail and remand decisions in respect of individual juveniles;
- ii) the development of bail hostel accommodation specifically for juveniles, particularly within Belfast;
- iii) that those remanded in custody should be assessed as quickly as possible to determine the nature of the regime required, including the degree of supervision; and
- iv) that remands in custody should be for the shortest period of time possible. [para. 10.78]

Accepted

Lead Responsibility: NIO

- i) The Youth Justice Agency is taking forward the development of more effective bail arrangements, to reduce the number of young people for whom remand in custody is the only option and reduce the amount of time spent on remand by others. A Bail Support co-ordinator has been appointed to develop and introduce support programmes for delivery through its network of community-based interagency projects. In addition, a remand fostering scheme is being piloted to meet the accommodation needs of young people on bail who have no, or cannot live at their permanent address.
- ii) Revised assessment arrangements for children entering custody, based on good practice elsewhere and taking account of the wider Social Services Inspectorate review of the operation of the Criminal Justice (Children) (NI) Order 1998, are being devised as an integral part of the development of the new regime for the single juvenile justice centre to be based at Rathgael.
- iii) The Government agrees that remands in custody should be for the shortest period of time possible. Only a few children who are charged with very serious offences spend a long time on remand; the majority are released within a week of committal. Better bail support arrangements will help to reduce the numbers on remand and the time they spend in custody.

Timescale: Both a bail support and information scheme and a remand fostering accommodation pilot have been implemented, together with plans for their evaluation.

Recommendation 177**CLOSURE OF LISNEVIN**

We recommend that Lisnevin juvenile justice centre be closed. [para. 10.79]

Accepted**Lead Responsibility:** NIO

The refurbishment of the juvenile justice centre at Rathgael is nearing completion. It is expected that Lisnevin will close within one month of the refurbished centre being commissioned.

Timescale: Subject to the satisfactory commissioning of the centre at Rathgael, it is expected that Lisnevin will close in summer 2003.

Recommendation 178**DIVERSIONARY MECHANISMS**

We endorse the development of further diversionary mechanisms based on a partnership approach and recommend that any savings arising from the rationalisation of the juvenile justice estate should be reallocated to diversionary programmes and other community-based sanctions for juveniles. [para. 10.87]

Accepted**Lead Responsibility:** NIO

Further projects and schemes aimed at diverting young people from crime will be developed in partnership with other agencies and in line with identified needs and effective child-care practice. Resources released from the rationalisation of the Juvenile Justice estate have been allocated to diversionary programmes.

Timescale: Implemented.

Recommendation 179**PROSECUTOR-DRIVEN DIVERSION
TO BE DEVELOPED**

We recommend also the development of prosecutor-driven diversionary schemes for juveniles, including the power to refer back for a police caution and the development of agreed guidelines on good practice in diversion at police and prosecutor level. [para. 10.87]

Accepted**Lead Responsibility:** DPP(NI) and NIO

Recommendations 163 and 165 cover the development of prosecutor-driven diversionary schemes. The response to recommendations 36 and 37 deals with the prosecutor's power to refer back to the police for a caution and the development of guidelines. The DPP(NI) will help to develop these arrangements in consultation with the Court Service, the PBNI and Youth Justice Agency.

Timescale: Consultative process began in May 2003.

Recommendation 180

RESEARCH INTO EFFECTS OF CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1988

In respect of juveniles, we recommend that the Government should commission independent research into the effects of the Criminal Evidence (Northern Ireland) Order 1988 on juvenile defendants as a matter of urgency, and that the findings of that research should be published. [para. 10.89]

Recommendation 189

RESEARCH INTO JUVENILE JUSTICE

We recommend the use of research as a basis for developing an informed juvenile justice policy. We recommend that all new initiatives and legislation should be routinely monitored and subject to rigorous and independent evaluation. [para. 10.105]

Accepted

Lead Responsibility: NIO

Research into the effects of both the Criminal Evidence (NI) Order 1988 and the Police and Criminal Evidence (NI) Order 1989 (PACE) was commissioned in April 2002. Research is focussed on juveniles, and in particular their understanding of the implications of the police caution and the process of police charging and any subsequent detention. An extensive research and evaluation programme has been agreed as part of the on-going programme of work undertaken by the Northern Ireland Statistics and Research Agency. The outcome of this programme will inform juvenile justice policy.

Timescale: The findings of the research into the Criminal Evidence (NI) Order and the Police and Criminal Evidence (NI) Order will be published during autumn 2003.

Recommendation 181

TRAINING OF APPROPRIATE ADULTS

We recommend that those who volunteer to act as appropriate adults should receive training by a wide range of agencies, to include training on the needs of those who have learning or other disabilities, or who are suffering from a mental disorder, and children's rights and broad human rights awareness. [para. 10.90]

Accepted

Lead Responsibility: NIO

A Group consisting of representatives of PSNI, social services (including trusts and inspectorate) and Court Service has been established, inter alia, to take forward implementation of this. The Group is also looking at the wider role of appropriate adults and is liaising closely with the current Home Office review of the role of appropriate adults in England and Wales.

Timescale: Implementation ongoing.

Recommendation 182**OPERATION OF THE YOUTH COURT**

In respect of the operation of the youth court we recommend that:

- i) Guidelines should be developed for the layout and operation of the youth court, emphasising the need for all the participants in court to sit at the same level, the need for all participants to be able to hear what is being said in court, the need for simple and plain language to be used during the proceedings, and the need for the defendant and his or her parents to be given opportunities to participate and express themselves freely.
- ii) Defence and prosecution advocates should be encouraged, through professional education and development, to enhance their expertise in respect of handling juvenile cases and their awareness of the human rights instruments and jurisprudence as they relate to juveniles. This should not interfere with the juvenile's right to the lawyer of his or her choice. Professional and lay members of the bench should receive similar training under the auspices of the Judicial Studies Board.
- iii) In the light of the outcome of evaluation, the child witness scheme should be made available at all criminal court venues in Northern Ireland, including youth courts.
- iv) Efforts to deal with delays in cases being brought before the youth court should continue.
- v) Given the need to tackle delay and the impact of extending the jurisdiction of youth courts to include 17 year olds, there should be an examination of youth court sittings and consequential implications for magistrates' courts. [para. 10.94]

Accepted

Lead Responsibility: Court Service, NIO and Criminal Justice Board

The Court Service

- (i) Youth court guidelines, incorporating the direction of Lord Chief Justice on the trial of young persons at Crown Court, have been developed following consultation with relevant parties and will issue by end September 2003.
- (ii) The Judicial Studies Board (JSB) will take account of human rights issues, instruments and jurisprudence, as they relate to juveniles, when developing its annual training programme. The Lay Magistrates' Training Committee (a sub-committee of the JSB), will also take account of such matters when developing a training programme for lay magistrates. Both the JSB and the Lay Magistrates' Training Programme are kept under constant review. In so far as this recommendation relates to advocates, it has been referred for consideration to the Bar Council and the Law Society.
- (iv)&(v) An examination of youth court sittings was completed in October 2002. A report of the examination identified a range of issues that contribute to delay. A cross-agency working group is currently working through the report recommendations.

NIO

- (iii) An evaluation of the NSPCC Young Witness Service was completed in September 2001. The main recommendation was that the Service should be rolled out to all Crown Court venues but that further work was required to establish the level of need in magistrates' and youth courts. The NIO are now funding this scheme and have begun negotiations with the NSPCC regarding the roll-out of the Young Witness Service.

Timescale: Implemented.

Recommendation 183

IMPLICATIONS OF T & V v UNITED KINGDOM

We recommend that the Government should consider carefully the implications of judgments of T & V v United Kingdom for the operation of the juvenile justice system in Northern Ireland.
[para. 10.95]

Accepted

Lead Responsibility: NIO

The implications of the judgment in the Thompson and Venables case have been considered and appropriate steps have been taken in response. The Lord Chief Justice issued a practice direction on 15 June 2000, setting out in detail how trials of children and young persons in the Crown Court should be conducted. The Life Sentences (Northern Ireland) Order 2001 came into force in October 2001. This gave effect to the changes required to tariff-setting procedures for children and young persons.

Timescale: Implemented.

Recommendation 184**COMPLAINTS MECHANISMS AND
INSPECTION ARRANGEMENTS**

We make the following recommendations in respect of the complaints mechanisms and inspection arrangements:

- i) Complaints mechanisms should be reviewed as a matter of urgency to ensure that they conform to the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and to ensure that they include an independent element.
- (ii) On admission to a juvenile justice centre, all juveniles should, as now, be given a copy of the rules governing the juvenile justice centre and a written description of their rights and obligations in a language they can understand, together with a description of the ways in which they can make complaints, as well as the address of public or private agencies and organisations which provide legal assistance.
- (iii) For those juveniles who have difficulty in understanding the written guidance, the guidance should, as now, be explained to them.
- (iv) All agencies providing facilities and services for juvenile offenders, including juvenile justice centres, should come within the remit of the Criminal Justice Inspectorate, in respect of those services or facilities.
- (v) Each juvenile justice centre should have a local advisory committee that brings in local professional and community representatives, including representatives of nearby residents. [para. 10.98]

Accepted**Lead Responsibility:** NIO

- i) Complaints mechanisms for the Juvenile Justice system, which already include an independent element provided by NIACRO's independent representative scheme, are being reviewed.
- ii) Appropriate induction material is being given to juveniles on admission to custody.
- iii) As noted in the Review, guidance will continue to be explained to those who have difficulty understanding written guidance.
- iv) Activities and buildings provided or managed by agencies for juvenile offenders will be subject to inspection by the new Criminal Justice Inspectorate.
- v) A local advisory committee will be established for the new Northern Ireland juvenile justice centre.

Timescale: Revised complaints mechanisms and induction material are being developed in preparation for the move to a single juvenile justice centre by summer 2003.

Recommendation 185

**JUVENILE JUSTICE BOARD REPLACED
BY A NEXT STEPS AGENCY**

We recommend the creation of a next steps agency which would take on responsibility for the range of responsibilities which fall to the current Juvenile Justice Board as are set out in Article 56(5) of the Criminal Justice (Children) (Northern Ireland) Order 1998. [para. 10.101]

Recommendation 186

SEPARATE JUVENILE JUSTICE POLICY UNIT

We recommend that the development of juvenile justice policy should be separate from the functions of the juvenile justice agency and should be a matter for a separate unit in the department within which the agency is placed. That unit should be responsible for advising the Minister in relation to policy and legislative proposals. The unit should also be responsible for developing a strategy for the delivery of juvenile justice services, and should develop and publish aims, standards and performance indicators. [para. 10.102]

Accepted

Lead Responsibility: NIO

A Youth Justice Agency, which incorporates the youth conferencing services, has been established under existing legislation (recommendations 158-162 and 164 refer). A separate policy unit has also been established within the Department.

Timescale: Implemented.

Recommendation 188

IMPACT OF DEVOLUTION ON JUVENILE JUSTICE

We recommend that, pending devolution, political responsibility for the juvenile justice system should remain with the Secretary of State for Northern Ireland and that policy and legislative advice should continue to be provided by the Northern Ireland Office. After devolution, we believe that ministerial responsibility should lie with whichever Minister is responsible for prisons and probation. [para. 10.104]

Accepted

Lead Responsibility: NIO

Until devolution of justice matters, the juvenile justice system will remain a reserved matter. When justice functions are devolved the Executive will determine responsibility for juvenile justice.

Timescale: Subject to devolution.

Recommendation 190**CONSULTATION**

We recommend that in developing policy and practice the views of the public and of young people in particular should be taken into account. To achieve this, innovative approaches to consultation should be developed, and consideration should be given to how best to seek out the views of young people. [para. 10.106]

Recommendation 191**DEVELOPMENT OF COMMUNICATION STRATEGY**

We also recommend that, to enhance public confidence in the juvenile justice system, a communication strategy be developed to advertise successes, develop public awareness of existing practice and new initiatives, and to provide information to sentencers on the availability of programmes and other community disposals. [para. 10.106]

Accepted

Lead Responsibility: NIO

A Communication Strategy has been implemented and the views of key stakeholders, including young people and their families, are now being sought on issues that affect them.

Timescale: Implemented.

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Community Safety

Recommendation 192**AIM OF COMMUNITY SAFETY STRATEGY**

We recommend that the aim of a community safety strategy in Northern Ireland should be to create the conditions which promote an inclusive partnership-based approach in developing community safety initiatives between relevant agencies, voluntary groups, the private sector and local communities, with a view to reducing crime, the fear of crime and enhancing community safety. [para. 11.51]

Recommendation 193**DEVELOPMENT OF
COMMUNITY SAFETY STRATEGY**

We recommend the development of a Northern Ireland community safety strategy based upon extensive consultation with relevant agencies, political structures, and the voluntary, private and community sectors. [para. 11.51]

Recommendation 194**CONSIDERATIONS FOR
COMMUNITY SAFETY STRATEGY**

We recommend that in developing a community safety strategy for Northern Ireland specific consideration be given to:

- offences against women, particularly domestic violence;
 - child abuse;
 - interventions in relation to youth offending;
 - the needs of ethnic minority communities;
 - drug, substance and alcohol abuse;
 - street violence, low-level neighbourhood disorder and anti-social behaviour;
 - car crime; and
 - reducing criminality (i.e. addressing the factors which lie behind criminal behaviour).
- [para. 11.52]

Accepted**Lead Responsibility:** NIO

The Government published a draft community safety strategy for consultation on 10 April 2002 and the final strategy, taking account of consultation responses, was published on 18 March 2003.

The strategy takes account of the considerations set out at recommendations 192 and 194. It also identifies nine key issues to be considered by local community safety partnerships in developing local community safety action plans. The Secretary of State's crime reduction targets for domestic burglary and car crime, published in March 2001, are included within the nine key issues.

Timescale: Implemented.

Recommendation 195

SHARED RESPONSIBILITY

We recommend that there should be no presumption that any particular body should always take the lead in individual community safety projects. [para. 11.58]

Recommendation 196

ESTABLISH COMMUNITY SAFETY AND POLICING PARTNERSHIPS

Rather than District Policing Partnerships we recommend that:

- Community Safety and Policing Partnerships (CSPPs), chaired by local authority elected members, should be established.
- The role and remit of the CSPP should be set out in statute, supplemented by good practice guidelines.
- The membership of the CSPP should be as recommended by the Policing Commission for District Policing Partnership Boards, with a majority of elected members, and with independent members selected to represent business and trade union interests and to provide expertise in matters relating to community safety. We suggest that consideration be given to inviting councils to seek nominations through bodies such as Chambers of Commerce, Business in the Community, the Northern Ireland Committee of the Irish Congress of Trade Unions and the Northern Ireland Council for Voluntary Action. The District Partnership Boards, currently in place to administer European funding, provide a useful model.
- The CSPP should prepare a local community safety strategy based on local crime profiles, people's worries about crime locally, and the availability of local services.
- When carrying out this wider community safety role, the CSPP should consult widely in the community and work in partnership with community, statutory, and voluntary agencies; on the statutory side, the police should be involved along with others such as the Probation Service, the Public Prosecution Service, social services, education, health and the Northern Ireland Housing Executive.
- It should be open to the CSPP to invite other relevant agencies to the monthly public meetings envisaged in recommendation 36 of the Policing Commission Report.
- The CSPP should submit an annual report of its activities in relation to community safety to the district council or councils to which it relates, and then to the Policing Board and the central Community Safety Unit (which is referred to below) for their information. [para. 11.61]

Accepted in Part

Lead Responsibility: NIO

The Government agrees that there should be no presumption that any particular body should always take the lead and has encouraged such flexibility in local structures.

The Government strongly supports the idea of local structures to drive forward an inter-agency approach to community safety. However, the Government believes it would be premature to make firm decisions now on the future shape of local community safety arrangements as the Review of Public Administration is likely to result in significant changes to existing roles and responsibilities across organisations that could be expected to contribute to community safety. The Government agrees that community safety partnerships should in the longer term be placed on a statutory basis and the Justice (Northern Ireland) Act 2002 contains an enabling power to permit the Secretary of State to establish statutory community safety partnerships following appropriate consultation.

Proposals for the creation of voluntary community safety partnerships in the interim are set out in the community safety strategy. The strategy is not prescriptive about structures for such partnerships which should be determined in accordance with local needs and circumstances. The strategy sets out essential functions for community safety partnerships but allows flexibility in how these functions might be delivered. Partnerships are supported by the central Community Safety Unit through the provision of advice, guidance and training. In addition, funding is provided for each partnership to appoint a co-ordinator. Community Safety Partnerships and District Policing Partnerships are being encouraged to work closely together.

A number of voluntary partnerships are already in operation and the objective is to have 26 in place by 31 March 2004. Progress towards the creation of statutory structures is dependent on completion of the Review of Public Administration.

Timescale: Implemented in part. Progress on the creation of statutory structures depends on the outcome of the Review of Public Administration.

Recommendation 197**ESTABLISH COMMUNITY SAFETY UNIT**

We recommend that there should be a central Community Safety Unit responsible for:

- developing a community safety strategy for Northern Ireland;
 - providing a focus for the promotion and co-ordination of community safety throughout government, the voluntary and the private sectors;
 - developing effective and innovative public consultation mechanisms in developing community safety policy, including the development of mechanisms to engage the Civic Forum;
 - encouraging initiatives, by funding and evaluating pilot projects, at the local level, and by making crime mapping information available to local partnership bodies;
 - setting the monitoring and funding requirements for centrally-funded projects;
 - spreading good practice and mainstreaming successful demonstration projects;
 - advising Ministers on community safety policy; and
 - publishing an annual report setting out progress against strategic objectives, funding activity and the contributions of departments and agencies towards community safety objectives.
- [para. 11.64]

Recommendation 198**GUIDANCE PACKS TO BE DEVELOPED**

We recommend that the Community Safety Unit should develop guidance packs, covering such issues as:

- advice for developing local schemes;
- training manuals;
- publicity and "how to consult" guides;
- crime audit guides and assistance;
- help and guidance in relation to monitoring and evaluation; and
- advice on preparing bids for funding. [para. 11.65]

Recommendation 199**STAFFING OF COMMUNITY SAFETY UNIT**

We recommend that a central Community Safety Unit be staffed by a team of people who bring a range of knowledge and experience to bear, including knowledge of community safety, wider government social and economic policy, finance, research and evaluation, and training issues.

There would be merit in some staff working in the team on a secondment basis, from the police and probation for example, and at least one research officer should be included. It should be headed by someone of sufficient stature to command respect and confidence within and beyond government in Northern Ireland. In addition, given the acknowledged expertise developed within the Community Safety Centre, we recommend that it and its staff be integrated into the team. [para. 11.68]

Recommendation 200**UNIT LOCATION PRE-DEVOLUTION**

We recommend that, until such time as responsibility for criminal justice issues is devolved to the Northern Ireland Assembly, the Community Safety Unit should be located within the Northern Ireland Office. [para. 11.69]

Accepted

Lead Responsibility: NIO

The Community Safety Unit has been established, and it is taking forward work to develop guidance and training materials. The Unit will remain part of the NIO pending the devolution of justice functions.

Timescale: Implemented.

Recommendation 201**UNIT LOCATION POST-DEVOLUTION**

On devolution, we recommend that the Community Safety Unit be located within the Office of the First Minister and Deputy First Minister. If that proves impracticable then it should be located within a justice department; but steps should be taken through central machinery to ensure that community safety is addressed on a co-ordinated, inter-departmental basis. Committing departments and agencies to contributing to an annual report on community safety would be one way of encouraging such an approach. [para. 11.70]

Accepted in Principle

Lead Responsibility: Northern Ireland Executive

The arrangements for the Community Safety Unit following the devolution of criminal justice will be a matter for the Northern Ireland Executive.

Timescale: Subject to devolution.

Recommendation 202**COMMUNITY SAFETY COUNCIL**

We recommend the creation of a non-statutory and advisory Community Safety Council, which should comprise representatives from local partnership bodies together with representatives of the relevant departments and statutory agencies, and should be supported by the Community Safety Unit. [para. 11.71]

Accepted in Principle**Lead Responsibility:** NIO

The Government accepts the need for a body broadly based on the lines described. The draft strategy document specifically sought views on the remit and constitution of such a body. Research is being carried out on the operation of similar bodies in Scotland and the Republic of Ireland which, along with the consultation responses, will inform proposals for the establishment of the Council.

Timescale: By early 2004.

Recommendation 203**STATUTORY RESPONSIBILITY FOR COMMUNITY SAFETY**

We also recommend that relevant agencies should have a clear statutory responsibility for helping to prevent crime and reduce the fear of crime and to contribute to community safety. Relevant agencies might include the Probation Service, social services, education and health authorities, and the Public Prosecution Service. [para. 11.72]

Accepted in Principle**Lead Responsibility:** NIO

The Review of Public Administration, currently being conducted, may result in significant changes to the existing roles and responsibilities across organisations that could be expected to contribute to community safety.

The Justice (Northern Ireland) Act 2002 gives the Secretary of State an enabling power to provide the necessary statutory basis to give other agencies a statutory power to prevent crime, reduce the fear of crime and to contribute to community safety. These powers would only be used following the completion of the Review of Public Administration and appropriate consultation.

During consultation on the first Implementation Plan, concern was expressed by district councils about a lack of clear statutory authority to engage in community safety activities. This was raised with the Executive and a clause to give district councils clear statutory authority was included in the Local Government (Miscellaneous Provisions) Bill. Following suspension of devolution, the Bill was taken forward as an Order in Council.

Timescale: Dependent on completion of the Review of Public Administration, subsequent consultation and legislation.

Recommendation 204**ADEQUATE FUNDING**

Based on what we have seen elsewhere, we recommend that the Community Safety Unit should have a budget to fund demonstration projects, to fund projects which are of a scale or geographic extent beyond the capabilities of local partnership arrangements, for the production and dissemination of good practice guides, and to provide seed-corn funding for the administration and implementation of local partnership projects and arrangements. We further recommend that the arrangements for funding new initiatives should include a requirement that a percentage of the funds allocated be devoted to evaluation of the project. [para 11.73]

Recommendation 206**FUNDING**

We recommend that the Community Safety Unit should draw up funding guidelines as a matter of priority. [para 11.76]

Accepted**Lead Responsibility:** NIO

£7.5 million has been made available for community safety under the Government's Spending Review 2002. The resources have been allocated to a Partnership Development Fund (30%) and to a Community Safety Challenge Competition (70%). The Partnership Development Fund includes the provision of funding for a co-ordinator for each partnership and for training and dissemination of best practice.

Proposed funding arrangements are set out in the Community Safety Strategy. Funding guidelines for each round of the Community Safety Challenge Competition are published and distributed to Community Safety Partnerships, District Council Chief Executives and District Commanders.

Timescale: Implemented.

Recommendation 205**POTENTIAL SOURCES OF FUNDING**

We make the following recommendations:

- That district councils be given the power to contribute an amount initially up to the equivalent of a rate of 3p in the pound, for the purpose of funding community safety initiatives.
- The legislation containing the power to raise such funds and authorising expenditure on community safety matters should on its face, or through regulations, contain clear guidelines about the raising of such funds and the use to which they might be put. For example, expenditure should be based on a clearly established analysis of local crime as defined in the local community safety strategy.
- CSPPs should be encouraged to seek funds from other sources, including the private sector.
- CSPPs should be able to seek a limited amount of funding from the central Community Safety Unit. Such funding might be provided on a matching basis, thus providing the CSPPs with an incentive to seek alternative sources of funds, whether from district council funds, the private sector or elsewhere. [para. 11.75]

Accepted in principle

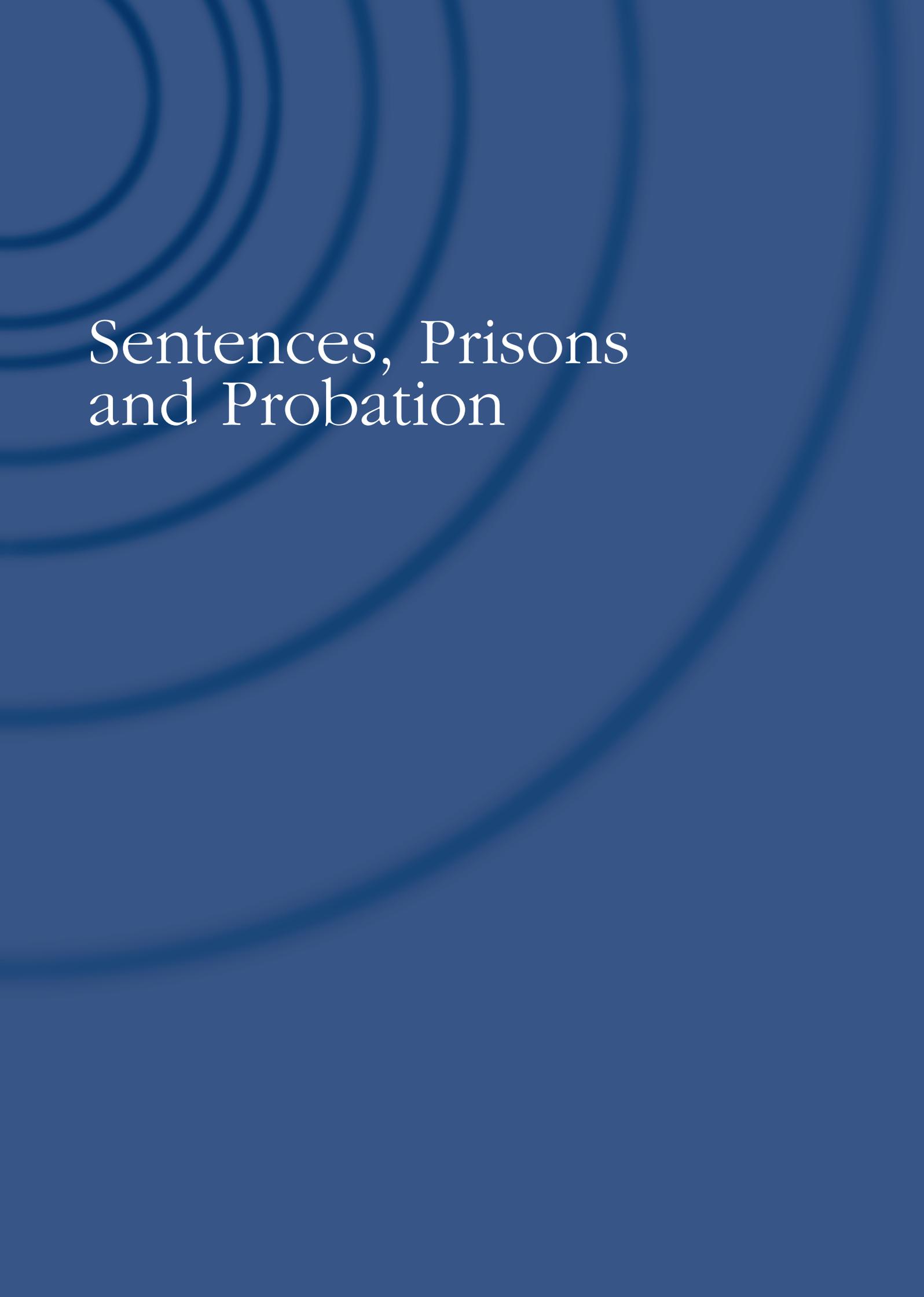
Lead Responsibility: Northern Ireland Executive and NIO

The Government accepts that district councils should be given the power to support community safety initiatives by contributing rate revenues, in accordance with an agreed local strategy.

The Local Government (Miscellaneous Provisions) Order gave district councils the authority to spend rate revenues on community safety activities through the voluntary community safety partnerships.

In the meantime, the Central Community Safety Unit will fund local initiatives in accordance with the criteria published in the funding guidelines. In the first round of the Community Safety Challenge Competition in 2002/03, £1.5 million was allocated over three years to projects with a total value of £3 million.

Timescale: Implemented.

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Sentences, Prisons and Probation

Recommendation 207**REVIEW OF SENTENCING**

We recommend that the current sentencing framework for adults be reviewed to establish whether it could adequately accommodate restorative interventions where appropriate and, if not, to consider what changes might be made in order for it to do so. [para. 12.52]

Accepted

Lead Responsibility: NIO

A review started in August 2002 to ascertain whether restorative interventions for adults could be adequately accommodated within the existing sentencing framework and, if not, to consider how the framework might be changed in order to make that possible.

Timescale: Review to be completed by July 2003.

Recommendation 208**AFTERCARE AND SUPPORT**

We recommend that it should be a recognised function of the Probation Service to provide aftercare and support, including supervision, to discharged prisoners and that the service should be adequately resourced to this end. Our expectation is that the Prison and Probation Services should work together to prepare release packages for prisoners. These arrangements should be evaluated with a view to considering whether compulsory supervision should be introduced. [para. 12.56]

Accepted

Lead Responsibility: NIO

A working party comprising representatives of the NIO, PBNI, NIPS and the Social Services Inspectorate (SSI) has been set up to examine this issue with a view to developing a strategy for the future provision of through care for adults sentenced to custody, from point of sentence to 12 months after release, in order to reduce the likelihood of reoffending and encourage integration into the community. A project is currently underway, led by NIPS and PBNI, and it is envisaged that this should be completed by December 2003. This project will develop a more effective connection for prisoners on release in terms of accommodation, employability, lifestyle, community and family.

Timescale: December 2003.

Recommendation 209	EXPLANATION OF SENTENCES
<p>We recommend that judges when sentencing should explain in greater detail and in simple language the impact of the sentence, including the fact that, with remission, the offender may be eligible for release having served half the sentence and that time spent in prison awaiting trial may count towards the period served. [para. 12.60]</p>	

Accepted

Lead Responsibility: The judiciary

The Government supports the idea that the impact of sentences should be explained in greater detail and in simple language. The judiciary accepts that proper explanation of sentences should be given, subject to established sentencing principles. The explanation of remission, however, is more appropriately a matter for the offender’s legal advisor and NIPS.

Timescale: To be developed.

Recommendation 210	INDEPENDENT LIFE SENTENCE REVIEW BODY
<p>We recommend that the current Life Sentence Review Board be replaced by an independent body that is not part of the Northern Ireland Prison Service or the proposed Department of Justice. Its membership should include individuals with an expertise in psychiatry or psychology and it should have a judicial input that would enable it to act as a tribunal for dealing with discretionary and Secretary of State's pleasure cases. Its membership might also include individuals with expertise in criminology. [para. 12.64]</p>	
Recommendation 211	JUDGES TO SET A PERIOD FOR RETRIBUTION AND DETERRENCE
<p>In relation to all indeterminate sentence cases, including mandatory life sentence cases, we recommend that judges when sentencing should be required to set a period for retribution and deterrence (equivalent to the tariff set in England and Wales). In most cases the period would be a fixed term of years, although it must be envisaged that some offences might be so serious that a whole life period would be appropriate. The period would be announced in open court and would be appealable. Once this period had been served, it would be the responsibility of the independent body to determine, primarily on grounds of risk, when the prisoner should be released. [para. 12.65]</p>	

Accepted

Lead Responsibility: Northern Ireland Prison Service

The Life Sentences (Northern Ireland) Order 2001 provides for the introduction of a system of tariffs to be set by the judiciary for life sentence prisoners and those detained at the Secretary of State’s Pleasure (SOSPs). It also makes provision for the establishment of an independent body of Life Sentence Review Commissioners, who have now been appointed and who will have powers to direct the release of prisoners from custody. The Review recommended that such arrangements should be introduced for discretionary life sentence cases and SOSPs only, but the legislation extends the provision to include mandatory life sentence cases. The Order came into force in October 2001.

Timescale: Implemented.

Recommendation 212**BOARD OF VISITORS ADJUDICATION**

We recommend that the practice of Board of Visitors adjudication should end. [para. 12.69]

Accepted**Lead Responsibility:** NIPS

Board of Visitors adjudication powers were removed with effect from 2 October 2000.

Timescale: Implemented.

Recommendation 213**PROTOCOL FOR PRISON OFFENCES**

We understand that the Prison Service, RUC and DPP(NI) are currently considering a protocol that would guide the prison authorities on the circumstances in which the RUC and DPP(NI) should be brought in to deal with prison offences, and we recommend that this protocol be speedily completed and published. [para. 12.75]

Accepted**Lead Responsibility:** NIPS

NIPS, DPP(NI) and PSNI have agreed a protocol which provides guidance on how crimes in prisons should be handled by the governor. The guidance is based on the seriousness of the offence and determines whether matters are investigated by the governor or by the police. It recommends actions to be taken when an offence has occurred and guidance on specific types of offence, for example, assault or use of drugs. The protocol was published on the Northern Ireland Prison Service website in December 2001.

Timescale: Implemented.

Recommendation 214**PENALTIES AVAILABLE TO GOVERNORS**

We recommend some increase in the penalty available to governors, which would need to be consistent with European Court findings (including in relation to cases currently before the European Commission). [para. 12.75]

Accepted in Principle**Lead Responsibility:** NIPS

Since the removal of Board of Visitors' adjudication powers in October 2002, governors' powers have been sufficient to keep good order. Hence, the original concern expressed in the Review, that NIPS may need to increase Governor powers to maintain discipline has not been proved to be the case. Indeed, recent European Court of Human Rights decisions in the case of Ezeh and Connors (prisoners in GB) have indicated that Governor powers in relation to the loss of remission of prisoners is not a human rights complaint. NIPS have therefore not used the power in relation to loss of remission since 2002 and is in the process of removing that power from Prison Rules.

Timescale: By end of 2003.

Recommendation 215

PRISON AND PROBATION PROGRAMMES

We recommend that a mechanism be set up to oversee programmes in both prisons and the community with a view to ensuring continuity and consistency, and also ensuring that evaluations are published and, where appropriate, form the basis for the roll-out of successful schemes. [para. 12.80]

Recommendation 227

ORGANISATIONAL INTERACTION

We recommend that particular consideration be given to the following:

- staff exchanges between the organisations;
- joint training programmes; and
- joint approaches to the development of offending behaviour programmes that can be delivered in the custodial and community settings, together with arrangements for accrediting, monitoring and evaluating them (with evaluations being published). [para. 12.106]

Accepted

Lead Responsibility: NIPS and PBNI

NIPS is working closely with the PBNI, SSI and others to oversee programme delivery. This includes the development of internal approval and external accreditation arrangements. Accreditation arrangements are now in place and PBNI have committed to joint NIPS/PBNI approval procedures in their Corporate Plan 2002-05. The Probation Board and Prison Service Management Boards meet twice yearly to discuss opportunities for joint working, staff exchanges and accreditation arrangements.

Timescale: Implementation ongoing.

Recommendation 216

ELECTRONIC MONITORING

We conclude that electronic monitoring is a technique that should be kept under review in the light of developing experience elsewhere, including in England and Wales. It is an issue which could be remitted to the Criminal Justice Issues Group. [para. 12.83]

Accepted

Lead Responsibility: NIO

This issue will be put forward for consideration by the Criminal Justice Issues Group when it is reconstituted (see recommendations 130 and 266). The issue will also be brought within the review of the sentencing framework, which began in July 2002 (see recommendations 167 and 207).

Timescale December 2003.

Recommendation 217**NON-EXECUTIVE MEMBERS
TO THE MANAGEMENT BOARD OF NIPS**

We suggest that consideration be given to recruiting a small number of non-executive members to the management board of the Service. They might be selected on the basis of the particular managerial skills that they would bring to the board. [para. 12.91]

Accepted

Lead Responsibility: NIPS

The NIPS Management Board appointed a non-executive Director in April 2002.

Timescale: Implemented.

Recommendation 218**OUTREACH PROGRAMMES**

We recommend that prison governors should be expected to consider programmes of outreach into nearby communities. [para. 12.92]

Accepted

Lead Responsibility: NIPS

The NIPS already delivers outreach programmes to schools, youth groups and community organisations. One example of this is the "Prison Me! No Way" project designed to educate people on the realities of prison life. Other initiatives include:

- Wheelchair repair programme;
- Braille Unit, producing literature for those with impaired vision; and
- Charitable work through prison industries.

Links with the community are continuing to be developed.

Timescale: Implemented.

Recommendation 219

DIVERSITY TRAINING

We attach great importance to the training of prison staff in cultural awareness; furthermore, given the extent of change being experienced by the Service, we endorse the view that particular emphasis should be given to training in new roles and skills to enhance the ability of prison officers to work effectively with prisoners. [para. 12.93]

Accepted

Lead Responsibility: NIPS

Cultural awareness is part of training on human rights and equality issues. All senior managers have received training in human rights and equality legislation including the Human Rights Act 1998 and the Northern Ireland Act 1998. Equality training has been cascaded to all levels of staff. In addition, induction programmes for new recruits include awareness of the importance of human rights and equality.

Programmes have also been provided to broaden the skills base of staff. All staff have attended a two-day "Future Positive" programme. 600 ex-Maze staff received 15 days "re-skilling" training, before being allocated to duties in other prisons. Senior managers are now participating in a new Development Programme.

Timescale: Implemented.

Recommendation 220

UNIFORM REQUIREMENTS

We consider that this would be an opportune time for the Northern Ireland Prison Service to look at its uniform requirements. [para. 12.94]

Accepted

Lead Responsibility: NIPS

The NIPS fully supports this recommendation and a steering group has been set up to take implementation forward.

Timescale: December 2004.

Recommendation 221**PROBATION SERVICE RESOURCING**

The Probation Service must, on the basis of it being able to demonstrate value for money and efficient working, be properly resourced to reflect its workload and its continuing need to support voluntary organisations working alongside it. [para. 12.102]

Accepted**Lead Responsibility:** NIO

The Government continues to encourage and work with PBNI to help it demonstrate value for money and efficient working. An IT system is currently being developed to provide the necessary management information to permit the development of unit costing and benchmarking of core services against other probation services. A central core of the system, the case management system, is being purchased and will be implemented during the financial year 2003/2004.

Timescale: Implementation ongoing.

Recommendation 222**PROBATION SERVICE AS A NEXT STEPS AGENCY**

We recommend that, on devolution of criminal justice matters, the Probation Service be reconstituted as a next steps agency. This would mean that responsibility for probation services would lie directly with the relevant Minister, on the same basis as the Prison Service. Both agencies would be supported by small management boards comprising senior staff. [para. 12.103]

Recommendation 187**PROBATION, PRISONS AND JUVENILE JUSTICE ADVISORY BOARD**

We recommend that an overarching Probation, Prisons and Juvenile Justice Advisory Board be adopted. [para. 10.103]

Recommendation 224**ADVISORY BOARD**

We recommend that the responsible Minister be supported by an advisory board which would advise on all matters to do with probation, prisons and juvenile justice. It would comprise the heads of the three organisations and members with an interest in correctional and related matters, drawn from the voluntary and community sector, children's organisations and social and related services. [para. 12.104]

Recommendation 225**ROLE OF ADVISORY BOARD**

The advisory board would assist the Minister in considering strategic and policy issues, determining priorities, setting standards and monitoring service delivery. The board would have a special interest in ensuring co-ordination and co-operation on the delivery of services where appropriate. [para. 12.104]

Recommendation 226

OPERATIONAL DECISIONS

The framework document determining the relationships between the Probation Agency and the core department should make clear that operational decisions in relation to individual cases are entirely a matter for the professional staff. It should also make clear that, although these decisions may be scrutinised in the course of inspection, neither administrative civil servants in the core department nor the Minister would play a part in them, unless consulted by the professionals. [para. 12.105]

For Further Consideration

Lead Responsibility: Northern Ireland Executive and NIO

The Government considers that a decision on the recommendation to reconstitute PBNI as a Next Steps Agency is best left to a Northern Ireland Executive to consider after the devolution of criminal justice matters. The Executive could legislate to change the status of the PBNI if it decided that Agency status would be an appropriate means of delivering probation services. Meanwhile the Government will continue to work with the PBNI to ensure that:

- the principles underpinning the management of Non-Departmental Public Bodies and best practice guidelines are applied consistently to the Probation Board; and
- the Board continues its efforts towards greater openness, improved public accountability, effectiveness and value for money.

In addition, a review of the framework within which the Board operates is to be commissioned during the current financial year. It will include an analysis of ways of improving services and service delivery as well as cost effectiveness.

Timescale: Subject to devolution.

Recommendation 223

MANAGEMENT BOARDS

A senior officer of the Probation Service should sit on the prisons management board and a senior prisons official should sit on the probation management board. [para. 12.103]

Accepted

Lead Responsibility: NIPS

NIPS and PBNI have considered how best to manage their joint responsibilities more efficiently. The NIPS and PBNI Management Boards meet twice yearly to discuss issues of mutual interest, and regard this as the most effective method of sharing relevant information.

Timescale: Implemented.

Victims and Witnesses

Recommendation 228**VICTIMS' INTERESTS**

The interests of victims should feature in the codes of practice and plans of all criminal justice organisations that interface with them, and in the criminal justice plan that we advocate for the system as a whole. [para. 13.38]

Accepted**Lead Responsibility:** Criminal Justice Agencies

A specific objective is included in the NIO's Public Service Agreement to "lessen the impact of crime by working in partnership with other criminal justice agencies to maintain and develop policies aimed at preventing or reducing the threat of crime and the incidence of crime and to provide support for the victims of crime". The newly-expanded Victims and Vulnerable or Intimidated Witnesses Steering Group (VVIW) provides a focus for the consideration of victims and witnesses issues within the criminal justice system and will help to ensure co-ordination and consistency in the implementation of victims and witnesses recommendations.

- As part of a range of standards of practice for each of its key functions, NIPS will develop a standard in relation to the Victims Information Scheme. That scheme will be in place by June 2003. The standard will be published on the NIPS website.
- The DPP(NI) has in place an internal victims policy which includes the training of staff on victims issues in conjunction with the NIO's Victim Support Unit. Victims issues will be addressed in the Codes of Practice for the new Public Prosecution Service. A draft Code of Practice will be available for staff for the start of the pilot scheme that is due to commence in December 2003. It will be revised and developed using the experience of the pilot scheme.
- PBNI has set standards for the delivery of work conducted by their officers, which includes set practices on how staff deal with victims issues. Codes of Practice will be prepared once PBNI's Victim Information Scheme is in place, which is envisaged to be later this year.
- The Court Service is committed to supporting programmes relating to victims and witnesses, in particular the rolling out of both the Adult and Young Witness schemes.
- Victims issues are included in Article 2 of the Code of Ethics for the PSNI. The "Policing Plan 2003 - 2006" includes reducing crime and the fear of crime among its overarching objectives.

Timescale: Implementation ongoing.

Recommendation 229

**CRIMINAL JUSTICE ISSUES
GROUP SUB-GROUP ON VICTIMS**

We recommend that a sub-group of the Criminal Justice Issues Group should maintain a specific focus on victims issues, should monitor and evaluate the new arrangements and should report regularly. It should include both statutory and voluntary agencies that are concerned with the provision of criminal justice services to victims. [para. 13.40]

Recommendation 230

VICTIMS' ADVOCATE

The possibility of a victims' advocate should be considered again in the future if new arrangements on behalf of victims are seen not to be working effectively. [para. 13.40]

Accepted

Lead Responsibility: Criminal Justice Board

The Government agrees that it would be valuable for there to be a specific focus on victims issues, in a way which complements other central machinery on these issues, and will bring together the relevant agencies in an appropriate forum. In the meantime, the membership of the Victims and Vulnerable or Intimidated Witnesses Steering Group (VVIW) has expanded to include representatives from NIPS and PBNI. This Group provides a forum to consider victims issues and, if appropriate, representatives from other statutory or non-statutory bodies may be invited to attend future meetings. The newly-expanded VVIW Group first met in September 2002 and meets regularly. As noted above, it provides a focus for the consideration of victims and witnesses issues within the criminal justice system and will help to ensure co-ordination and consistency in the implementation of recommendations on victims and witnesses.

Timescale: Implementation ongoing.

Recommendation 231**LEAD RESPONSIBILITY
FOR WORKING WITH VICTIMS**

We recommend that the agency which has lead responsibility for working with victims at particular points in the criminal justice process should be clearly delineated. [para. 13.41]

Recommendation 232**INFORMATION FOR VICTIMS**

We recommend that the lead role in ensuring the provision of information and explanation to victims and seeking their views be taken by the police until such time as the case is passed to the prosecutor, that is until a suspect is charged or a summons issued (although as a matter of practicality it is recognised that the police will have a significant role until the file is received in the prosecutor's office). The lead role (including notifying the victim of the outcome of the case in the courts) would subsequently be taken by the prosecutor until the case is finished in the courts. The prosecutor would also lead on any issues arising out of an appeal. [para. 13.42]

Recommendation 233**PROVISION OF INFORMATION**

Where a custodial sentence was imposed, the Prison Service would then take the lead. Where a non-custodial sentence was imposed, and the victim had an interest in being kept informed, the Probation Service would take the lead. [para. 13.42]

Recommendation 234**PROVISION OF INFORMATION
BY RELEVANT BODY**

In the case of a diversionary measure which involves victims, the agency or body responsible for implementation would have responsibility for informing victims about the progress and, where contact between victim and offender is envisaged, for taking steps to ensure the safety of victims. [para. 13.42]

Recommendation 235**ADVERTISED POINT OF CONTACT**

Each lead agency should have a clearly advertised point of contact. [para. 13.42]

Recommendation 236**BUILDING ON EXISTING CODE
OF PRACTICE FOR VICTIMS**

We recommend that the criminal justice agencies in Northern Ireland should build on their existing commitments in the Code of Practice for victims, in which they undertake to provide information at various stages in the criminal justice process (although not if it is against the wishes of the victim). The provision of information should not be limited to cases that the criminal justice system might classify as "serious". [para. 13.45]

Recommendation 237**LEAD AGENCY TO ENSURE
INFORMATION IS AVAILABLE**

We recommend that it should be for the lead agency to ensure the necessary information is made available, although it may be appropriate for the information to be passed through or provided by a third party. [para. 13.45]

Accepted in principle

Lead Responsibility: Criminal Justice Agencies

Criminal justice agencies accept the Review recommendations, noting particularly the need for the clear delineation of responsibilities. The agencies will build on existing practice, modified as necessary to take account of new structures. Legislation is now in place to allow the creation of a scheme providing information about prisoner release. Successful and workable systems should be in place to coincide with the new operational structures.

- DPP(NI) is conscious of the need for clear delineation of responsibility for working with victims. It is responsible for setting up the new Public Prosecution Service. Victims issues are to be included as part of any new practice and structures. A point of contact for victims will be included in its new draft Code of Practice which will be in place by December 2003.
- NIPS has developed proposals for a Victims Information Scheme. The scheme will provide victims with information about the prisoner's release date and date of any temporary release. A contact point which is solely responsible for victims issues is in place. Information about the contact point is available from the NIPS website. A 12 week consultation period for the Victims Information Scheme ended in November 2002. The scheme is due to be in place by the end of June 2003.
- The PBNI has included "provision of information" to victims as an objective in its current Corporate Plan 2002- 2005. It is working on proposals to set up a victims information scheme in line with that of the NIPS. It has been closely involved with the NIPS scheme and has examined how various other agencies have set up similar schemes in England. The scheme is due to be in place later this year. An advertised point of contact will be available once the victims information scheme is in place.
- The Court Service (recommendation 235) has opened a new Information Centre at its headquarters in Windsor House, Belfast.
- The PSNI operates under the guidance of a general order to the service which touches upon the needs of victims and liaison with Victim Support Northern Ireland. Aspects of the policy include the emotional distress, loss of confidence and an inability to cope which may affect victims of crime. The PSNI has developed the long-standing partnership it has had with VSNI to give a clear commitment to the needs of victims. In addition, Child Abuse and Rape Enquiry Detectives have received specific training in rape trauma facilitated by a non-governmental organisation and the PSNI is supporting the PBNI and NIPS in the development of their victims information schemes.

Timescale: Implementation ongoing.

Recommendation 238 INFORM AND CONSULT VICTIMS WHEN POSSIBLE

We recommend that wherever possible victims should be informed and consulted about the development of their cases. But when and how to consult them, particularly those who are witnesses, must be a matter for the professional judgement of the prosecutor. [para. 13.47]

Recommendation 239 CONSULTATION REGARDING IMPORTANT CHANGES IN THE CASE

On balance and subject to our overriding recommendation that when and how to consult must be a matter for the professional judgement of the prosecutor, we recommend that the general rule, building on the Director of Public Prosecutions' current practice, should be for victims to be consulted about important changes in the way that "their" case is being handled. We also recommend that information about such changes should be actively offered rather than the victim having to request it, although we accept that it might not be possible to consult victims in certain circumstances, for example, if they are not at court when decisions have to be taken. [para. 13.51]

Recommendation 240 INFORMATION TO BE BROUGHT TO THE ATTENTION OF THE COURT

We recommend that practice be reviewed to ensure that the prosecutor who will be responsible for a wider range of cases than hitherto considers the effect of the crime on the victim and makes certain that those acting on behalf of the prosecution, including independent practitioners, bring all relevant information to the attention of the court and up-date it regularly. This would include not only information from the victim but also information from others, for example medical professionals, who would be able to advise on the effect on the victim or on similar cases. We consider it important that the responsibilities of the prosecutor in this regard be given due prominence in relevant publications of principles and codes of practice. [para. 13.55]

Recommendation 241 IMPORTANCE OF CHALLENGING ALLEGATIONS MADE BY THE DEFENCE

We draw attention to the importance of maintaining the duty of prosecuting advocates to challenge allegations about victims made by the defence in absence of supporting evidence. [para. 13.56]

Accepted

Lead Responsibility: DPP(NI)

Work will be taken forward by the DPP(NI) in consultation with the PSNI to determine the precise point at which responsibility for liaising with victims should pass from the police to the prosecutor and also the circumstances in which consultation with victims should be held. As part of a review of staff training, DPP staff, including lawyers, will be trained on what can properly be discussed at consultations; the manner in which consultations should be held; and what information may be provided to the victims.

Timescale: Implementation ongoing.

Recommendation 242 INFORMATION ABOUT RELEASE OF PRISONERS

We recommend three changes in practice relating to the giving of information about the release, or likely release date, of prisoners:

- Where an offender is sentenced to custody and where the victim wishes, the Prison Service should be responsible for explaining the impact of the sentence including the likely release date and the likely arrangements for temporary release. It should be the responsibility of the prosecutor to check whether the victim wishes to use this service and if so to put the victim in touch with the Prison Service.
- Where information about release is requested by the victim, the Prison Service should be required to give it, provided the prisoner is not put at risk.
- The Prison Service should put in place formal mechanisms to deal with concerns expressed by victims about safety, particularly in relation to temporary release. [para. 13.59]

Accepted

Lead Responsibility: NIPS

The NIPS has developed proposals for a Victims Information Scheme on prisoner releases in line with the provisions made in the Justice (Northern Ireland) Act 2002. Public consultation on the proposals concluded on 15 November 2002. Victims will be advised of the existence of the scheme by prosecutors and can opt into it by contacting NIPS. The scheme will allow victims of prisoners to receive information as to the month and year of release and to be advised when the prisoner is being considered for temporary release. Information will be provided except where to do so would compromise the safety of any individual.

Timescale: By end of June 2003.

Recommendation 243**WITNESS SUPPORT SCHEMES**

We recommend that publicly funded witness support schemes should be made available at all Crown Court and magistrates' courts venues. Children should be included in such arrangements on a basis determined in the light of the outcome of evaluation of the current pilot scheme.

[para. 13.62]

Accepted**Lead Responsibility:** NIO

The NIO has agreed to, and is providing funding for, the current adult and young witness pilot schemes operating in courts in Northern Ireland. The NIO agreed the staffing complement for the roll-out of the Adult Witness Service with Victim Support Northern Ireland (VSNI). The Service will initially be provided in all Crown Court venues, during which time development of the magistrates' courts service will commence. The roll-out will commence in all Crown Court areas by September 2003, with full service delivery expected by December 2003. Development of the magistrates' courts service will commence by August 2003 and the anticipated roll-out of this service is expected to commence in January 2004.

The National Society for the Prevention of Cruelty to Children is taking forward the recommendation in respect of arrangements for children, and an evaluation of a Young Witness Service was completed in September 2001. The main recommendation was that the Service should be rolled out to all Crown Court venues but that further work was required to establish the level of need in magistrates' and youth courts. The NIO has now agreed a roll-out plan with the NSPCC. The roll-out to all Crown Courts has commenced, with full service delivery expected by October 2003. Further work on the level of need in the magistrates' and youth courts is ongoing.

An official launch of both the Adult Witness Service and the Young Witness Service will take place on 4 September 2003.

Timescale: Implementation ongoing.

Law Reform

Recommendation 244**LAW COMMISSION**

We recommend that a Law Commission for Northern Ireland be established by statute to keep under review criminal and civil law, including procedure and practice, and to make recommendations to the Government on whatever changes it considers necessary or desirable. The establishment of such a Commission should not be dependent upon responsibility for criminal justice matters being devolved. [para. 14.51]

Recommendation 245**FUNCTIONS**

We believe the functions of the Law Commission for Northern Ireland should include:

- reviewing the current state of the law and coming forward with recommendations for reform;
- modernising and, where appropriate, simplifying and consolidating legislation;
- providing advice to Government as to the most suitable topics for law reform and the most appropriate agencies to make a study of the options or reform;
- keeping abreast of developments in other jurisdictions, including in particular England and Wales, Scotland and the Republic of Ireland;
- working closely with Law Commissions in England and Wales, Scotland and the Republic of Ireland with a view to assessing the scope for harmonisation of the criminal law and procedure in all four jurisdictions;
- commissioning research; and
- inviting suggestions for reform and consulting as widely as possible. [para. 14.53]

Recommendation 246**REMIT**

The Law Commission should consider both substantive law and procedural matters, taking account of current practice and implications for criminal and civil justice. [para. 14.54]

Recommendation 248**MEMBERSHIP**

We recommend that membership of the Law Commission should include a senior barrister, a senior solicitor, a legal academic, and one lay person. Members should be remunerated. [para. 14.55]

Recommendation 249**DEVOLUTION**

If a Law Commission were to be established in advance of responsibility for criminal justice being devolved, then its members should be appointed by the Secretary of State for Northern Ireland, consulting the First Minister and Deputy First Minister. In this event, the Commission should agree its programme of work with the Secretary of State and First Minister and Deputy First Ministers. It should submit its reports jointly to the Secretary of State and relevant members of the Northern Ireland Executive Committee. Its reports should be tabled before the Northern Ireland Assembly and Westminster Parliament, and should be published. [para. 14.56]

Lead Responsibility: NIO

The Government will establish a Law Commission, whose primary functions will be to systematically reform, modernise and develop the law of Northern Ireland.

This recommendation is not dependent on the devolution of criminal justice matters. Accordingly, a project team has already been set up, comprising representatives of the Office of Law Reform, OFMDFM, the Court Service and the NIO to take this work forward.

The Commission will be positively encouraged to consult and work closely with its counterparts in the Republic of Ireland, Scotland and England & Wales with a view to promoting the harmonisation of criminal law and procedure (see also recommendation 293).

The Secretary of State intends to consult the First and Deputy First Ministers, the Lord Chancellor and the Attorney General on the establishment of the Commission and its future work programme. The Commission's reports will be published.

Once devolution takes place, the provisions of the Act will be amended to remove the requirement for consultation with the Lord Chancellor, to limit the Secretary of State's role and to transfer responsibilities as appropriate to the First Minister and Deputy First Minister.

Timescale: Subject to the availability of resources, it is planned to establish the Law Commission by April 2005.

Recommendation 247

CHAIRPERSON

We recommend that the Commission be chaired by a High Court Judge on a part-time basis.
[para. 14.55]

Accepted

Lead Responsibility: NIO

Section 50 of the Act provides for the appointment of a High Court Judge to chair the Commission.

Timescale: Subject to the availability of resources, it is planned to establish the Law Commission by April 2005.

Recommendation 250**APPOINTMENT OF MEMBERS**

Once responsibility for criminal law matters is devolved, responsibility for appointing members to the Commission could pass to the Attorney General for Northern Ireland who would consult with departmental Ministers, as appropriate, and consider government remits for the programme. [para. 14.57]

Recommendation 251**POLICY RESPONSIBILITY**

Policy responsibility for law reform matters would be assumed by the Minister responsible for justice matters. [para. 14.57]

Accepted

Lead Responsibility: Northern Ireland Executive and Attorney General for Northern Ireland

On devolution of criminal justice functions, Ministerial responsibility for law reform will be a matter for the Executive. Responsibility for the appointment of Commissioners and associated powers will transfer. This area of responsibility could be placed with the Attorney General for Northern Ireland.

Timescale: Subject to devolution.

Recommendation 252

PROGRAMME OF WORK

We recommend that in developing its programme of work, the Commission should make its own suggestions and receive remits from government. In drawing up its programme of work it should also take account of views of others through a consultation process. [para. 14.59]

Recommendation 253

FUNDING RESEARCH

We recommend that the Law Commission should receive a sufficient budget for books and materials and to facilitate the commissioning of research and project work. We further recommend that the Law Commission be required to make all publications publicly accessible. [para. 14.60]

Recommendation 254

INITIAL WORK PROGRAMME

We have identified a number of matters that were raised with us in the course of consultation, some of which are reflected elsewhere in the report, which we believe it would be appropriate for the Law Commission for Northern Ireland to consider as part of its early programme of work:

- The disclosure procedures under the provisions of the Criminal Procedure and Investigations Act 1996.
- Plea bargaining, focusing on issues concerning formalisation, transparency and human rights.
- Domestic violence, in particular how current law, policy and practice helps or hinders prevention, protection and service provision in relation to domestic violence. Such a review should not be confined to criminal procedures, but encompass family and civil remedies as well.
- Producing, for use by practitioners, a simple, clear and concise comparative guide to criminal law and procedure in Northern Ireland and the Republic of Ireland. [para. 14.62]

Accepted

Lead Responsibility: NIO and Northern Ireland Law Commission

The Commission will be able to put its own proposals to and receive remits from Government. It will undertake a consultation process on its programme of work, taking account of the areas suggested by the Review. The Commission will be funded by grants from the Secretary of State.

Timescale: Subject to the availability of resources, it is planned to establish the Law Commission by April 2005.

Recommendation 255**POST-DEVOLUTION ARRANGEMENTS**

In the event of criminal justice responsibilities being devolved, we recommend that responsibility for criminal law and procedure and those aspects of civil law which are currently the responsibility of the Office of Law Reform should be brought together within a new Department of Justice.

[para. 14.63]

Accepted

Lead Responsibility: NIO and Northern Ireland Law Commission

Criminal law and law reform will be brought together when justice functions are devolved (see recommendation 256). The Assembly will have responsibility for establishing new ministerial offices and assigning relevant functions.

Timescale: Subject to devolution.

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Organisation and Structure

Recommendation 256 DEVOLUTION OF CRIMINAL JUSTICE FUNCTIONS

We recommend that responsibility for the same range of criminal justice functions as are devolved to the Scottish Parliament should be devolved to the Northern Ireland Assembly. Our preference is that they should all be devolved at the same time. [para. 15.56]

Accepted

Lead Responsibility: NIO

The Government has accepted, under the Belfast Agreement, the desirability of devolving responsibility for policing and justice on a basis that is robust and workable and broadly supported by the parties. Progress will be dependent on the NI Assembly and Executive operating on a stable basis. The two Governments have encouraged the political parties in Northern Ireland to address and agree the practicalities of such further devolution, including the necessary institutional arrangements, with a view to ensuring that it is achieved within the lifetime of the next Assembly.

Timescale: Subject to devolution.

Recommendation 257 DEPARTMENT OF JUSTICE

We recommend the creation on devolution of a single Department of Justice, headed by a Minister for Justice, bringing together all justice functions other than prosecution, responsibility for the Law Commission and judicial matters. [para. 15.62]

Accepted in Principle

Lead Responsibility: NIO and Northern Ireland Executive

The precise structural arrangements for the delivery of justice functions within a devolved administration will be a matter for a Northern Ireland Executive and Assembly. The Government will work closely with the Executive in drawing up the necessary legislation to put agreed structural arrangements in place on the devolution of justice and policing functions.

Timescale: Subject to devolution.

Recommendation 258

FORENSIC SCIENCE AGENCY

We recommend that as peace and political stability become embedded efforts should be made to find an alternative site for the Forensic Science Agency that would not be shared with the police. [para. 15.64]

Accepted

Lead Responsibility: Forensic Science Northern Ireland and NIO

Forensic Science Northern Ireland (FSNI) and the NIO are jointly taking forward work to identify and meet the Agency's long-term accommodation needs, in line with resource availability. Consultancy advice and other resources will be employed in order to construct firm proposals.

Timescale: Milestones for the project will be developed in the course of 2003.

Recommendation 259

ADVISORY BOARD

There is scope for enhancing the management arrangements for the Agency and we recommend that a forensic science professional or academic from another jurisdiction in the United Kingdom should be invited to join the Agency's advisory board. We recommend secondments to and from other forensic science organisations to encourage professional development and discourage the development of a police or prosecution-focused culture. [para. 15.65]

Accepted

Lead Responsibility: NIO

A fundamental review of the framework within which the FSNI operates, in the form of a Quinquennial Review, is currently underway. Stage 1, completed in March 2002, determined that the best organisational structure for the delivery of forensic science services in support of criminal justice in Northern Ireland was that FSNI should continue as an Agency, but move in the longer term towards trading fund status. The Government has agreed this, and also accepts that there is scope for enhancing the management arrangements for the Agency. The detailed model for this will be informed by the recommendations of Stage 2 of the Quinquennial Review, and by related work which will help prepare the Agency for the change to trading fund.

Timescale: Dependent on the completion of Stage 2 of the Quinquennial Review and related work.

Recommendation 260

STATE PATHOLOGIST'S DEPARTMENT

As regards the State Pathology Department, we note its particularly heavy workload and recommend that it be reviewed to ensure that the expertise of its staff is properly deployed. We also note the limited administrative support arrangements for the State Pathology Department, and recommend that it should be strengthened to ensure that the professional staff are able to devote their time to professional tasks. [para. 15.66]

Accepted

Lead Responsibility: NIO

As a result of this recommendation a review of the State Pathology Department was undertaken and a plan has been developed to implement it. A Business Manager has been appointed in order to strengthen the administrative arrangements. A consultation document discussing how best to deliver the service in the future was published in January 2003. The consultation period, lasting 14 weeks, ended on 30 April 2003. The evaluation period has commenced and will be completed during the summer.

Timescale: Implementation ongoing.

Recommendation 261

CRIMINAL CASES REVIEW COMMISSION

We recommend that the existing Criminal Cases Review Commission should continue to consider cases that involve alleged miscarriages of justice emanating from Northern Ireland. [para. 15.67]

Accepted

Lead Responsibility: NIO

The Criminal Cases Review Commission will continue to undertake this function.

Timescale: Implemented.

Recommendation 262

ANNUAL REPORTS

We recommend that agency annual reports should, as a matter of course, be laid before the relevant departmental committee. In addition, if the Assembly constitutes a standing committee for the criminal justice system as a whole, we recommend that it and any departmental committees should receive and consider an annual report on the system in its entirety, prepared by the Criminal Justice Board. [para. 15.70]

Accepted

Lead Responsibility: Northern Ireland Executive and the Assembly

These are matters for a Northern Ireland Executive and Assembly to take forward following the devolution of justice functions (see recommendation 256).

Timescale: Subject to devolution.

Recommendation 263

CRIMINAL JUSTICE INSPECTORATE

We recommend the creation of a statute-based, independent Criminal Justice Inspectorate which should:

- be responsible for ensuring the inspection of all aspects of the criminal justice system other than the courts;
- be funded by the Minister for Justice, and that the Chief Criminal Justice Inspector should be appointed by that Minister;
- present its inspection reports to the Minister for Justice, the responsible Minister (if the agency inspected is the responsibility of another Minister) and the relevant departmental committee or standing committee;
- publish its reports and make them widely and readily available;
- publish an annual report of its activities, present that report to the Minister for Justice, and lay it before the relevant departmental and standing committees;
- be responsible for advising Ministers on standards within criminal justice agencies (standard setting should remain the prerogative of Ministers);
- employ a range of full and part-time inspectors and buy in expertise, including that from other inspection agencies in England and Wales and Scotland, as appropriate (such as HM Inspectorate of Prisons and HM Inspectorate of Constabulary);
- be responsible for determining its own programme of inspections, in consultation with the relevant Ministers;
- carry out a range of inspections, including; periodic, cyclical and surprise inspections of systems and structures; thematic, issues-based inspections; and special inspections which might require special skills (e.g. medical expertise); and
- work closely with other inspectorates (e.g. on Health and Safety, Mental Health, and Social Services) and with professional bodies such as the Royal College of Pathologists and the Policy Advisory Board for Forensic Pathology. [para. 15.72]

Accepted

Lead Responsibility: NIO

Section 45 of the Act implements this recommendation. It creates the office of the Chief Inspector of Criminal Justice in Northern Ireland, who will be independent from Government, will be appointed by the Secretary of State, and will be responsible for inspecting or ensuring the inspection of all aspects of the criminal justice system, other than the courts. The Chief Inspector will be responsible for drawing up his own programme of work, in consultation with the Secretary of State and the Attorney General for Northern Ireland, and will publish an annual report. The Act provides the facility for the Chief Inspector to buy in professional expertise from elsewhere where necessary.

On devolution of justice matters, the functions of the Secretary of State in relation to the Chief Inspector will transfer to the relevant Minister in the Executive. The Chief Inspector was recruited through open competition in April 2003 and will take up post by August 2003. The Inspectorate is to be established by the autumn of 2004.

Timescale: Autumn 2004.

Recommendation 264

MINISTERIAL MEETINGS

We recommend that Ministers in the Northern Ireland Executive responsible for criminal justice functions, together with the Attorney General for Northern Ireland, should meet regularly to oversee the criminal justice system as a whole. They should, in particular, agree and publish a common set of aims for the criminal justice system. [para. 15.74]

Recommendation 265

CRIMINAL JUSTICE BOARD

We recommend that support to the ministerial group should continue to be provided by the Criminal Justice Board. The Criminal Justice Board should comprise, as at present, the heads of the main statutory agencies within the criminal justice system and senior policy-makers from within the relevant departments. It should comprise:

- The head of the Public Prosecution Service.
- The Chief Constable of the Police Service of Northern Ireland.
- A senior representative from the Attorney General's Office.
- The head of the Department of Justice and of any other department with criminal justice functions.
- The heads of the Prisons, Probation, Courts and Juvenile Justice Agencies.
- The head of the central Community Safety Unit. [para. 15.75]

Recommendation 267

COMMON SECRETARIAT

We recommend that the ministerial group, the Criminal Justice Board, and the Criminal Justice Issues Group should continue to be supported by a common secretariat, which should be located within the Department of Justice. [para. 15.77]

Accepted in Principle

Lead Responsibility: Northern Ireland Executive and the Attorney General for Northern Ireland

These recommendations (which relate to the period after devolution of criminal justice functions) build on existing arrangements. Ministers from the NIO, Lord Chancellor's Department and Attorney General's Office meet regularly to discuss criminal justice issues and oversee the implementation of the Review. This Ministerial Trilateral is supported by the Criminal Justice Board, which is made up of Heads or senior representatives from the six main statutory criminal justice organisations in Northern Ireland. The Ministerial Trilateral and Criminal Justice Board are currently serviced by a common secretariat located in the Criminal Justice Directorate of the NIO. As noted in the responses to recommendations 130 and 266, active consideration is being given to future arrangements for the Criminal Justice Issues Group. In December 2001, the three Ministers published the "Criminal Justice System - Purpose and Aims" (see Glossary), setting out shared goals and values for the system.

A Law and Order Action Group, including the Secretary of State, the Attorney General and the Lord Chancellor's Department, was established in September 2002 to ensure an agreed, co-ordinated approach to tackling every aspect of criminality in Northern Ireland.

Arrangements post-devolution will be a matter for the Northern Ireland Executive and the Attorney General for Northern Ireland.

Timescale: Subject to devolution.

Recommendation 268

TIME-LIMITS

We recommend the introduction of legislation that will enable statutory time-limits to be introduced in Northern Ireland, should that be judged to be necessary. [para. 15.83]

Accepted

Lead Responsibility: NIO

Appropriate provision has been included in a Criminal Justice Order which was published in December 2002.

Timescale: Implemented.

Recommendation 269

AVERAGE PROCESSING TIME

We recommend that in addition to setting target time-limits within which cases should be completed, attention should be paid to the average time taken to process cases at the relevant stages. [para. 15.83]

Accepted

Lead Responsibility: Criminal Justice Board

The criminal justice agencies, working within the framework of the Board, already carefully monitor the average time taken to process cases at each stage, as part of their collective effort to reduce delays in bringing cases to trial.

Timescale: Implemented.

Recommendation 270

ORGANISED CRIME

We recommend the establishment of an inter-agency group in Northern Ireland tasked with developing a strategic and co-operative framework for countering organised crime. The core of such a group might be the Department of Justice, the police, Customs and Excise, the Public Prosecution Service and the central Community Safety Unit. [para. 15.84]

Accepted

Lead responsibility NIO

In September 2000, the Secretary of State announced a new multi-agency approach to tackling organised crime in Northern Ireland. The Organised Crime Task Force was established to provide the strategic direction for this. In March 2001 the Task Force published the first ever Organised Crime Threat Assessment for Northern Ireland and, alongside it, a Strategy for confronting the threat. The Strategy for 2001/2002 set the following strategic priorities:

- Reduce extortion, intimidation and blackmail.
- Develop operational drug priorities to inhibit the development of drug abuse in Northern Ireland, and to disrupt the supply of all illegal drugs.
- Reduce the loss to the Exchequer from the smuggling of hydrocarbon oil, fuel laundering, mixing rebated fuel and dilution of road fuel.
- Reduce the loss to the Exchequer from smuggling of tobacco and alcohol.
- Target money-laundering activities and make fullest use of existing legislation on seizing proceeds of crime.
- Develop and agree a methodology for identifying and prioritising organised criminals in Northern Ireland for concerted action by the agencies.

The second Threat Assessment and Strategy was published in May 2002. The strategic priorities were increased to deal with threats from the trade in counterfeit goods and armed robbery, which is on the increase while declining elsewhere in the United Kingdom.

Fuller details of the work undertaken by the Organised Crime Task Force can be found on its web site at www.octf.gov.uk.

Timescale: Implemented.

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Research and Evaluation

Recommendation 271 HARMONISATION AND INFORMATION SHARING

We recommend that the Criminal Justice Board should be tasked with taking forward further work on the harmonisation of statistical categories across the criminal justice system and ensuring co-operation between agencies in sharing information. [para. 16.20]

Recommendation 274 RESPONSIBILITY FOR COLLATING INFORMATION

We recommend that the Statistics and Research Branch of the Northern Ireland Office should have responsibility for the collation of statistical information across the criminal justice system. [para. 16.24]

Accepted

Lead Responsibility: Criminal Justice Board

The Criminal Justice Board has tasked the Research and Statistics Sub-Group with taking forward these recommendations, and the Sub-Group is developing a programme of work to achieve this. To date the Sub-Group has conducted an audit of section 75 definitions (see Glossary) used in each criminal justice organisation. The diversity of definitions reported suggest that considerable work and agreement will be required to harmonise these and other definitions used by these organisations. The Causeway Programme will contribute substantially to recommendations 271 and 274 by including the appropriate statistical categories in its specification and collecting data across the criminal justice system.

Timescale: Implementation ongoing.

Recommendation 272 INFORMATION SHARING

In all planning and framework documents, a duty should be placed on agencies to share information, provided that protocols are in place to ensure that this does not harm the interests of justice or enable individuals to be publicly identified. [para. 16.20]

Accepted in Principle

Lead Responsibility: Criminal Justice Agencies

The six main criminal justice agencies, along with FSNI, have signed up to a Memorandum of Co-operation for information sharing through the Causeway Programme. The sharing of information will be included in planning and framework documents.

The Causeway Programme has been established to enable improved information sharing between the criminal justice agencies through the provision of new technology and better business processes. It will also give the agencies access to improved management information and statistics. The Programme is well underway and the first benefits should be delivered in 2004.

NIO Statistics and Research Branch has developed an extensive Data Supply Protocol to facilitate the supply of information on court activity and criminal histories from PSNI. The protocol allows fully anonymised criminal history information to be supplied to bona fide researchers.

Timescale: Implementation ongoing.

Recommendation 273

EVALUATION IN BUSINESS PLANNING

We recommend that evaluation should be an integral part of business planning for the development of new policies and programmes and that provision for evaluation should be included in the funding of crime reduction projects. Such evaluation will need to be addressed in a proportionate manner and, especially where small sums are involved, it might not necessarily always involve the use of academic researchers or consultants. However, we have no doubt that if evaluation and the other drivers for research identified above are to be taken seriously, then there will be a need to increase the criminal justice research capacity in Northern Ireland. [para. 16.23]

Accepted

Lead Responsibility: Criminal Justice Agencies

The Government accepts that evaluation should be an integral part of business planning for the development of new policies and programmes. A requirement for project evaluation will be a key criterion for funding decisions by the agencies. A number of evaluations relating to recommendations within this plan on restorative justice and witness support schemes were commissioned during 2002. The evaluation of the Young Witness Scheme (part of Recommendation 243) was published in May 2002. The results of evaluations will be published as appropriate during 2003 and 2004.

Timescale: Research to be published during 2003 and 2004.

Recommendation 275**SECONDMENTS AND STAFF EXCHANGES**

In order to enhance the critical mass of criminal justice research expertise within government and to build on links with outside research institutions, we recommend the use of secondments and staff exchanges between government and outside research institutions. Further, we recommend that government and outside researchers should work together to build up the pool of research capabilities, and work collaboratively on such matters as research projects, seminars, conferences and training. [para. 16.25]

Accepted**Lead Responsibility:** NIO

The Government supports the principle of secondments to and staff exchanges with outside research institutions and this will continue to be considered on a case by case basis. There is already a fair degree of collaboration. In 2002, NIO Statistics and Research Branch commissioned research on self-reported offending. This research will be conducted on a collaborative basis between researchers based in the Institute of Criminology and Criminal Justice at Queen's University Belfast (QUB) and statisticians in the NIO. NIO Statistics and Research Branch is also working with other researchers at QUB in relation to research projects such as PACE (see Glossary) and Positive Steps.

Timescale: The research findings will be published in 2003 and 2004.

Recommendation 276**FUNDING FOR CO-OPERATION**

We recommend that some funding be targeted towards fostering co-operation between researchers through joint conferences and seminars, and suggest that specific research projects might be undertaken on an all-island basis. [para. 16.25]

Accepted**Lead Responsibility:** NIO

The Government is committed to encouraging, promoting and funding all-island research and evaluation work on criminal justice matters. The NIO Research and Statistics Strategy and Programme for 2002-05 was published in December 2002. This document, which drew specific attention to the recommendations of the Criminal Justice Review, invited the submission of research proposals from a wide range of academics and research institutions, including many in the Republic of Ireland.

The NIO also recently provided assistance to the Institute of Criminology and Criminal Justice at Queen's University Belfast in relation to a conference entitled 'Criminal Justice Reform: looking to the future'. This assistance was in the form of funding for the conference and contributing to the development of the conference programme. Conference delegates included practitioners and policy makers from many jurisdictions including Northern Ireland and the Republic of Ireland. The NIO is dedicated to contributing to funding for similar all-island events and projects in the future.

Timescale: Implementation ongoing.

Recommendation 277

RESEARCH STRATEGY

We recommend that discussions take place between those in government responsible for justice matters, NISRA, the Department of Higher and Further Education, Training and Employment and the universities with a view to developing a costed research strategy. [para. 16.27]

Accepted

Lead Responsibility: NIO

The Government recognises the importance of having a sufficient body of research expertise available within the area of criminal justice. It agrees that relevant criminal justice organisations should discuss a programme of work relating to criminal justice. The aim following discussion is to publish a research strategy during 2005.

Timescale: Strategy to be published during 2005.

Co-operation

Recommendation 278**OPPORTUNITIES FOR CO-OPERATION**

We suggest that a group of criminal justice policymakers from the two jurisdictions be established. The purpose of such a group would be to identify and advise on the opportunities for co-operation at government level and between the criminal justice agencies North and South, taking account also of the need for effective co-operation with other parts of these islands. It would also take forward consideration of the recommendations of this review on structured co-operation. In its work, the group would take account of the impact of developments at the European Union level and the opportunities these afford for enhancing bilateral co-ordination and co-operation. [para. 17.30]

Recommendation 279**EXCHANGE OF GOOD PRACTICE**

We recommend that the scope for the joint delivery of training, education (including continuing professional development) and the exchange of good practice on criminal justice issues should be examined. [para. 17.34]

Recommendation 280**EXCHANGE OF PERSONNEL**

We recommend that consideration be given to the scope for regular personnel exchange between agencies such as probation, prosecution, prisons, courts and criminal justice policymakers. [para. 17.35]

Recommendation 281**STANDARDS AND QUALIFICATIONS**

We recommend that consideration be given to recognition of qualifications and the possibility of harmonising standards between the two jurisdictions, while recognising the importance of compatibility between Northern Ireland and other parts of the United Kingdom. [para. 17.36]

Recommendation 282**INFORMATION SHARING**

We recommend fostering co-operation between researchers through joint conferences and seminars, and suggest that specific research projects might be undertaken on an all-island basis. [para. 17.38]

Recommendation 284**CLOSE LIAISON ON THE MISUSE OF DRUGS**

We endorse close liaison between the two jurisdictions in sharing information about trends and what works in education and prevention in relation to the misuse of drugs. [para. 17.40]

Recommendation 285**CROSS-BORDER ARRANGEMENTS FOR VICTIM AND WITNESS SUPPORT**

We recommend that both jurisdictions consider the cross-border dimension with a view to developing reciprocal arrangements for victim and witness support, particularly in relation to providing information, protection, and counselling. [para. 17.42]

Recommendation 286

MUTUAL ARRANGEMENTS FOR MONITORING OFFENDERS AND ASSESSING PROGRAMMES

We recommend that the issue of developing mutual arrangements for continued enforcement of non-custodial sentences and post-custodial supervision should be addressed. Arrangements for accessing programmes available in the other jurisdiction should also be considered. [para. 17.46]

Recommendation 287

CROSS BORDER FACILITIES

Specifically in the context of the new juvenile justice arrangements we suggest that there should be flexibility to allow the use of cross-border facilities for youth conference orders. [para. 17.47]

Recommendation 288

TRANSFER OF PRISONERS

We recommend that consideration be given to facilitating the temporary transfer of prisoners between Northern Ireland and the Republic of Ireland. [para. 17.49]

Recommendation 289

FORENSIC SCIENCE DATABASES AND INFORMATION EXCHANGES

We suggest that discussion of the development of relevant forensic science databases and the scope for exchanges of information should take place under the structures for co-operation. [para. 17.51]

Recommendation 290

WIDENING ACCESS TO SERVICES

We recommend that the possibility of widening access to services such as forensic science and pathology across jurisdictional boundaries be investigated. [para. 17.52]

Recommendation 291

DANGEROUS OFFENDER REGISTERS

With a view to sharing information between the authorities in the two jurisdictions, we recommend that the possibility of co-ordinating an approach to dangerous offender registers be given consideration. [para. 17.53]

Recommendation 294

REPORTING RESTRICTIONS

We recommend that there should be discussion within the structures for co-operation on how reciprocal arrangements might be developed to ensure the effectiveness of reporting restrictions. [para. 17.60]

Accepted in Principle

Lead Responsibility: NIO and Department of Justice, Equality and Law Reform

As EU Member States, the United Kingdom and Ireland are already party to a number of agreements to promote and facilitate co-operation and mutual assistance on criminal justice matters.

The British and Irish Governments are also committed to working bilaterally in partnership to develop structures and arrangements for enhanced co-operation on criminal justice matters between the two jurisdictions. To this end, the two Governments intend to reach an Intergovernmental Agreement on co-operation on criminal justice matters by October 2003. The Intergovernmental Agreement will come within the framework of the British-Irish Intergovernmental Conference (BIIGC) and will be supported by periodic meetings between Ministers from both jurisdictions, which would report back to the BIIGC.

In support of this, a group of policymakers from both jurisdictions has been established to identify and advise on the opportunities for co-operation at Government level and between agencies. Prior to devolution of justice functions, such a mechanism will also operate under the auspices of the BIIGC, with an agenda that will include the areas listed in the recommendations. The Joint Policy Group will formulate a work programme on opportunities for co-operation which will be published alongside the Intergovernmental Agreement.

This work will build on progress already made. For example, current working practices between agencies in Northern Ireland and the Republic assist in monitoring the movements of sex offenders on both sides of the border, and statutory improvements to the registration requirements are being proposed which will make it obligatory for sex offenders who were convicted in the Republic to register in Northern Ireland. Co-operation also takes place regularly between a variety of criminal justice agencies, both at an operational level and to exchange information and best practice. For example, the two forensic science services have cooperated on individual cases and all-island measures to counter drug abuse are being developed. Joint research conferences have already been held on a number of subjects and more are planned. Victims issues have also been addressed and legislation has now been passed in Parliament to allow a joint approach to certain claims for criminal injuries compensation which have a cross-border dimension. (The Criminal Injuries (Compensation) (Northern Ireland) Order 2002 refers.)

Timescale: Implemented in part. Intergovernmental Agreement to be in place by October 2003.

Recommendation 283 LINKS WITH CENTRAL COMMUNITY SAFETY UNIT

We recommend that the central Community Safety Unit should develop close links with its counterparts in the Republic of Ireland, Scotland, England and Wales, and more widely. [para. 17.39]

Accepted

Lead Responsibility: NIO

Work has already begun to establish the central Community Safety Unit (see recommendation 197). Useful links have been established with counterparts in other UK jurisdictions and the Republic of Ireland. These will be developed further during the implementation of the Northern Ireland community safety strategy (see recommendation 193).

Timescale: Implementation ongoing.

Recommendation 292

CO-OPERATION BETWEEN LAW COMMISSIONS

We recommend that consideration be given to inviting the Law Commission, which we have recommended for Northern Ireland, to co-operate closely with the Commissions in the other three jurisdictions in these islands with a view to promoting the harmonisation of aspects of criminal law and procedure in all four jurisdictions. [para. 17.57]

Recommendation 293

GUIDE TO CRIMINAL LAW AND PROCEDURE

We recommend that consideration be given to producing, for use by practitioners, a simple, clear and concise comparative guide to criminal law and procedure, North and South. [para. 17.58]

Accepted in Principle

Lead Responsibility: NIO and Northern Ireland Law Commission

Section 50 of the Justice (Northern Ireland) Act 2002 provides for the establishment of a Law Commission in Northern Ireland (see recommendation 244). The Commission will be positively encouraged, and is required by the Act, to consult its counterparts in the Republic of Ireland, Scotland and England & Wales to better assist it in performing its duties. We expect that the Law Commission's practice will be to consult even more widely whenever such consultation would be appropriate to the performance of its duties.

Timescale: Subject to the availability of resources, it is planned to establish the Law Commission by April 2005.

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GLOSSARY

The purpose of this Glossary is to provide further details of individuals, organisations, legislation and publications referred to throughout this Plan or where this can be obtained.

The Ministers or senior officials with responsibility for each of the six main criminal justice agencies are as follows:

NIO

Secretary of State for Northern Ireland The Right Honourable Paul Murphy MP

Security Minister Jane Kennedy MP Minister of State for Northern Ireland

Minister of Justice Des Browne MP, Parliamentary Under Secretary of State for Northern Ireland

LAW OFFICERS

The Attorney General for Northern Ireland The Right Honourable The Lord Goldsmith QC

LORD CHANCELLOR'S DEPARTMENT

The Lord Chancellor The Right Honourable The Lord Irvine of Lairg QC

Lord Chief Justice for Northern Ireland The Right Honourable Sir Robert Carswell QC

DPP

The Director of Public Prosecutions for Northern Ireland Sir Alasdair Fraser CB QC

PSNI

The Chief Constable Mr Hugh Orde, Chief Constable, Police Service of Northern Ireland

CRIMINAL JUSTICE AGENCIES

The six main criminal justice organisations which are represented on the Criminal Justice Board are as follows:

Department of the Director for Public Prosecutions (DPP(NI)),

93 Chichester Street Belfast BT1 3NX

Tel: 028 90542444

Website-www.nio.gov.uk

Northern Ireland Court Service (Court Service)

21st Floor, Windsor House, Bedford Street Belfast BT2 7LT

Tel: 028 90328594

Website-www.courtsni.gov.uk

Northern Ireland Office (NIO)

Castle Buildings, Stormont Estate, Upper Newtownards Road, Belfast BT4 3SG

Tel: 028 90 520700 and www.nio.gov.uk

11 Millbank, London SW1P 4PN

Tel: 020 7210 3000

Website-www.nio.gov.uk

Northern Ireland Prison Service(NIPS)

Dundonald House, Stormont Estate, Upper Newtownards Road, Belfast BT4 3SG

Tel: 028 90 520700

Website-www.niprisonservice.gov.uk

Police Service of Northern Ireland (PSNI)

Headquarters, Brooklyn, Knock Road, Belfast BT5 6LE

Tel: 028 90650222

Website-www.psni.police.uk

Probation Board for Northern Ireland (PBNI)

80 -90 North Street, Belfast BT1 1LD

Tel: 028 90262400

Website- www.pbni.org.uk

OTHER CONTACTS

Criminal Justice System Northern Ireland website www.cjsni.gov.uk

Lord Chancellor's Department

Selborne House, 54-60 Victoria Street, London SW1E 6QW

Tel: 0207 210 8500

Website: www.lcd.gov.uk

Attorney General's Office

Legal Secretariat to Law Officers, Attorney General's Chambers, 9 Buckingham Gate, London SW1E 6JP

Tel: 0207 271 2412

Website: www.lso.gov.uk

Lord Chief Justice for Northern Ireland

Royal Courts of Justice, Chichester Street, Belfast BT1 3JF

Tel: 028 90235111

Web: www.courtsni.gov.uk

Northern Ireland Information Service (NIIS)

Castle Buildings, Stormont BT4 3SG

Tel: 028 9028228

Website: www.nio.gov.uk

The Compensation Agency

Royston House, 34 Upper Queen Street, Belfast BT1 6FX

Tel: 028 90249944

Website: www.compensationni.gov.uk

Forensic Science Northern Ireland (FSNI)

151 Belfast Road, Carrickfergus BT38 3PL

Tel: 028 90361888

Website: www.fsni.gov.uk

The State Pathology Department

Institute of Forensic Medicine, Grosvenor Road, Belfast BT12 6BF

Tel: 028 90894648

The General Council for the Bar of Northern Ireland

PO Box 414, Royal Courts of Justice, Chichester Street, Belfast BT1 3JP

Tel: 028 90562349

Website: www.barlibrary.com

The Law Society for Northern Ireland

Law Society House, 90 Victoria Street, Belfast BT1 3JZ

Tel: 028 90231614

Website: www.lawsoc_ni.org

The Office of Law Reform

1st Floor, Lancashire House, 5 Linenhall Street, Belfast BT2 8AA

Tel: 028 90542900

Website: www.olrni.gov.uk

Northern Ireland Human Rights Commission

Temple Court, 39 North Street, Belfast BT1 1NA

Tel: 028 90243987

Email: nihrc@belfast.org.uk

The Equality Commission

Scottish Legal House, 65-67 Chichester Street, Belfast BT1 4JT

Tel: 028 90240708

Website: www.europe.org.uk/info/ni

Rights and International Relations Division

NIO, 11 Millbank, London SW1P 4PN

Tel: 020 7210 3000

Northern Ireland Statistics and Research Agency

Central Survey Unit, NISRA, McAuley House, 2-14 Castle Street, Belfast BT1 1SY

Tel: 028 90348223

Website: www.nisra.gov.uk

NORTHERN IRELAND CIVIL SERVICE DEPARTMENTS

Office of the First Minister and Deputy First Minister (OFMDFM)

Castle Buildings, Stormont Estate, Belfast BT4 3SG

Tel: 028 90528400

Website: www.ofmdfmini.gov.uk

Department of Agriculture and Rural Development (DARD)

Dundonald House, Upper Newtownards Road, Belfast BT4 3SB

Tel: 028 90520100

Website: www.dardni.gov.uk

Department of Culture, Arts and Leisure (DCAL)

3rd Floor, Interpoint, 20-24 York Street, Belfast BT15 1AQ

Tel: 028 91279279

Website: www.dcalni.gov.uk

Department of Education for Northern Ireland (DENI)

Rathgael House, 43 Balloo Road, Bangor BT19 7PR

Tel: 0298 91279279

Website: www.deni.gov.uk

Department of Employment and Learning (DEL)

39-49 Adelaide Street, Belfast BT2 8FD

Tel: 028 90257777

Website: www.delni.gov.uk

Department of Enterprise Trade and Investment (DETI)

Netherleigh, Massey Avenue, Belfast BT4 2JP

Tel: 028 90529900

Website: www.detini.gov.uk

Department of the Environment for Northern Ireland (DOE)

Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB

Tel: 028 90540540

Website: www.doeni.gov.uk

Department of Health, Social Services and Public Safety (DHSSPS)

Castle Buildings, Stormont, Belfast BT4 3SG

Tel: 028 90520500

Website: www.dhsspsni.gov.uk

Department for Regional Development (DRD)

Clarence Court, Adelaide Street, Belfast BT2 8GB

Tel: 028 90540540

Website: www.drdni.gov.uk

Department for Social Development (DSD)

Churchill House, Victoria Square, Belfast BT1 4SD

Tel: 028 90569100

Website: www.dsdni.gov.uk

VOLUNTARY AND COMMUNITY SECTOR ORGANISATIONS

EXTERN

Graham House, 1-5 Albert Street, Belfast BT1 3EQ

Tel: 028 90240900

Website: www.extern.org

NIACRO (Northern Ireland Association for the Care and Resettlement of Offenders)

169 Ormeau Road, Belfast BT7 1SQ

Tel: 028 90320157

Website: www.niacro.co.uk

National Society for the Prevention of Cruelty to Children (NSPCC)

Jennymount Court, North Derby Street, Belfast

Tel: 028 90351135 (Free Phone Helpline 0800 800 500)

Website: www.nspcc.org.uk

Victim Support Northern Ireland (VSNI)

Annsagate House, 70-74 Ann Street, Belfast BT1 4EH

Tel: 028 90244039

Website: www.victimsupport.org

Northern Ireland Association of Citizen's Advice Bureaux

11 Upper Crescent, Belfast BT7 1NT

Tel: 028 90231120

Website: www.citizensadvice.co.uk

LEGISLATION

Copies of the legislation listed below are available from The Stationary Office, 16 Arthur Street, Belfast BT1 4GD Tel: 028 90238451

Email: book.orders@theso.co.uk Website: www.clicktso.com

CRIMINAL EVIDENCE (Northern Ireland) ORDER 1988

CRIMINAL INJURIES (COMPENSATION) (Northern Ireland) ORDER 2002

CRIMINAL JUSTICE (Northern Ireland) ORDER

CRIMINAL JUSTICE (CHILDREN) (Northern Ireland) ORDER 1988

DISABILITY DISCRIMINATION ACT 1995

HUMAN RIGHTS ACT 1998

JUDICATURE (Northern Ireland) ACT 1978

JUSTICE (Northern Ireland) ACT 2002

LIFE SENTENCE (Northern Ireland) ORDER 2001

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ORDER 2003

NORTHERN IRELAND ACT 1998

Section 75 of the Northern Ireland 1998 requires bodies to "have regard to the need to promote equality of opportunity" between the nine s75 categories (religious belief, political opinion, race or ethnic group, age, marital status, sexual orientation, gender, disability and dependency). It also requires them to "have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group".

Section 76 of the Northern Ireland Act 1998 makes it unlawful to discriminate on the grounds of religious belief or political opinion.

POLICE (Northern Ireland) ACT 2000

POLICE AND CRIMINAL EVIDENCE ACT 1989 (PACE)

PUBLICATIONS

Review of the Criminal Justice System in Northern Ireland (0-33-703125-8)

Criminal Justice Review: Implementation Plan (0-33-708531-5)

Justice (Northern Ireland) Act 2002 (Chapter 26) (0-10-542602-4)

Justice (Northern Ireland) Act 2002 – Explanatory Notes (0-10-562602-3)

The Review of the Crown Prosecution Service (Cmnd 3960) – “The Glidewell Report”

Copies of the documents listed above are available from The Stationary Office, 16 Arthur Street, Belfast BT 4GD Belfast BT1 4GD Tel: 028 90238451

Email: book.orders@theso.co.uk Website: www.clicktso.com

Creating a safer Northern Ireland through partnership – A Strategy Document

available from the Community Safety Unit, Criminal Justice Services Division, Northern Ireland Office, Massey House, Stoney Road, Belfast, BT4 3SX Tel: 028 9527371

Email: info@communitysafetyni.gov.uk Website: www.communitysafetyni.gov.uk

Criminal Justice System Purpose and Aims – December 2001 available from the Criminal Justice Reform Division, Northern Ireland Office, Castle Buildings, Stormont BT4 3SX

Tel: 028 90522297