



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Witness Care Unit Project: PSNI/PPS
Briefing

27 September 2012

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Sydney Anderson
Mr Stewart Dickson
Mr Alban Maginness
Ms Rosaleen McCorley
Mr Patsy McGlone
Mr Peter Weir
Mr Jim Wells

Witnesses:

Assistant Chief Constable George Hamilton
Police Service of Northern Ireland
Superintendent Andrea McMullan
Police Service of Northern Ireland
Ms Pamela Atchison
Public Prosecution Service
Miss Marianne O'Kane
Public Prosecution Service

The Chairperson: I welcome from the Public Prosecution Service (PPS), Pamela Atchison, deputy director, and Marianne O'Kane, temporary assistant director of the policy and information section. I welcome, too, Assistant Chief Constable (ACC) George Hamilton, and Superintendent Andrea McMullan from the Police Service. The session is being recorded by Hansard, and the transcript will be published in due course. I will hand over to you at this point, and then members will have some questions.

Ms Pamela Atchison (Public Prosecution Service): Good afternoon, Mr Chairman and members of the Committee. Thank you very much for giving us the opportunity this afternoon to appear before you to provide an update on the victim and witness care unit project. I am aware that the Committee has a very busy schedule and had to make some rearrangements to hear from us, so thank you for that. You have already made the introductions, so I need say no more other than I am also the chair of the victim and witness care unit project board. My colleague Marianne O'Kane will provide some detail about the progress made to date. Before she does so, I would like to say a few words, if I may, about the role of the PPS.

Our function is to decide whether to prosecute, and we prosecute the majority of cases that come before us. In the 12 months to August 2012, we prosecuted over 46,000 cases. That includes over 2,200 cases in the Crown Court and over 36,800 cases in the Magistrates' Court. Where we prosecute, we have responsibility for the conduct of proceedings. As prosecutors, we recognise that witnesses are essential to those proceedings. Without victims having the confidence to come forward

to report crime and witnesses co-operating with the process, there would be no prosecutions. Without prosecutions, crime would escalate and, quite clearly, no one wants that to happen.

We also recognise that some victims and witnesses regard the criminal justice process as alien and hostile. Although some of their apprehensions may be attributable to the fact that ours is an adversarial system, that is clearly not the sole factor. Experience has shown us that the fears that victims and witnesses may have about giving evidence can be considerably reduced when we take time to explain the system to them and provide them with appropriate support and information on the progress of the case in which they are involved. That includes providing reasons for stopping a prosecution or accepting a plea to a lesser charge. It also includes providing detailed reasons for no prosecution in a wide range of cases and ensuring that victims, or their families, know that a decision of no prosecution can be reviewed.

As in so many aspects of life, information is empowering. We in the PPS recognise that the role of the prosecutor is changing and that it has to adapt to the demands of the society in which we serve. The transition to becoming a more open, transparent and publicly accountable organisation has not always been easy, and, to some extent, we still have a distance to travel. However, the PPS is a young, able and enthusiastic organisation, and we are absolutely committed to our vision of providing a first-class prosecution service to the people of Northern Ireland. Although, at times, it may be difficult to balance the independent exercise of our quasi-judicial function and all that that entails with the right of the public to have information, I am confident that we will and can succeed. Of course, independence does not mean isolation, and our success depends very much on our working in partnership with key stakeholders, principally the police, and I am happy to say that those relationships are very good. I am sure that ACC Hamilton and Superintendent McMullan will agree with me on that.

The victims and witnesses care unit project is an excellent example of PPS and PSNI working together to create a unit that will play a key role in providing information to victims and witnesses, and in supporting them throughout the criminal justice process. This will improve the experience for victims and witnesses; reduce delay by better establishing the availability of witnesses for trial; and raise confidence in the criminal justice system. However, as with any major project, I am sure that there will be teething problems and that it will, of course, take time to bed in. We ask for patience while it does that.

The ultimate success of the project will depend on our having the necessary resources to deliver the high-quality service that we aspire to deliver. Before I hand over to Marianne to outline the progress made to date, I hope that you will find it helpful if I set out a brief background to the scheme.

First, I will detail the drivers for change. The co-operation of victims and witnesses is central to the investigation and prosecution of criminal offences. There has been an increasing focus on the way in which the criminal justice system responds to the needs and expectations of victims and witnesses. PPS has recognised that changing dynamic and responded to it. In 2010, we commissioned research on the operation of witness care units in England and Wales. The issue was also formally on the agenda for discussion at a criminal justice board meeting in February 2011. In April last year, PPS and PSNI representatives visited Bradford to examine the operation of its witness care unit. Their conclusion was that we could adapt, and possibly improve on, the witness care unit model for Northern Ireland. In addition, we took careful note of Criminal Justice Inspection's report, 'The Care and Treatment of Victims and Witnesses in the Criminal Justice System in Northern Ireland'. It recognised that factors such as delay, poor communication and a general lack of support were counterproductive, and it recommended the establishment of witness care units in Northern Ireland. We took careful note, too, of the Justice Committee's report, which also supports the units' introduction.

In May this year, the Justice Minister announced that the witness care unit pilot would commence in autumn 2012, and I am happy to say that it will go live on 1 November. The pilot will be sited in the PPS's Belfast chambers and, in the first instance, deliver its services to the Magistrates' Court, County Court and Youth Court. Work has already commenced on the design of the pilot for the Crown Court, which will commence in March 2013. We have invited the Minister to visit the unit and meet the staff, and I would like to extend that same warm invitation to the Chair and any other member of the Committee who would also like to come to meet and talk to staff.

Thank you very much for your attention, and I will pass you over to Marianne.

Miss Marianne O'Kane (Public Prosecution Service): Good afternoon, Chair and members of the Committee. I am the project manager for the victim and witness care unit project. I intend to provide

an overview of the work in progress and to highlight the benefits that we hope this pilot will achieve through improvements to our service delivery.

You have heard that a six-month pilot is due to commence in the Belfast region on 1 November for all summary adult and youth cases. PPS staff have already moved to their new location in our headquarters building in Belfast chambers. The unit will be staffed by a total of 19 PPS and PSNI staff, who will operate as a joint team, each with broadly the same duties and responsibilities within the unit. This initiative has required the remodelling of our respective processes, and I am overseeing 11 different work strands that draw on expertise in both organisations in areas such as process mapping, monitoring and evaluation arrangements, information assurance, and so on, to ensure that this change is managed effectively. I am pleased to report that work is currently on target for a launch date of 1 November. There will be an ongoing monitoring and evaluation process of the project, and we will, of course, be reporting our findings.

I will outline the benefits that the unit will, we hope, deliver in due course. Clearly, our overriding priority is to improve the experience of victims and witnesses in the criminal justice process, particularly in the prosecution process, and thereby to improve wider public confidence in our service. We also hope that avoidable delay will be reduced by ensuring that witnesses are empowered to attend court, thereby avoiding unnecessary adjournments and hearings. We hope, of course, that the project will deliver increased efficiency and achieve cost savings.

I will highlight some of the changes that victims and witness can hope to see through the new process. We have significantly extended the scope and range of support that we will now provide, and we intend to make our service much more responsive to individual need. I have provided the Committee Clerk with a high-level process map, which I understand has been shared with members. I will highlight some of the key changes arising.

The unit will provide a single informed point of contact for victims and witnesses, from receipt of a police investigation file right through to the conclusion of any appeal and, in fact, up to and including the release of any prisoner who may be in custody. Police and prosecution staff will be co-located in Belfast chambers, each with access to the other's respective systems, which we hope will lead to a much more streamlined exchange of information between the organisations. We will offer to contact victims and witnesses by their preferred means of communication, be that letter, e-mail or telephone, or, if a victim or witness has particular needs, perhaps arising from a disability or mental health issue, we will endeavour to address those.

The main foundation of the process, and the main change, is a new individual witness-needs assessment, which we will carry out at three key stages of the case: at the point at where a file is received; where a decision to prosecute is made and someone is to attend court as a witness; and immediately pre-trial. That is to ensure that we meet a person's individual and particular needs as best we can. Throughout the process, we will also refer victims and witnesses to other support agencies as required, using Victim Support NI as the portal. We will now provide information about charge cases and inform victims of bail conditions imposed and significant variations of those bail conditions. It is intended that the unit will act as a safety net and safeguard to ensure that all vulnerable and intimidated witnesses are identified and that the necessary applications for special measures, anonymity and other applications are made in advance of court proceedings. We will provide information on the probation and Prison Service information scheme and the Compensation Agency's services.

So that is what is planned and what we aim to deliver, commencing in November. We will then look forward to extending those services to the Crown Court, where we do currently address the needs of victims and witnesses, but concede that those services are presently less structured there. I am pleased to confirm that we are already planning the roll-out of phase 2 of the initiative, which is to include all Belfast Crown Court cases by March 2013. Thereafter, if the projected benefits are delivered, we would hope to commence a phased roll-out to extend those enhanced services to all cases throughout Northern Ireland.

Thank you, and I now hand over to ACC Hamilton.

Assistant Chief Constable George Hamilton (Police Service of Northern Ireland): Thank you for the opportunity to present on the subject of witness care, particularly the victim and witness care units. I am conscious that the Committee has already received a number of briefings on the Police Service's work on improving its service to victims and witnesses and, indeed, their experience in the wider criminal justice system. I acknowledge and pay tribute to the Committee's work and continued

commitment in that area through its recent inquiry and recommendations on this important subject. In light of that background, you will be glad to know that I do not intend to take up too much of your time by reiterating issues that have been aired in front of the Committee before. However, I do want to make some points that will emphasise and, I hope, reassure the Committee of the progress that we are making.

In April 2011, the PSNI published its policing commitments. The commitments are designed to outline clearly the basic standard of service that communities, including victims and witnesses, can expect from their police. Those standards outline our commitment to, among other things, fair treatment and contain an undertaking to provide updates that are tailored to the individual needs of the victim at specific times. We continue to build on those projects that we have already introduced to ensure that we can meet the commitments. For instance, victims are now updated at set intervals — 10 days, 30 days and 70 days — in well over 90% of cases. We also continue to achieve a victim satisfaction rate for police and PPS discretionary disposals that is consistently above 95%.

I previously briefed you on the work that we intended to do to ensure that we could better meet the needs of vulnerable and intimidated victims. I am happy to report today that we have now trained all front-line response and neighbourhood officers in special-measures applications. That training was developed jointly and delivered with colleagues from the Public Prosecution Service. Early figures have indicated that that appears to have successfully increased by one third the number of special-measures applications that go forward to the PPS. That means that one third more vulnerable victims and witnesses are being considered by the PPS for extra support measures to ensure that they can give the best evidence in court and that they receive the most suitable assistance when doing so.

From its inquiry, I know that the Committee has acknowledged the work that the Police Service has delivered to improve its services to victims and witnesses. I have previously presented on our desire to build on that work. Indeed, I previously acknowledged that we still have much to do, particularly in the area of communications with victims and witnesses. It is our belief that the provision of a single point of contact for a victim or witness for the whole journey through the criminal justice system would go a long way to improving those communications. The creation of a victim and witness care unit will allow us to deliver that, and, as I have done previously, I reassure the Committee of our commitment to that project. The Police Service continues to support the Public Prosecution Service, which has been charged as the lead agency for delivering the victims and witness care unit. We acknowledge the significant time that it has taken for us to get to this point. However, I am confident that the unit will become a reality in the coming months. I am in regular discussions with the director and his senior staff, who join us today, and I am confident that the plans that are in place are being taken forward expeditiously.

We are also engaged with the PPS and the Department of Justice in working to resolve the impediments to the creation of a single care unit for Northern Ireland, such as identifying a suitable funding model for the delivery of an appropriate building to house the unit and working with Victim Support and other key victims' groups to ensure that we maximise the physical support that is offered to victims, such as transportation solutions or assistance with childcare issues.

Alongside that, a new unit will bring with it new resource challenges. Amalgamating police and PPS staff brings with it challenges, including the fact that PPS and police staff, although performing the same job, have significantly different terms and conditions. We are working through those challenges, engaging with the relevant trade unions and staff concerned. Despite those challenges, I am confident that we will, as outlined by my colleagues today, see the delivery of the victim and witness care unit, starting with the Belfast Magistrates' Court area in November.

In conclusion, I reiterate to the Committee the Police Service of Northern Ireland's commitment to continuing to work with the wider justice system, the voluntary sector, non-governmental agencies and communities in developing and improving our services to victims and witnesses. Much work has been done, but there is still much to do. I would be happy to take questions.

The Chairperson: Thank you very much. I am pleased to see the work that is being done. It was a key part of our inquiry and report. I note the change in tone in the PPS point of view and welcome it. I welcome the commitment that is being given to develop the project. You will, I am sure, be aware from the report that the Committee had some hesitation in supporting the PPS as the lead body on the back of the evidence that it received. We are putting a lot of our trust in the PPS to deliver on this. I certainly welcome the initial steps. If I am invited to the launch of the unit on 1 November, I will certainly try to attend if I can.

At the moment, the pilot will be in the Belfast Chambers. The ACC pointed out that, to develop this across Northern Ireland, you will have to look at other suitable premises. That was one of my questions. Do you not envisage the Belfast Chambers being the permanent location? Is that an option?

Ms Atchison: In an ideal world, we would probably like to see a building that sits apart from the PPS and the PSNI and that is branded as the victims and witnesses care unit. From a practical perspective, if the number of staff proposed for the unit were to increase to service the Crown Court, I am unsure whether the Belfast Chambers would have the facility to do that. So, inevitably, we may have to look for other accommodation. However, we will not really know until we run the pilot and see what the level of demand is and whether we can accommodate the Crown Court within the current staffing projections.

We are also still debating whether one centralised unit should deliver the service throughout Northern Ireland. It has not been agreed upon, and it is up for debate, but, to some extent, I quite like the idea of a regionalised unit, with maybe two or three units throughout Northern Ireland. The idea of having community-based services is very attractive. The community likes it, and our community liaison teams that deliver services for the Magistrates' Court find that liaison with the community works well and there has always been very positive feedback. Those decisions will have to be taken, and we can only really evaluate that through the operation of the pilot.

The Chairperson: Did you say that there will be 19 staff in the unit for the pilot?

Ms Atchison: Yes.

The Chairperson: What is the breakdown between the PPS and the PSNI?

Miss O'Kane: It is virtually an equal split. This is very much a joint project with a joint team and joint resources.

The Chairperson: Talk me through it. When we were in Bradford, we learned that if there was ever a difficulty in getting information from either side, it would be elevated to a certain level in those organisations. So, if there was a problem, someone would take a decision on what to do. If an issue arises during the pilot and you cannot get information from the PPS or the police, how will that be elevated to the next level? Who, ultimately, is in charge of the different staff members?

Miss O'Kane: That is the subject of ongoing discussion with the union. Clearly there are challenges for both organisations. A management structure is in place with different tiers of responsibility, and there is a reporting structure through that. I suppose that, operationally, the most senior personnel in the unit would be a police inspector and a member of PPS staff. Ultimately, if a matter has to be arbitrated on that affects the operation of the pilot, as project manager, it will come to me for consideration. I would then have to take a view on whether the project board needs to be informed or consulted about that. I reassure the Committee that experience to date has demonstrated that there are very close and positive working relationships. Throughout all the challenges and the decisions we have had to make, we have not encountered any issue that we cannot resolve at a local level.

The Chairperson: OK; that is good. If the pilot is to be successful, it will be very important to maintain that culture, so that you will not need to arbitrate all the time.

What is the time frame for rolling it out across Northern Ireland? What do you envisage the staff complement being then?

Ms Atchison: The pilot for the Crown Court has been targeted to start in March 2013. We want to build in an evaluation, and evaluation processes will take place at stages. Marianne will keep me right, but I think that the evaluation for the Crown Court pilot scheme is targeted to take place in September 2013 and the evaluation of the initial Magistrates' Court pilot will take place around Christmas of this year. Once we get the feedback from those, we hope to be in a position to decide on the unit's future at the end of next year. That is the proposed date, but I do not know whether it is realistic. I hope that it will be.

The Chairperson: Do you have any indicative figure of approximately how many staff will be required from either organisation?

Assistant Chief Constable G Hamilton: Maybe I could comment on that. Although we are absolutely committed to the joined-up approach, our modelling, based on one centralised unit and with the current case load, indicates that we will need around 50 staff. We are in unknown territory. We have not had the unit before, and the purpose of the pilot is to help us to do more informed modelling about what the staffing structure needs to look like. If we go for a more regionalised version, we will have four or five mini versions of the same thing. That might be better for the quality of service, but in the current financial climate with efficiency and so on, all of that will need to be balanced out. So, we are committed to seeing where the pilot takes us and what information it throws up.

Mr McCartney: Thank you for the presentation. Will the 19 members of staff be full-time, or will they have other responsibilities?

Miss O'Kane: Those will be full-time staff dedicated solely to services in the unit.

Mr McCartney: Will the evaluation be done in-house or independently?

Miss O'Kane: We happened to have a meeting this morning to refine the detail of that. It will be a joint evaluation, so there will be a team from PPS joining a team from the PSNI to conduct it. We propose to use expertise from our head statistician and our business improvement team to look at processes in parallel with the statistics. So, we are drawing on all the areas of expertise, and we have partnership arrangements whereby those staff will work in partnership with their police equivalents.

Mr McCartney: Is it easier to try this in Belfast rather than outside Belfast?

Ms Atchison: If we can succeed in Belfast, we can succeed anywhere. Belfast presents a lot of challenges because of the sheer size and volume of cases that come through and the issues that tend to arise there. If we can succeed there, it will be a very good indication of how the scheme will play out in other areas.

Mr McCartney: How will you come to a decision about whether to have a centralised or a regional system?

Ms Atchison: To be perfectly frank, I am not entirely sure. If, for example, the pilot shows that victims and witnesses are very happy with contact at a distance, such as telephone calls and e-mails, and do not necessarily want face-to-face contact, it might point towards a purely centralised unit. If we find that people want to come in, meet and talk to us or to staff in the unit, that would suggest that the service could be more regionally based, as it would facilitate such contact better. So, until we know the level and nature of the demand, we cannot make any informed decisions.

Ms McCorley: Go raibh maith agat, a Chathaoirigh. Thank you for the presentation. I welcome this development.

You said that the 19 staff are full-time. How many hours a day will the service be available? Will it be limited to normal office hours or will it be round the clock? Do you envisage providing protection for witnesses or victims of crime? I am thinking of a particular case where a victim, who was prepared to be a witness in court, was subjected to further attack from the defendant, who was out on bail and living in the same street? What sort of protection would be available in such circumstances?

Miss O'Kane: To address your first question, the current working hours will be business hours, approximately from nine to five. It is accepted that there is probably a need for a much more extended service. Therefore, we will be examining the potential for an eight-to-eight service. The pilot will start operating in business hours, with a view to re-examining that at an early stage. There is a demand amongst a number of parties for the hours to be significantly extended. Clearly, that would meet community need, because people work and have other commitments, and they may not be available to take a phone call during their working day.

Assistant Chief Constable G Hamilton: I will address the protection question. A significant part of the special-measures initiative addresses that. So, it identifies vulnerability and intimidation of witnesses and potential witnesses. We have jointly produced an aide-memoire for operational police officers on the front line, which is almost a list of things to consider when they are dealing with witnesses, a proportion of whom may require some level of protection. That protection could be

anything from advice right through to relocating their home, depending on the circumstances and the gravity of the threat against them. The special-measures project ran parallel to the victim and witness care unit programme, but it is an integral part of it and the two need to be seen together. That is something that is in our minds as we take this forward.

Mr McGlone: Thanks very much for your presentation. I have no experience of this — I was not on the trip over to England — but, in theory, it looks pretty OK. For any of us who deal with police, one of the major criticisms has been that people are not being kept abreast of what is happening in their cases. That often happens. I hope that this will go some way towards easing that situation for people, because often they are just in a quandary; they do not know what is happening. That is often where we have to kick in and make phone calls and all that sort of stuff.

I would like to go down and see the unit, but probably about six or eight months into the pilot to see just what the issues are and to hear from the front-line staff about how it is working. It is grand to launch it, but we want to make sure that it fits the purpose that it was destined for. Thanks very much for giving us some of the theory of it and the practicalities of the outworkings in so far as you see them.

Assistant Chief Constable G Hamilton: On keeping victims and witnesses updated, the commitments that are referred to at the outset in the overview have brought a certain discipline to the police in that regard. At 10 days, 30 days and 70 days, although the case is still the responsibility of the police, individual officers and supervisors are prompted to tell them that they need to update Mr Goggins. We did not have that previously; we depended on officers to take pride in their work and to do the sensible thing and all the rest of it. We evaluated that as we went along, and the evaluation comprised independent companies ringing victims and witnesses. Over 90% of those are satisfied that they are being kept up to date. There is still a way to go —

Mr McGlone: You are forgetting about the other 10%.

Assistant Chief Constable G Hamilton: That is possibly the case. The unit is a joint enterprise. Very often, the breakdown has come when the police hand the file to the PPS, and we, historically, could have blamed each other. We have moved way beyond that now. There is a joint responsibility, and a jointly funded and resourced victim and witness care unit should break that down. The handover of responsibility will be dealt with through those units.

Mr McGlone: So, you feel that that will rectify that current deficiency?

Assistant Chief Constable G Hamilton: Yes. It is a human endeavour, and somebody not making a phone call when they should will still need to be dealt with and identified. Unfortunately, the ones that go wrong are the ones that you public representatives get to hear about. We are putting the systems and processes in place and working together to make sure that we minimise that as much as possible.

Mr Anderson: Thank you for the presentation. One of my questions was about the 10, 30 and 70 days. I thought that, as the case progressed, you would want to keep more in touch with the victims and witnesses. I welcome the fact that the initiative will be rolled out in November. We appear to be talking about joint working between the PPS and the PSNI, but the PPS is the lead body. How great a lead will the PPS take? What is its actual role? We talked about evaluations and things like that. Is it really a joint —

Ms Atchison: It is a joint venture —

Mr Anderson: Where is the role of the PPS as the lead? That is what I am trying to tease out.

Ms Atchison: It is probably a slightly subtle distinction at one level. The PPS is responsible for prosecutions. The police are responsible for investigating crime or identifying the accused and for putting together a file and putting it to us. In a sense, we really take over at that point. We are responsible for the prosecution and identifying what witnesses are required for prosecution at court. That possibly puts us notionally in the lead, because we are responsible at that stage. However, it is notional; it is very much a joint exercise. We have very good working relations with police. They have been very supportive in the whole venture. That is a tribute to them as much as anything else. I hope that it gives you confidence that the project can succeed because of the way in which we are working together.

Mr Anderson: How confident are you that will be no blame game — call it what you like — and that, if there is a hold-up in a case, it will not be batted about between one and the other? We are at the stage now where we say that we can take this forward as a joint effort rather than saying that you are in the lead. As you say, maybe it is notional, but you are perfectly dovetailing and working together. We look forward to that if it works, and the evaluation should tell that as you move along.

Ms Atchison: We have a mature relationship and, within a mature relationship, there should be no need for blame — fingers crossed.

Mr Anderson: Thank you.

The Chairperson: I think that it came about because of the experience in England where, initially, the Crown Prosecution Service (CPS) was jointly involved, and then it withdrew. If we put the PPS in the lead here, it makes it a lot harder for a withdrawal to take place in the long term. That was the thinking behind some of it.

Thank you very much for coming along. It is much appreciated. I am looking forward to the unit's launch.