



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Statutory Case Management:
Consultation Responses

11 April 2013

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 Alex Easton
Mr Tom Elliott
Mr William Humphrey
Mr Seán Lynch
Mr Alban Maginness
Ms Rosaleen McCorley
Mr Patsy McGlone
Mr Jim Wells

Witnesses:

Ms Maura Campbell	Department of Justice
Mr Chris Matthews	Department of Justice

The Chairperson: I welcome Maura Campbell and Chris Matthews from the criminal justice development division in the Department of Justice. The session will be recorded by Hansard, and a transcript will be published in due course.

Maura, I invite you to outline the results of the consultation process. I am sure that members will then have some questions.

Ms Maura Campbell (Department of Justice): Thank you very much, Chair. We are here to brief members on the outcome of our consultation on proposals to introduce statutory case management. The consultation was undertaken in response to a recommendation in the Committee's report of its inquiry into the criminal justice services that are available to victims and witnesses of crime. Your recommendation was that case management should be placed on a statutory footing and that that should be taken forward in the next available justice Bill. The Minister accepted that recommendation and indicated that the work would be taken forward under the speeding up justice programme.

Members may recall that the idea of placing case management on a statutory footing was first mooted in a Criminal Justice Inspection report that was published in December 2011 on the care and treatment of victims and witnesses. However, as the Minister explained during the debate last July on the inquiry report, very shortly after the publication of the Criminal Justice Inspection report, the Lord Chief Justice issued protocols for case management in the Crown Court and Magistrates' Court. In light of that, we thought that it made sense to see what impact those protocols would have in practice before deciding whether to pursue the statutory option. As the Minister said at that time, his view was very much that a partnership approach would be required in determining the right solution.

On the publication of the Committee's report, we reviewed the position and decided that although the protocols had been a very important step forward, they were, perhaps, not the entire solution. We concluded that there would be merit in building on them and in creating some form of statutory provision. The consultation, which we issued in November 2012, set out a number of options for how that might be achieved. We received 22 responses to the consultation. Our paper stated that there were 21 responses, but we have just received a late reply from the Attorney General's office, which we have accepted. We thought that 22 responses was quite a healthy response rate, given the technical nature of the subject matter, and we were very pleased with the quality of the responses that we received. There was a strong consensus in favour of introducing a statutory framework of duties to improve how cases are managed, with most favouring the option that would give us a model that is similar to the case management procedure rules that exist for England and Wales. There was also a good deal of support for that to be combined with a general duty that would require all those who are involved in the process to expedite criminal cases while paying particular attention to the needs of victims, witnesses and vulnerable people, including children.

As you see, the report of the outcome of the consultation is quite lengthy. That is because we felt it important to set out clearly how we arrived at our conclusions, given that, first, this is quite a fundamental change and, secondly, there are strong links and interdependencies with a number of other key reforms. That includes the work that we are doing to improve victim and witness care, encouraging earlier guilty pleas and the introduction of statutory time limits.

On statutory time limits, we included a table at annex B of the report to show which parts of the process would be covered by statutory case management and statutory time limits respectively. We do not see one as a substitute for the other; we very much regard them as being complementary or, as one Member put it during the debate in July, they essentially go hand in glove.

We look forward to hearing members' views on our proposals with a view to bringing forward draft provisions in the faster, fairer justice Bill when it is introduced. Chris and I will be happy to take any questions.

The Chairperson: Thank you very much. I have a couple of questions. In the responses, who opposed the introduction of statutory duties?

Mr Chris Matthews (Department of Justice): No one opposed it, but we got quite a lot of responses in one area. So, most people said option 3 or option 3 and 1. The Law Society was not opposed to reform, but its position was that our option 2, which was to make the current practice direction statutory, was probably the best way to go. In that sense, it did not oppose legislating, but it saw the least disruptive route as best.

The Chairperson: OK. Is the option that you have gone for by and large the one that pretty much got consensus?

Ms M Campbell: There was pretty good consensus, in that most respondents clearly favoured option 3 or option 3 combined with option 1, which is a more general overarching duty. Just having that general duty was one option, but I think that people felt that having the detail that you would get with option 3 would be more likely to achieve an actual change in practice.

The Chairperson: I agree with that. Has any work been done on identifying the net benefit of an option, were it to be introduced? Has there been any modelling on the outcome of increasing the time frame?

Mr Matthews: No. That is difficult to project, because you are trying to project how people will behave. Once we introduced the changes, we would probably monitor their effect to see whether there are changes that we can specifically link to the legislative changes that we have made. The difficulty with that comes in trying to project what kinds of cases you are going to get and how the people who are involved in them will behave as a result of the case management.

The Chairperson: I know that the Committee looked at this in detail, and I am pleased to see that the option that you suggest is pretty much in line with what the Committee recommended.

Mr Lynch: Maura, will you clarify that bringing options 1 and 3 together will not dilute the statutory nature of the recommendation?

Ms M Campbell: No, it does not in any way dilute what we propose; it enhances it.

The Chairperson: OK. If there are no other questions, you can take it that we are pretty content with where you are going with this, and we look forward to seeing its detail. Thank you very much.

Ms M Campbell: Thank you.