



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

OFFICIAL REPORT
(Hansard)

**Overview Briefing on the Northern
Ireland Courts and Tribunals Service**

13 May 2010

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Lord Morrow (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Jonathan Bell
Mrs Dolores Kelly
Mr Alban Maginness
Mr John O'Dowd
Mr Alastair Ross

Witnesses:

Mrs Siobhan Broderick) Northern Ireland Courts and Tribunals Service
Mr David Lavery)
Mrs Laurene McAlpine)

The Chairperson (Lord Morrow):

Members, we are joined by the director of the Northern Ireland Courts and Tribunals Service, Mr David Lavery, and Siobhan Broderick, who is director of the tribunal reform division. I cordially welcome both of you, and I understand that Laurene McAlpine is to join you shortly. Mr Lavery, I invite you to make your presentation. I must tell you, as I have told others, that the meeting is being recorded by Hansard. I am sure that that will not deter you in any way. I draw members' attention to the briefing papers, which I am sure that they have already identified. They should avail themselves of them. It is over to you, Mr Lavery.

Mr David Lavery (Northern Ireland Courts and Tribunals Service):

Thank you very much, Chairman and colleagues. If I may, I will explain our roles at the outset. I am director of the Northern Ireland Courts and Tribunals Service. I am accompanied by Laurene McAlpine, who is head of the civil policy and legislation division. Mrs McAlpine and I are both barristers by background. Also accompanying me is Siobhan Broderick, who is head of tribunal reform division. Mrs Broderick is a solicitor by background. With your permission, Chairman, we will be joined by a colleague, Gillian McClearn, for the next session.

The Committee has suggested that we divide the session into three parts. We will start with an introductory briefing on the work of the Courts and Tribunals Service, which I will primarily deal with, after which Mrs McAlpine will address the Committee on the Hague Convention. Finally, there will a session on tribunal reform, on which Siobhan Broderick will lead.

I am conscious that time marches on. I will, therefore, keep my introductory remarks brief. The Courts and Tribunals Service is the successor to the Northern Ireland Court Service, which was the court administration for Northern Ireland since its establishment in 1979. Prior to that, the courts were fragmented in their administration. Various parts were run by different areas of government. In 1979, a unified court administration for Northern Ireland was established.

The Court Service was established as a Department of the Lord Chancellor. Therefore, our orientation was towards London and the Westminster Parliament. Peculiarly, we were a separate civil service: we were not part of the Northern Ireland Civil Service or, indeed, part of the English Home Civil Service. We were a little mini-civil service for constitutional reasons.

With the advent of the devolution of policing and justice, the Northern Ireland Court Service ceased to exist. Our functions were transferred to the new Department of Justice. We were re-established as an agency of that Department, rather like the Prison Service, which is also its agency. We changed our name to the Northern Ireland Courts and Tribunals Service to emphasise the fact that as well as running all of Northern Ireland's courts, we have been asked to run its tribunals as well.

I remind the Committee that there is, arguably, a little piece of unfinished business in the sense that when the Assembly and Executive Review Committee looked at planning for the

devolution of policing and justice, one issue that it considered was the future status of the court administration in Northern Ireland. Colleagues might remember that the Committee took evidence from the then Lord Chief Justice, Lord Kerr, who argued that, as is the case in the South of Ireland and Scotland, court administration should be at arm's length from the Department of Justice and should be established as what is sometimes called a non-ministerial Department, rather like the Public Prosecution Service. However, for technical reasons, the Courts and Tribunals Service has to begin this journey as an agency of the Department of Justice. That said, in its report, the Assembly and Executive Review Committee noted that the status of the Court Service is an issue to which the Assembly might wish to return at some point. Arguably, the logical time frame for that is the time frame for the review of devolved arrangements, which has to take place by 2012. In the meantime, our responsibility in dealing with the current issues is to discharge a statutory duty that has been given to the Department of Justice to ensure that there is an efficient and effective system to support the business of the courts. That is the statutory expression of our responsibility.

In addition, we have been asked by the Northern Ireland Executive to assume responsibility for all of Northern Ireland's tribunals. As members will know, there are quite a number of tribunals in Northern Ireland, and they deal with a wide range of issues from welfare and housing disputes to industrial tribunals, and so forth. We currently run 14 of the 20 tribunals that operate exclusively in Northern Ireland at the moment, but the Executive have asked us to assume responsibility for the others in time.

We also have responsibility for supporting an independent judiciary, and, for this current business year, we will continue to have responsibility for the legal aid system in Northern Ireland. It is expected that, by next April, the responsibility for the legal aid system will be relocated in the core Department of Justice, but, for this business year, it is the responsibility of the Courts and Tribunals Service. I know that the Committee has set aside some time to discuss that with us at next week's meeting.

Finally, I will give the Committee a sense of what we deal with. We provide the administrative support for court business in Northern Ireland, and we do that at 21 court centres. The courts in Northern Ireland typically deal with about 100,000 cases a year, and they are spread throughout all the courts; criminal courts, family courts and civil courts. In addition, tribunals deal with another 30,000 cases a year, and the tribunals that we run at the moment deal with about

half that number. We currently have 900 staff, a good many of whom work in the local communities in which they live, and their offices are in the courthouses. As we assume responsibility for the remaining larger tribunals, our staffing numbers will peak at close to 1,000.

I hope that that introductory briefing has helped to orient members as to what we do. We aspire to fulfil our mission statement to serve the community through the administration of justice. That is all that I intended to say by way of introduction, and I hope that it was sufficient. We are very happy to respond to any questions that members might have.

The Chairperson:

Thank you. I see that Laurene McAlpine has joined us, and she is very welcome, too.

Before members begin to ask questions, I want to make a quick comment about the question-and-answer session. I learnt from the previous witness session how not to do it. It is quite in order for members to ask questions, but it might not be in order for them to ask six questions. Since I made the mistake at the start of letting the first one away, I could not then be unfair to others. I might do things differently this time. That does not mean that members cannot ask six questions; it simply means that they cannot ask them all at once. If members do not mind, we will take a slightly different approach this time.

In the previous witness session with the representatives of the Prison Service, it was indicated that all is not right in the Prison Service. I noticed that you did not say that all is not right in the Courts and Tribunals Service. There has been some concern about the collection of fines and the way in which information is collated. When we tried to find out what fines were not paid and what the offence was, we were met with a blank wall. The answer was that that information was not available. I do not want to be too hard on you, but that sounds like chaos or close to it. Is it so chaotic in the court service that you cannot tell the public at large what fines have not been collected and what the fines were for? That sounds bad, does it not?

Mr Lavery:

It certainly does. We owe this Committee an apology. Perhaps more immediately, we owe the Committee of the Environment an apology for the way in which we responded to its enquiry. Since then, the Committee for the Environment drew its concerns to the attention of this Committee, and the Department of Justice replied to explain that the court service maintains a

database of about 7,000 offences. We are quite confident that we will be able to answer that sort of enquiry in the future.

Not to disinter the history of the enquiry, but my understanding is that the Committee for the Environment's initial enquiry was pitched at a fairly high level of generality in asking for information about convictions for waste offences. With respect, the answer may have been provided by a statistician. They are admirable people, but they like specificity. The question was not specific, so we did not provide a specific answer. I would like to think that we would think of phoning the Committee Clerk to clarify the question next time.

Mrs D Kelly:

It is not always the statisticians who are guilty of that.

The Chairperson:

Politicians sometimes get blamed for that sort of thing, too.

Mr Lavery:

Suffice it to say that we should have been able to answer the question. We are now in contact with the Environment Committee, albeit very belatedly, to answer its question. However, I reassure this Committee, which is obviously the one with which we will have the most direct dialogue, that we will be able to answer that type of question.

To return to your initial question, Chairperson, Robin Masefield was bold enough to say that all was not right in the Prison Service. I am not rash enough to say that all is right with the court service, but it has perhaps not faced some of the challenges that the senior management of the Prison Service has faced with regard to the reflectiveness of the workforce, the industrial relations environment and some of the pressure points with which the service lives daily.

We have about 900 staff. We have not been subject to the same chill factor that affected recruitment in some aspects of the justice system. When I was appointed in 2001, we made a very explicit commitment as the then Court Service that we would have a workforce that was reflective of the community that we served. We developed an equality employment action plan in partnership with the Equality Commission for Northern Ireland, which committed us to achieving a workforce that was statistically reflective of the working population. We have had two such

plans, each running for three years. The Equality Commission has assured us that, in respect of community background, the make-up of our workforce is reflective of the working population in Northern Ireland.

We are, arguably, less reflective in respect of gender. We have a preponderance of female staff. As members will understand, the type of employment that we offer in local courts, such as clerical work, is quite attractive because it is accessible and flexible. A lot of our staff in court operations are females who live and work in local communities. Almost 20% of our staff have flexible employment arrangements, such as job-sharing, term-time working and flexible hours. I would guess that that is why our workforce is almost 70% female.

I suspect that the bit that is not all right in the court service will arise next week when we discuss the legal aid system, so we will leave that grief until then.

Mrs D Kelly:

I thank Mr Lavery for his overview. Legal aid will, of course, be quite a subject. We have often heard that justice delayed is justice denied. I presume that some of your business improvement plans are in place to speed up the justice process. How much money do you hope to save by introducing some of the plans, such as those for new court boundaries and new IT?

Mr Lavery:

First, I must acknowledge that delay is a challenge for all aspects of the justice system. The Committee will know that Northern Ireland benefits from having the Criminal Justice Inspection, which looks right across the system. As far as I am aware, we are the only jurisdiction to have that. One benefit is that instead of looking at a particular agency in the justice system, it looks right across the horizon.

In 2006, Criminal Justice Inspection did a good piece of work on avoidable delay in the justice system, and it is about to publish a report on a follow-up inspection. In response to that review of performance, the criminal justice system in general has put a lot of effort into developing performance targets for each stage of a criminal case. That has been complemented by work that the Lord Chief Justice has done in setting standards for the management of a trial. The Civil Service, if you like, or the Department of Justice sets targets for the agencies, the PPS, the court service's administration, the Prison Service, and so forth. The Lord Chief Justice complements

that work with performance standards for managing trials.

However, avoidable delay is a challenge, and it is one that is proving quite difficult to eradicate. Figures that will be published as part of the Criminal Justice Inspection's report will indicate that we still have some way to go to achieve what the Americans call speedy justice.

Consequently, the Criminal Justice Board for Northern Ireland, which comprises the chief executives of the various criminal justice agencies, recently tried to re-energise the work on improving performance. Work streams were set up to consider how the system works and where the bottlenecks are. For example, I am co-chairing a work stream on case management, which deals with what we do with a case once it is before the court and how quickly we can get it through the courts. Another work stream concerns case preparation, which deals with the interaction between the police and the Public Prosecution Service from the point at which a crime is first detected.

We hope that breaking up the criminal justice system into its component parts will enable us to have more impact on performance. There seems to be a widely acknowledged view that criminal cases take longer to put through the system in Northern Ireland than they do in, for example, England and Wales.

Mrs Kelly also mentioned boundaries. The Courts and Tribunals Service has issued a consultation paper entitled 'Redrawing the Map — A Consultation on Court Boundaries in Northern Ireland'. Northern Ireland's court map is something of a patchwork quilt. It is divided into seven county court divisions, each of which is made up of several petty sessions districts. The building block for those petty sessions districts is the local government map of Northern Ireland, which we expect will change under the review of public administration (RPA).

Rather than simply redraw the boundaries to align with the post-RPA map of local administration, we went for a more radical option. Our consultation paper suggests having a single geographical jurisdiction for the whole of Northern Ireland. Thus, instead of the present seven county court divisions, there would be one for the whole of Northern Ireland. Similarly, there would be one jurisdiction for Magistrate's Courts. That would give us an opportunity to redistribute business more efficiently. We still want local cases to be heard and dealt with locally, but sometimes the same individuals are involved in several cases. Rather than running

three cases, we could bring all those together and run one case in one location. That will bring advantages, but we still are very much committed to the idea of local justice and local access to justice.

IT will be one of the main efficiency drivers. We put a lot of effort into developing a business platform for court administration, which is called ICOS (integrated court operation system). We designed that from the ground up with our IT partners, Fujitsu. The system provides a computer-based business platform for running court cases. It applies in our criminal courts, family courts and county courts, and Siobhan will look at whether it can be extended to tribunals. It interacts with Causeway, which is the criminal justice system's IT system, and it prevents our staff having to re-enter cases from scratch. The Public Prosecution Service used to send us cases, and we would then have to type those onto our computer system. ICOS simply picks up that information from Causeway, so we do not have to duplicate that work.

However, the real breakthrough is that ICOS potentially allows the business model for courts to be redesigned. Under the classic model, there is a courthouse in which a court case takes place and a court office beside the courtroom. The staff do all the administration for what happens before and after the case in that court office. Essentially, each of my 21 courthouses provides every service. ICOS will allow some of those activities to be centralised.

We have started to run a few pilots for the centralisation of what might be called back-office administration. The courthouse in Derry, for example, now has a hub that administers juries on behalf of all the courts in Northern Ireland. Instead of multiple offices working out jurors' allowances and expenses, all that is done by one office. ICOS allows that type of centralisation to take place. We have not been very aggressive at driving ICOS into the business. However, given that we may be under huge resource pressure, we would look at doing so in order to release efficiencies.

I am sorry that that was a rather long-winded answer, but I hope that it covered most of the territory.

Mrs D Kelly:

It looks like they have left themselves some low-hanging fruit.

Mr McCartney:

Do you feel that there are any gaps in the judiciary's complement?

Mr Lavery:

The judiciary is a reasonably diverse group. There are no published figures for community background, but the common understanding is that the judiciary is, and has been, broadly reflective of our community. However, the challenge for the judiciary is gender.

The plain fact is that there are no women judges at the highest level, either in the High Court or the Court of Appeal; that clearly represents a gap. Women are quite well represented lower down the judicial hierarchy. For example, about 30% of the 17 county court judges are female, and about 24% of the 21 full-time district judges in the Magistrate's Courts are female. At the tiers below that, female representation is closer to 40% or 50%. If there is a glass ceiling, it seems to be at the highest level.

Judicial appointments in Northern Ireland are now the responsibility of the Northern Ireland Judicial Appointments Commission. The commission has been given a statutory duty to achieve a judiciary that is reflective of the community. It also has a duty to appoint on merit, but it is unique in having the statutory responsibility to achieve a judiciary and a pool of candidates for judicial appointments that is reflective of the community. I know that the commission is striving to achieve that.

Mr McCartney:

Are three justices of appeal and a Lord Chief Justice enough for the appeals system, or should there be an extra justice of appeal?

Mr Lavery:

In terms of manpower, if one could call it that —

Mr McCartney:

At that level you would.

Mr Lavery:

Yes, that is probably right. *[Laughter.]*

The numbers are probably sufficient. As you know, there are 10 High Court judges, although there is one vacancy to be filled. There are three Appeal Court judges and one Chief Justice, making up a top team of 14 judges. We might need more at County Court level. One of the other consultations out for discussion makes a suggestion that the size of cases going to the County Courts might be increased quite significantly.

If an individual sues someone, the amount that is being claimed determines which court the case is taken to. If the case is for £15,000 or less, it goes to the County Court, but anything above £15,000 has to go the High Court. We are suggesting that the cut-off point be raised to as much as £50,000, but that will have repercussions on the number of cases going into the County Court. There will be pressure to increase the number of judges at that level as well.

At the top level, which was the subject of your question, the numbers are probably sufficient because the High Court is more likely to become, increasingly, a specialist court that will deal with more technical matters such as judicial reviews, commercial work or family work of a complex nature.

Mr Bell:

I will check the Hansard record of the Prison Service's presentation, but there was a suggestion that all fine defaulters should be sent to Maghaberry. That worries me slightly, given that, in your answer to the Environment Committee, you said that the current number of fine defaulters in Northern Ireland was 37,000. Is that correct? The largest town in my constituency has a population of approximately 30,000; how can all those defaulters be sent to Maghaberry? Can your service do anything to address that more effectively?

Mr Lavery:

The basic position is that fines, as you would understand, are far and away the most common penalty imposed by courts. In excess of 50,000 fines are imposed in a typical year in the courts in Northern Ireland. For example, in 2009, 52,000 fines were imposed with a total value of approximately £11.5 million. Warrants had to be issued in 42% of those cases because the persons concerned were given so much time to pay the fine but did not do so within the appointed timescale. The purpose of the warrant is to direct the police to take the individual to prison, because the penalty for not paying a fine is, as Mr Bell implied, several days' imprisonment.

There is a statutory scale, depending on the amount that has not been paid, that equates to a number of days' imprisonment.

It is widely acknowledged that there is a problem in that so many prison admissions are for people who come in for a fine default or several fine defaults but stay in prison for only a few days. It is very expensive for the Prison Service to process that. If the court felt that the appropriate penalty was a fine rather than imprisonment — it would have had both options open to it — it does not seem to be right, in principle, that a person ends up in prison for a few days for not paying the fine. We have put a lot of effort into trying to address that, as have other criminal justice agencies.

Although 22,000 fine warrants are issued every year, they do not lead to 22,000 people going to prison. A lot of people pay up when the police turn up. Currently, it is the police's job to enforce those warrants, and when they turn up at the door, an awful lot of fines are collected. We recognise that that was not a terribly satisfactory arrangement, so we have established fine collection teams in our principal courts. Their job is to make contact with the debtor, for want of a better word, or the offender. If it looks like the offender will miss the payment deadline, a team will contact the individual to remind him or her that the fine is due. It may be that the offender will ask for more time to pay, and that can be provided.

The initiative has been running for only about a year, but it has been remarkably successful, leading to a 31% reduction in the number of warrants issued in the areas in which it operates. That suggests that people put their heads in the sand until someone approaches them to tell them what will happen if they do not pay the fine and that if they need a little more time to pay the fine, that can be arranged. In addition to the 31% reduction in the number of warrants issued, there has been a 21% increase in the amount of money recovered. The initiative has not eliminated the problem, but it has reduced it. It is a relatively inexpensive and common-sense initiative. The Committee will know that other things are also being done.

The Chairperson:

Why would I pay a fine in court if I knew that the police would provide a service by coming to collect it from me?

Mr Lavery:

Everyone is given a certain number of days in which to pay a fine.

The Chairperson:

How long?

Mr Lavery:

Normally, it is seven days. A person can ask for additional time, and that is quite common. I do not have the figures with me, but fines are also collected at courts.

The Chairperson:

Are you absolutely correct about offenders having seven days to pay fines?

Mr Lavery:

Perhaps I could write to the Committee —

The Chairperson:

I have it in my head that the time frame is currently 28 days and that seven days was being considered as an appropriate time frame because it would enable the courts to keep better contact with the fine defaulter.

Mr Lavery:

I told a colleague that I was coming here with a post-dated letter of resignation. That may now have to be deployed, as I see that someone has written 28 days on my notes. I apologise, Chairperson; it would appear that the current time frame is 28 days, with the capacity to request further time. I am sorry if I misled you.

The Chairperson:

I could be far away in 28 days, could I not?

Mr Lavery:

You could, indeed.

The Chairperson:

And maybe not so far away in seven days.

Mr Lavery:

All that I will say for now is that it is recognised that the effectiveness of fines must be improved. There is no point in imposing fines on people who do not pay them. It would undermine confidence in the justice system if fines were not collected. All that we have done is pick some of the low-hanging fruit, to use Mrs Kelly's term, by telephoning people to encourage the collection of fines.

Other initiatives will include looking at the record of previous penalties that have been imposed on an individual. Not everyone will have been fined for the first time; there are regular customers, if you like, in our courts. If judges had a fine payment record in front of them, they would be able to make more informed decisions. There would be no huge benefit in imposing another fine on someone who does not pay their fines. Another initiative that is being considered but which will require legislation is the introduction of a system of deduction from earnings or benefits for fine payments. Another possibility would be the introduction of supervised activity orders, which are a form of community service orders.

Therefore, there is a multi-faceted response to the non-payment of fines. Chairperson, I am sure that you are correct that the timeliness of fine payments should be considered. However, perhaps wrongly, we are pleased to have made a measureable improvement by taking a common-sense approach and engaging with offenders quickly. What I have heard from those carrying out that work is that if an offender could be contacted straight away rather than after 28 days or when they have defaulted or are about to default, the initiative would have even more relevance. That reinforces the point that you made, Chairperson, and it is certainly something that we could and should be considering.

The Chairperson:

If people are given more time to pay the fine once the 28 days is up, I suspect that they could become complacent and not bother paying it. The attitude seems to be that it is good if offenders pay, but, if they do not, it is still all right. The figure of 37,000 people defaulting on fines is quite startling.

Mr Lavery:

If people do not pay, it is ultimately likely that they would go to prison. We try to strike a balance because there is the idea that too many people are being sent to prison because they default on paying their fines, but the Criminal Justice Inspection has said that it is an efficient system in Northern Ireland and that that ultimate sanction should be included. It also said that police involvement in collecting fines when people have not paid within the time allotted is an important way for the police to be visible in the community. That reinforces the fact that there is a penalty and that it has to be imposed. I cannot say that we have cracked the problem, but we have begun to look at it.

The Chairperson:

There is some considerable concern among the general public around that issue. There appears to be a lackadaisical approach to all this. That may be an unfair perception, but sometimes perception is as strong as fact.

Mr Lavery:

I am sure that the Committee wants to see the criminal justice system operating as a system and not just as the Court Service. Perhaps in the past, we thought our job was to run the court that imposed the fine and then run the next court. We have taken on a role that was not given to the Court Service: the idea of setting up a fine collection initiative is not one of our core responsibilities. However, having done so, the impact that it has had is remarkable. I hope that the Committee acknowledges that. Our collection of fines has improved noticeably through that simple initiative. I acknowledge that there is considerable concern about the issue, because it involves confidence. There is no point in a court imposing penalties that are meaningless. I think that it is a case of “message received and understood”.

Mr Bell:

One point concerns me greatly, which I am aware of because of my background of professional practice in social work over the past 21 years. I supported many young people through the youth justice system. When they came to the courts and the solicitors appeared, it was almost inevitable that they would claim that they did not have the relevant papers and asked for an adjournment. I do not think that a case was heard on the day that it was meant to be heard on one occasion during my 21 years in that profession. I am talking about hundreds of cases that I have been involved in. Far be it from me to suggest to two barristers that they were possibly adjourning the case so that

they could claim two fees under the legal aid system. I would not dream of going there — or maybe not.

My experience has been that, when young people who have lived in Northern Ireland have subsequently gone to live in other parts of the United Kingdom or the Republic, and have committed offences there after having committed offences in Northern Ireland, they have been dealt with by the judicial system in those places much more quickly. In one case, a person had been dealt with by the judicial system and had served time — three months — in England before the offence that occurred in Northern Ireland was even brought before the courts. Do we have an unusual number of adjournments and delays in comparison with England, Scotland and Wales? Is that a concern for the Courts and Tribunals Service?

Mr Lavery:

There has been a widely held view that we have had an adjournment culture. A lot of people have used that expression.

Mr Bell:

Yes, the barrister gets paid for every time they adjourn. They get paid for the 30 seconds it takes them to stand up and say —

Mr Lavery:

At the time that you were practising, that would have been the case. We have introduced new remuneration arrangements for magistrate and youth court cases that are based on standard fees. We may talk about that next week. Those arrangements were introduced only last year, but there is a benefit of having a standard fee with fairly few, if any, additional fees available. That means that a barrister is not simply paid for turning up but for the case. That seems to be a way of encouraging efficiency. They will not benefit by stringing a case out if they are paid a standard fee.

The adjournment problem is increasingly being recognised. We have established a fact-finding pilot in the north-west with the support of the judiciary. We are running a scheme to record the reasons for adjournments, with the co-operation of the local district judge. We know how many adjournments there have been — there have certainly been far too many — but we have not recorded sufficient detail about why those cases were adjourned. The scheme will

provide a lot more detail about which cases have been adjourned and why they have not gone ahead. It is not often that cases are adjourned because a court or a judge is not available, but I cannot say that that never happens. Cases may be adjourned because the prosecution lawyers are not ready, the defence lawyers are not ready or there has been some delay in getting legal aid or because of some other excuse that is often heard in the courts. The pilot will tell us a lot more about the reasons for adjournments.

We also measure the frequency of adjournments. I know that the Chief Justice has begun to visit various court divisions in Northern Ireland and has been having conversations with the judiciary about the frequency of adjournments and the ability of the courts to demonstrate their compliance with the timescales that he has set for the completion of cases. The Chief Justice is paying real attention to that issue. As the Committee will understand, it is difficult for the administration of the court to have a direct influence over something that is essentially a matter of judicial discretion. Whether or not a case goes ahead or an adjournment is granted is a matter of judicial discretion.

Mr Bell:

I will not labour that point. We can save it for next week. Individuals in court often say: "I have not got the papers for this. May I have an adjournment for a month?" Surely, the Courts and Tribunals Service is responsible for providing those papers?

Mr Lavery:

That type of situation arises more during interaction between the Public Prosecution Service and a legal representative. I am pretty confident that few cases get adjourned because the judge has not got the papers. You talked about the youth justice system. That is one of the most important areas, and any delay there is particularly unfortunate. A report by the Criminal Justice Inspection in 2006, to which I referred earlier, was particularly concerned about such delays. We have been paying attention to that. We have established teams of case progression officers in the court offices whose job it is to try to co-ordinate the readiness of cases. Issues such as the availability of witnesses can often have an impact on whether a case goes ahead. Case progression officers at each court centre interact with defence lawyers, the police and the Public Prosecution Service to ensure that a case is ready to go ahead when it is listed to do so. Officers at the Youth Court also interact with the Youth Justice Agency in that regard. We have not cracked that just yet, but it is an important demonstration of the need for interagency working.

The other point is that targets are set for the completion of cases, including Youth Court cases. However, we have found that the case of someone who is charged rather than processed by summons goes through much more quickly. We are, therefore, looking at why that happens and how we can address the apparent greater delay in summons cases.

I suspect that the courts in Northern Ireland have a tendency to cluster youth cases that involve the same young offenders. Occasionally, a young person is involved in a series of offences, and I know that in some districts there has been a trend to hear all the offender's cases on the same date in order to deal with the offender rather than the individual cases. I would not say that that is necessarily a bad thing. However, listing cases for hearing in that way means that the first and second cases have to wait until the third is ready. Therefore, clustering cases has had some impact on the performance of the Youth Court. We are beginning to discuss whether that is the right way to list cases. There is a body in Northern Ireland called the Criminal Justice Issues Group, which recently held a workshop on Youth Courts and how they operate, and that is one of the issues that came up and that we agreed to look at further. The basic question is whether each case should be dealt with as it arises, even if a young person is involved in a series of offences, or whether those cases should be gathered together and the offender be looked at in the round.

The Chairperson:

Mr Lavery, thank you for your evidence.

Mr Lavery:

Thank you.