

FROM THE OFFICE OF THE JUSTICE
MINISTER



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FROM: CLAIRE McCORMICK

DATE: 18 JANUARY 2022

TO: CHRISTINE DARRAH

DRAFT BUDGET 2022-25 CONSEQUENCES DOCUMENT.

Summary

Business Area: Financial Services Division

Issue: Department of Justice (DoJ) Draft Budget 2022-25
Consequences document.

Restrictions: None.

Action Required: To note prior to the Justice Committee meeting on the 20th January
2022.

Officials Attending: Deborah Brown, Director of Justice Delivery
Glyn Capper, Acting Director of Access to Justice
Julie Harrison, Director of Safer Communities.

BACKGROUND

The DoJ budget consequences document, outlines the impact of the Draft Budget 2022-25. This is attached at Appendix A.

KEY ISSUES

Departmental officials are also developing an Equality Screening document for publication, which will be made available to the Justice Committee upon completion.

In addition, the Department continues to review its pressures in the context of a 2% Budget cut.

FROM THE OFFICE OF THE JUSTICE
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Department of

Justice

An Roinn Dlí agus Cirt

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NEXT STEPS

Officials from the DoJ will brief the Justice Committee on Thursday 20 January 2022.

CLAIRE MCCORMICK

DALO

ENC (Appendix A).



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Department of Justice

Draft Budget 2022-25 Consequences Document

January 2022

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Section 1 - Department of Justice Overview

The role of the Department of Justice (DoJ) is to support the Justice Minister to deliver on the mission of “***working in partnership to create a fair, just and safe community where we respect the law and each other***”.

In addition to its statutory functions, the DoJ provides resources and a legislative framework for its five Executive Agencies and eight Non Departmental Public Bodies (NDPBs), which jointly constitute most of the justice system in NI. Together with these organisations, the DoJ is responsible for the resourcing, legislative and policy framework of the justice system.

Throughout the pandemic, the DoJ has continued to deliver its key services through an innovative and flexible response. Continuing to assist in the recovery of the justice system from the impact of the pandemic and maintaining service delivery remains the DoJ's priority.

At its core, the Department is about delivering justice and keeping people safe. We cannot deliver effectively without working together with our delivery partners across the wider justice system, with other Government departments, with Local Government and with the community and voluntary sector. Together with these delivery partners, the DoJ delivers on its mission by focussing on five priorities:

1. ***Supporting safe and resilient communities***, by informing and empowering communities, businesses and individuals to take the necessary steps to protect themselves from becoming a victim of crime, and by providing support where people do become victims of crime. The DoJ is working to ensure effective law enforcement is in place and has the appropriate tools to address criminality, including issues of coercive control within our communities. The DoJ is working with partners to promote a cohesive society.
2. ***Addressing harm and vulnerability*** including through the provision of early stage diversionary approaches to address the issues that contribute to offending

behaviours. The DoJ is providing practical support to victims, and developing policies and legislation to protect those most vulnerable in our society.

3. ***Challenging offending behaviours and supporting rehabilitation*** through working with those who offend, to challenge and support the behavioural change necessary for them to become active and responsible citizens. The DoJ is working with partners to promote rehabilitation; and when a custodial sentence is imposed, the DoJ is focussing on resettlement leading to reintegration back into society.

4. ***Delivering an effective Justice System***, a system which is faster, more accessible and which serves the needs of those who engage with it. The DoJ is delivering a system which supports court users in the early and proportionate resolution of civil and family proceedings.

5. ***Securing confidence in the Justice System***, by using new and innovative ways of engaging with communities, partners and stakeholders to explain the work that the DoJ does and build broad support for it. The DoJ is working to ensure it is responsive to the needs of citizens, and to enhance accountability around what the DoJ does.

In that context, the DoJ contributes to the **Building Forward: Consolidated Covid Recovery Plan** published by the NI Executive in July 2021. In particular, this includes assisting with the delivery of the NI Executive's strategic intent of Addressing Vulnerability, by ensuring that sectors of society that have been the hardest hit by the pandemic are supported as part of recovery. The Draft Budget 2022-25 does not provide specific funding for recovering public services or support for the more focussed actions that have been included.

Section 2 - Department of Justice Draft Budget 2022-25

The focus of the Draft Budget is on non ring-fenced Resource, which is the larger element of the Resource DEL. It reflects the ongoing cost of providing services (for example, pay, operating costs and grants to other bodies). Therefore, we will refer to non ring-fenced Resource DEL simply as Resource throughout this document.

It is worth highlighting that while Barnett consequentials are unhypothecated and may therefore be spent at the NI Executive's discretion, the Department's Draft Resource Budget for 2022-25 is in stark contrast to the recognition in England of the need to invest in justice services with £2bn allocated in the recent budget.

The NI Executive 2022-25 Draft Budget seeks to prioritise health. However, support for good mental and physical health of people and communities is not delivered by the Department of Health alone: the substantial contribution of policing and justice and our partners, such as social workers in courts, police as first responders to harm, and early intervention to address complex issues such as addiction and mental health should not be overlooked. Significant numbers of people in the justice system are also the biggest users of the health service. Therefore, investing appropriately in tackling the problems at source will help to reduce the burden on health.

In setting departmental budgets, the underpinning assumption has been that departments will find the proposed 2% reduction required to provide additional funding to health from efficiencies within their existing budgets. A 2% reduction is simply not achievable from the Justice Budget without significant impact to frontline services, in Police, Prisons, Courts and Legal Services. The scope to achieve further reductions while delivering the full range of services has now been eroded by the years of austerity. Before taking account of the impact of inflation, the Department's Resource baseline in 2021-22 is already 9% lower than in 2011-12 and the proposed 2% reduction, taking into account significant inescapable pressures across the Department's business areas, is significant.

The Draft Resource Budget 2022-25 for the DoJ is not just difficult, it is damaging to the justice system. It will have a direct impact on vulnerable groups and victims, with further implications from failure to deliver against statutory responsibilities and increased ‘downstream’ costs for the justice system, the health service and the wider public sector; its consequences will severely impact public confidence and would have a detrimental impact on frontline services which contribute to public safety and preservation of life.

We have also taken on additional work since 2011-12 and absorbed this from within a reduced baseline, for example: significant new costs resulting from legislation (e.g. in relation to domestic abuse); and increased demand from statutory responsibilities (e.g. support for victims of human trafficking and modern slavery).

The Department has tried to take steps to tackle the underlying causes of crime through a greater focus on rehabilitation and on problem solving justice (e.g. the substance misuse courts). These interventions require significant investment but have a big payback if successful. This Draft Resource Budget will mean these initiatives are under threat – and that will increase both the number of future victims and contribute to future pressure on health, housing and other key public services.

The Outcome of the Draft Budget for 2022-25, Resource is summarised below:

Table 1

	2022-23	2023-24	2024-25
	£m	£m	£m
DoJ Baseline	1,086.4	1,086.4	1,086.4
Security Funding	31.2	31.2	31.2
Total Baseline	1,117.6	1,117.6	1,117.6
Allocation / Reduction:			
2% Reduction (from baseline)	(21.7)	(21.7)	(21.7)
Police Service NI Staffing (for this purpose only)	14.8	14.8	14.8
Domestic & Sexual Abuse (for this purpose only)	1.6	4.2	4.9

General Allocation	5.3	13.8	6.4
Total Allocation / Reduction:	0.0	11.1	4.4
Total Budget Allocation	1,117.6	1,128.7	1,122.0
Percentage Change from Baseline	0.0%	1.0%	0.4%
Security funding and DSA:			
Remove Security funding (not baselined)	(31.2)	(31.2)	(31.2)
Removed as cross cutting Domestic & Sexual Abuse	(1.0)	(3.1)	(3.6)
Total Security funding and DSA	(32.2)	(34.3)	(34.8)
Revised Allocation less Security funding and DSA	1,085.4	1,094.4	1,087.2
Revised Percentage Change from Baseline	-0.1%	0.7%	0.1%

Analysis of the 2022-25 Draft Budget

Security Funding

This funding represents an ongoing UK Government commitment to assist with reserved policing costs. The Secretary of State confirmed £31.2m Resource per annum over the three-year budget period. This is treated separately from the PSNI's baseline funding. The £31.2m leaves an anticipated resource funding shortfall over the three years of the budget period of £4.6m/£5.3m/£5.6m, contributing to PSNI's overall pressures.

2% Reduction

Using 2021-22 opening allocations (excluding Covid allocations) a 2% cut for the Department, Agencies and NDPBs is presented below:

Table 2: Allocation by business area

Business Areas	Allocation £k	2% Cut £k
Core Department*	47,716	954
Compensation Services	14,349	287

Core total (including Compensation)	62,065	1,241
NI Prison Service	106,298	2,126
Legal Services Agency NI	82,891	1,658
NI Courts and Tribunals Service	45,711	914
Youth Justice Agency	16,225	325
Forensic Science NI	1,752	35
Agency Total	252,877	5,058
PSNI	728,636	14,573
Probation Board NI	20,212	404
Police Ombudsman	11,992	240
NI Policing Board	6,089	122
PRRT	1,754	35
NI Police Fund	1,521	30
Criminal Justice Inspection	1,127	23
RUC George Cross Foundation	132	2
NDPB Total	771,463	15,429
Departmental Total (excluding ring-fenced)	1,086,405	21,728

* The Core Department includes Legacy Inquest and Gillen allocations which are allocated to business area during the financial year. The PSNI allocation excludes security allocation £31.2m

This illustrates that c£20.0m of the proposed cut would be across NI Prison Service (NIPS), Legal Services Agency NI (LSANI), NI Courts and Tribunal Service (NICTS), PSNI, Youth Justice Agency (YJA) and Probation Board NI (PBNI), **Annex A**, provides further detail of the potential consequences of proposed Draft Budget across all business areas.

Police Service NI (PSNI) Staffing

In 2021-22, PSNI received an in-year allocation of £12.3m to enable the PSNI to retain their police numbers of approximately 7,000 and to enable the recruitment of 100 officers in 2021-22 towards the police officer numbers in the New Decade, New Approach (NDNA) document of 7,500.

The Draft 2022-25 budget includes £14.8m per annum to PSNI for police staffing, this allocation can only be used for this specific purpose which is insufficient to maintain police officer numbers at approximately 7,100. Also further progress towards achieving the NDNA commitment of 7,500 officers will not be possible unless further funding is made available. In fact, with an allocation of only £14.8m this would reverse the uplift in headcount underway in 2021-22. Furthermore, the Department could not achieve 2% cuts without impacting the PSNI budget as the PSNI budget is c.67% of the total Department budget (excluding security funding).

Domestic & Sexual Abuse Strategy

The Draft Budget, includes a specific allocation of £1.6m / £4.2m / £4.9m for the Domestic & Sexual Abuse Strategy, this allocation can only be used for this specific purpose. The allocation is summarised as follows;

Table 3: Domestic & Sexual Abuse Strategy Allocations

Business area	Allocation	2022-23 £m	2023-24 £m	2024-25 £m
DoJ existing commitments	Domestic & Sexual Abuse Strategy	0.6	1.1	1.3
Cross Cutting	Domestic & Sexual Abuse Strategy	1.0	3.1	3.6
Total		1.6	4.2	4.9

The DoJ allocation is for existing commitments associated with DoJ delivery of elements of the current Domestic and Sexual Abuse Strategy.

The Cross Cutting allocation relates to four departments (Education, Communities, Health and Justice) involved in the Domestic and Sexual Abuse Strategy. The allocation is to deal with a range of areas, including work to be progressed under the new Domestic and Sexual Abuse Strategy (from 2023-24 onwards).

As the cross cutting allocation is not DoJ specific, the funding for it has been removed from the summary of the outcome of the Draft Budget for 2022-25.

General Allocation

The Draft Budget 2022-25 includes a general allocation, for the DoJ of £5.3m / £13.8m / £6.4m which may be spent at the discretion of the Justice Minister. However, given 2% cuts and significant inescapable pressures this will not be sufficient to alleviate the significant impact the Draft Budget will have on frontline services.

Funding the Northern Ireland Protocol

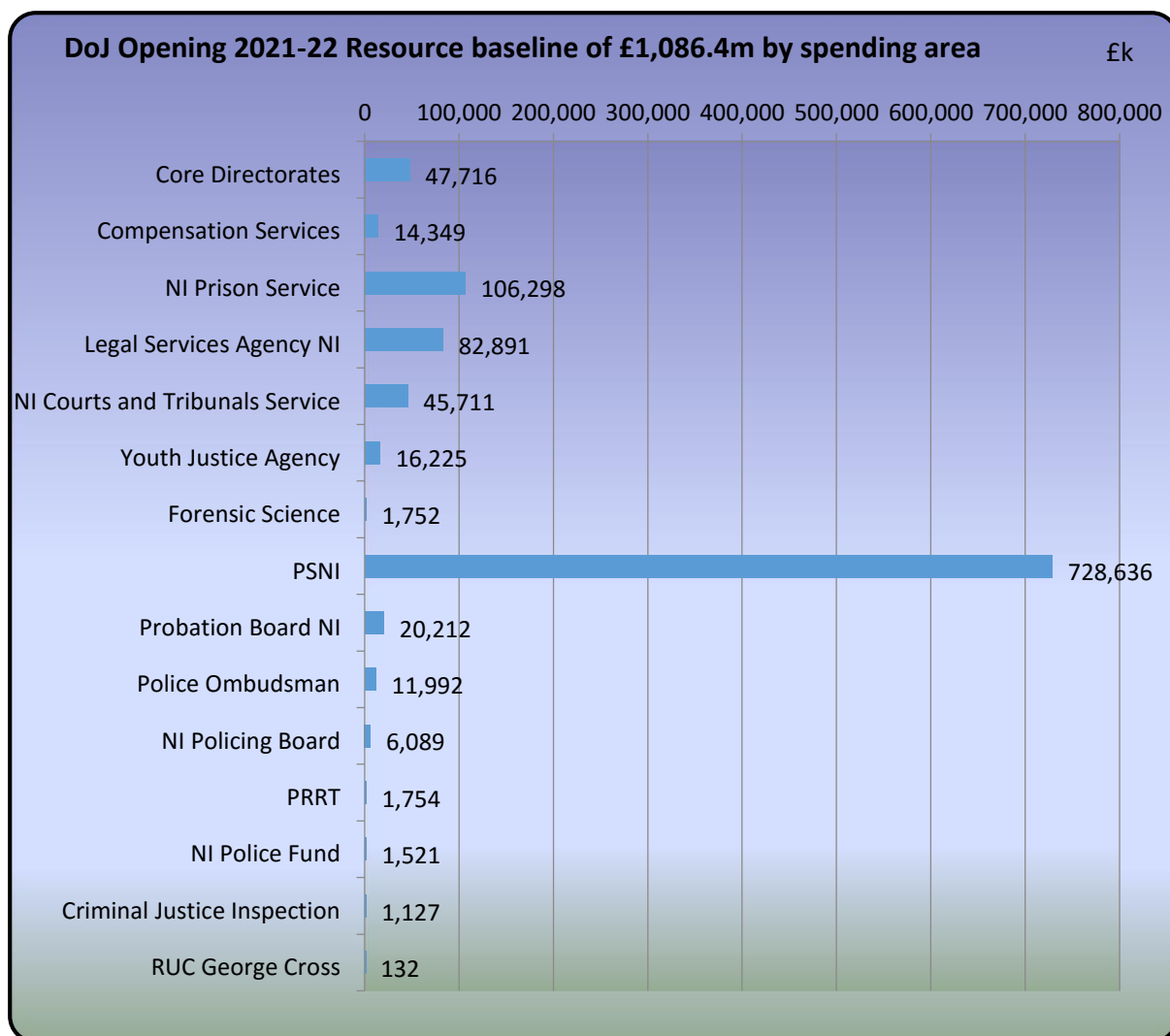
Funding for the cost of implementing the NI Protocol has not yet been formally confirmed by the Secretary of State, however, the NI Executive anticipate that this funding will be formally confirmed in due course and provided in-year.

Analysis of the Department's 2021-22 Resource baseline

A breakdown of the Department's opening 2021-22 Resource baseline (excluding Covid allocations) is shown below. This clearly illustrates that the PSNI budget is by far the largest. The next largest budgets are the NI Prison Service, the Legal Services Agency NI and the NI Courts and Tribunals Service.

The chart also illustrates the complexity of the DoJ budget, with five Executive Agencies and eight Executive Non Departmental Public Bodies (NDPBs), which means there are a range of competing priorities to be taken into account when allocating funding. The Department also sponsors other bodies affiliated with policing and justice. An overview of the Departmental structure is included at **Annex B**. The distribution of the budget is also important. The Core Department, including Compensation Services accounts for only 6% of the total budget, with 94% of funding allocated to Agencies and NDPBs.

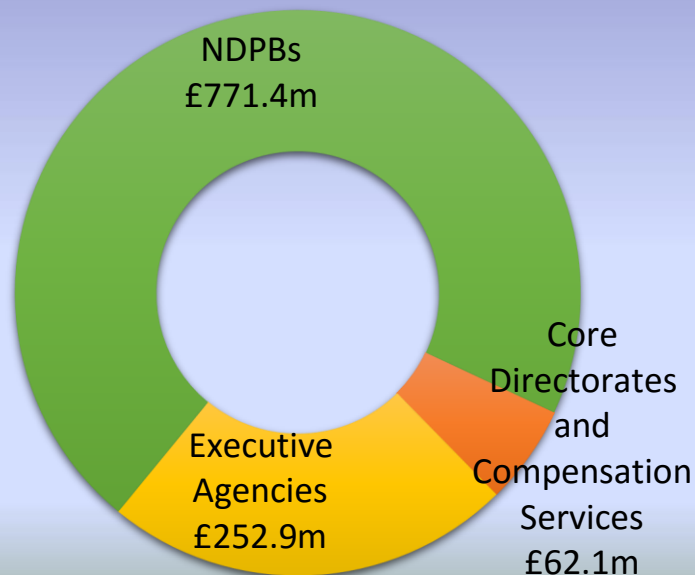
Table 4: DoJ Opening 2021-22 Resource baseline by spending area



Note to Table 4: The value for Core Directorates includes Legacy Inquests and Gillen which are allocated to business areas in year. The baseline of £1,086.4m excludes £31.2m of security funding.

Table 5: DoJ Opening 2021-22 Resource baseline by Core Directorates, Executive Agencies and NDPBs

DoJ Opening 2021-22 Resource baseline of £1,086.4m by Core, Agencies and NDPBs



Note to Table 5: The value for Core Directorates and Compensation Services includes Legacy Inquests and Gillen which are allocated to business areas in year. The baseline of £1,086.4m excludes £31.2m of security funding.

Approximately c70% of the Department’s 2021-22 baseline relates to staff costs.

Capital DEL

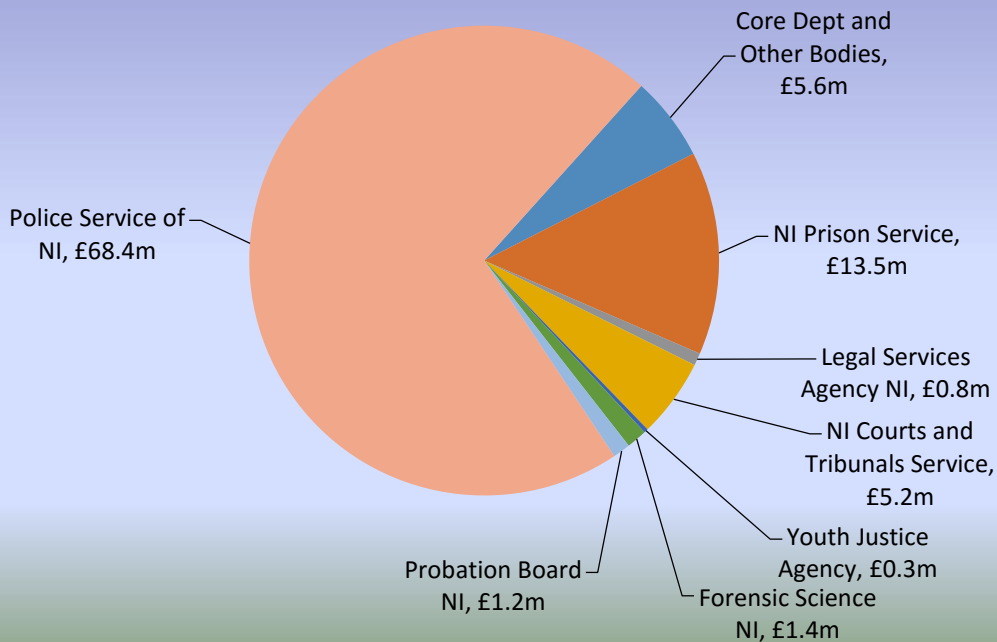
Table 6: The Draft Budget 2022-25 provides capital funding of:

	2022-23 £m	2023-24 £m	2024-25 £m
Capital Budget	100.0	124.9	128.5

This is an increase from the 2021-22 allocation of £96.4m, the following chart sets out the Department’s 2021-22 opening capital budget allocations.

Table 7: DoJ 2021-22 opening capital budget allocations

DoJ 2021-22 Opening Budget Allocations Capital DEL of £96.4m



The proposed capital allocation for 2022-25 is sufficient to meet inescapable capital requirements. However, given the Draft Resource Budget outcome we would also have to consider the Resource consequences associated with capital projects and consider if it is affordable to progress certain projects.

Major capital plans over the period 2022-25 include, for example:

- Police Service NI new police training college, £178.2m.
- Police Service NI additional security funding, £92.2m.
- NI Prison Service reconfiguration of Magilligan, £52.4m.
- NI Prison Service new Facility for Women at Hydebank, £34.4m.
- NI Courts & Tribunals Service estates modernisation programme, £7.2m.
- Forensic Science NI Atlas project - new building for science and administration areas with a cost of £24.9m.

Section 3 - Outline of consequences of living within the Draft Resource Budget 2022-25 baseline

The Draft Resource Budget 2022-25 for the DoJ is not just difficult, it is damaging to the justice system, there is a real risk this Draft Resource Budget will severely impact public confidence in the justice system.

The Department is facing essential pressures in the region of 7% of the baseline and this continues to be reviewed. This is on top of the net reduction proposed for the Department in this Draft Budget. The Department is heavily demand-led: we cannot control the amount of calls on police time, the number of cases in our courts, the amount of legal aid required to provide access to justice, the number of people committed to our prisons, or those placed on probation. This Draft Budget would inevitably effect the functioning of our police, courts, legal services, prisons and probation, and other areas of the Department. The Draft Budget 2022-25 also does not provide specific funding for rebuilding from the impacts of Covid which remains a constraint on the delivery of our services.

Lack of Covid funding

Without additional Covid recovery funding backlogs and delay will continue. Based on current modelling, for example, backlogs would continue to beyond 2027 in the Crown Court, with unacceptable impacts on victims and witnesses. Without extra funding, the NICTS could not comply with public health guidance for staff or court users, bringing unacceptable risks. Therefore, further cuts would have to be made to NICTS business as usual operations. Additional pressures in legal aid are also forecast as we move through recovery.

Without additional funding, NIPS would have to stop all of the mitigating actions that have been taken to stop the spread of Covid in our prisons. This would include the closure of isolation units. Prisoners would be locked in their cells for lengthy periods and the risk of our prisons becoming unstable and unsafe will increase. A Covid outbreak would be inevitable and the risk to staff and prisoners, many of whom are vulnerable, would be significantly increased. With only four positive Covid cases in the general prison population over the past 21 months, the success of our mitigation measures is unquestionable. NIPS is funded to challenge and support 1,450 prisoners and the majority of prisoners are now in single cells. Without access to

Covid funding this cannot be maintained. Funding is also required to cover the staffing shortfall as a result of officers self-isolating. The appropriate number of staff need to remain on duty to ensure officers feel safe and prisoners are not locked in their cells for lengthy periods. In addition, NIPS may not have access to sufficient Personal Protective Equipment (PPE) and appropriate hygiene facilities across all establishments. PSNI, also require Covid funding for ongoing PPE and cleaning requirements.

Impact of 2% budget reduction and other pressures

The Department will be required to pro-actively manage staff pressures and with no mechanism to remove staff, we will therefore need to rely on attrition and a freeze on recruitment. This will be challenging, and will not be sustainable without a detrimental impact on the work of the Department and its Arm's Length Bodies.

The budget will impact on a range of policy and statutory commitments, which the Department is statutorily obliged to continue, therefore decisions to stop or pause work will be controversial and high profile. Any such decision would need to be considered by the Justice Minister in the context of the subsequent issues it will generate, including legal challenges. Impacts will include an inability to deliver fully on key domestic and sexual abuse commitments; failure to meet statutory duties in relation to modern slavery; inability to deliver fully on the implementation of the hate crime legislation review and anti-social behaviour legislation review; limiting progress on work to reduce or remove interface security structures; less frequent monitoring of terrorist related offenders; delay in processing firearms/explosives appeals and licences which are legislative requirements; and a very limited procurement for an updated Electronic Monitoring contract for monitoring offenders. Meeting our statutory and contractual commitments may not be possible while continuing to support partnership work with community and voluntary sector partners and Policing and Community Safety Partnerships (PCSPs). This would impact negatively on community-based work aimed at improving community safety, tackling anti-social behaviour and increasing confidence in policing. The Northern Ireland Temporary

Resting Place would need to be mothballed leaving no resilience to deal with excess deaths/a mass fatality incident; and there would be a significant impact on the Prisoner Ombudsman's office in relation to addressing the backlog of complaints/Death in Custody cases.

A pilot project responding to the Covid impacts on families which involves mediation in private family law cases that have gone to court could not be taken forward and therefore we will be unable to evidence any potential savings, wider social benefits and positive impacts on court business.

The Department's ability to take forward reform and legislation intended to improve the operation and effectiveness of the criminal, civil and family justice systems would be impacted. Work to improve support and protection for victims and witnesses in the criminal justice system will be deferred or scaled back, including work to mitigate against the impact of crime and improve needs assessment and communication with victims and witnesses.

The Department would be unable to re-establish the NI Law Commission meaning Northern Ireland would be the only place in the UK without an independent body to advise on law reform.

There would also be reduced capacity to deliver fully against the Victim and Witness Charters and to implement reforms.

NI Prison Service (NIPS) - staffing levels would have to be reduced at a time when the prison population is, as a result of the recovery of the justice system, significantly increasing.

The impact of NIPS current rehabilitative delivery and ambition being significantly constrained would reverse some of the objectives met through formal reform (Owers) and further developed through continuous improvement (Prisons 2020).

Service delivery will revert to more traditional models of custody - in summary prison reforms would be reversed.

Legal Services Agency NI (LSANI) - the funding available to pay for legal advice, assistance and representation provided to individuals through legal aid will be reduced. This will mean that the payment times for the services provided will be further extended to reflect the funding constraints. Delays could have serious implications for small businesses and self-employed individuals who undertake a significant amount of legal aid work. This in turn could impact on the individuals who are financially entitled to legal aid to easily access services if there is contraction in the network of providers of publicly funded legal services.

NI Courts and Tribunals Service (NICTS) - a reduction in court sittings and potential court closures resulting in significant delays to the speed of the civil and criminal justice system, with associated impacts on: victims and witnesses; families and children; vulnerable adults and children who need vindication of their rights through access to justice; and risks of case attrition and unlawful detention.

Youth Justice Agency (YJA) - diverting resources to ensure continued delivery of the Agency's statutory services over a sustained period of time could lead to worse outcomes for children and communities.

Forensic Science Northern Ireland (FSNI) - reduction in capacity in FSNI will mean time taken to complete forensic investigations will increase, there will be knock on delays to the PSNI investigations and cases progressing through the courts. Victims will be impacted as some cases may not be investigated or will take longer to get through the courts.

Legacy - any reduction in legacy expenditure would, therefore, cause further delays in taking forward legacy inquests and litigation. The scale of legacy related pressures means that, without additional funding, pressures would have a very significant impact on today's front line justice services.

Gillen Review of Serious Sexual Offences - it will not be possible to progress all planned Gillen Review recommendations (an NDNA commitment).

Problem Solving Justice (PSJ) - a reduction or cessation of PSJ programmes will increase the risk of harm to vulnerable people, lead to an increase in pressure on courts, prison numbers and in re-offending rates.

Although PSNI will always strive to keep people safe, the proposed budget is likely to have a significant long term impact on front line services to the public and to victims of crime which in turn, severely impacts public confidence in policing and justice. By necessity, their ability to respond to threat and risk will be diminished.

Probation Board for Northern Ireland (PBNI) - capacity to supervise the licences and orders of people who have been convicted of serious offences would be compromised and will inevitably lead to an increased risk to the public, increased public fear of crime and increase the number of victims of crime.

The Office of the Police Ombudsman for Northern Ireland (OPONI) - limit the ability of the Police Ombudsman to undertake important investigations into policing of events. Confidence in policing in Northern Ireland remains fragile and the role of OPONI remains vital to underpin that confidence.

Northern Ireland Policing Board (NIPB) - scaling back of the Board's core statutory responsibilities and this would impact on the full range of actions in the Engagement Strategy on delivery of safe communities and confidence in policing.

Police Rehabilitation and Retraining Trust (PRRT) - would extend waiting lists and impact on the NHS.

Northern Ireland Police Fund (NIPF) - may result in a reduction in grants within the Fund which may equate to a reduction or a loss of services to third party grant organisations and/or individuals.

Criminal Justice Inspection NI - impact on delivery of the 2022-23 Inspection Programme and the scope of future inspection programmes.

Royal Ulster Constabulary George Cross Foundation (RUC GC) - would result in the Foundation having to reduce the number of awards in our bursary scheme.

The detailed impact of the consequences of the Draft Budget across all business areas is included at **Annex A**.

Section 4 - Equality Impact Overview

The justice system engages with citizens in many ways including through resolving private law disputes, resolving family issues, managing offenders, supporting victims, and working with communities to address the community safety issues of most concern to them. While the system has little control over the citizens that engage with it, it is recognised that some categories engage more with the system than others for example the evidence shows that men are more likely to commit crimes, that women are most often victims of domestic and sexual violence and that certain protected groups are more at risk of being a victim of hate crime.

Other groups when they engage with the system have particular needs that need to be addressed through our service provision including women, children and vulnerable young people, vulnerable adults and foreign nationals.

There is much work ongoing across the Department to ensure we recognise the particular needs of the citizens that engage with the system and that we promote equality of opportunity and good relations through our policies and processes.

How the budget will positively impact each of the Section 75 categories.

Equality screening has been carried out to seek to assess if there will be any potential impacts of the Draft Budget 2022-25 on any of the Section 75 categories. Individual business areas will be required to reconsider any equality implications through a further Section 75 screening exercise when the final budget is allocated. At this stage, individual business areas have considered the equality implications of the Draft Budget through completing a Section 75 screening form. Taking the outcomes of these forms into consideration it is understood that there would be a minor impact across all of the Section 75 categories.

The equality screening document can be found via the following link;

Section 5 - Consultation Process

The NI Executive has now agreed to consult on a Draft Budget for 2022-25. You can download the document at the link below.

[Draft Budget 2022-25](#)

Have your say

The following questions have been designed to seek your views and comments on the key matters contained within the Draft Budget. They are broken into three areas:

Funding Our Budget:

- Should we in Northern Ireland raise more money for public services. If so, how?
- Is it right to freeze our household and business rates at current levels?
- Where should we look to save money through better efficiencies?

Spending Our Budget:

- Do you think we have the right balance between health and other priorities?
- Do you agree with the proposal to direct 2% from other departments to health?
- Do we need to reduce or completely stop delivering any services? If so, what are they and why?
- Do we need to re-direct spending? What needs more funding and where would you take it from?

What Else?

- Is there anything else you would wish us to know about the Draft budget?

How to have your say

Comments on the Draft Budget 2022-25 can be submitted via the following:

- [Submit your responses online\(external link opens in a new window / tab\)](#)
- Email your responses: budgetconsultation@finance-ni.gov.uk

Comments on the Draft Budget 2022-25 should be submitted by Monday 7 March 2022.

Annex A Detailed Consequences of the Draft Resource Budget 2022-25

Covid Recovery
Summary of Impacts, mitigating actions, prioritisation and areas where work will need to be paused or slowed down
<input type="checkbox"/> Without additional Covid recovery funding, backlogs will continue. Based on current modelling, for example, backlogs would continue to beyond 2027 in the Crown Court, with unacceptable impacts on victims and witnesses. Without extra funding, the NI Courts and Tribunals Service could not comply with public health guidance for staff or court users, bringing unacceptable risks. Therefore, further cuts would have to be made to NICTS business as usual operations.
Impact on Wider Criminal Justice System
As per above.

Compensation Services (CS)
Summary of Impacts, mitigating actions, prioritisation and areas where work will need to be paused or slowed down

Cut to the baseline may present a further challenge to CS in meeting the significant additional costs of Personal Criminal Injury claims resulting from the Personal Injury Discount Rate (PIDR) that is expected to be in operation across the 2022-2025 years. CS scope to manage this pressure is restricted given the Department's statutory responsibility to expeditiously administer claims and deliver compensation to victims.

CS will aim, where possible and appropriate, to settle high value criminal injury claims on a structured settlement basis rather than a single lump sum award, for example, where the compensation award involves meeting the expected cost of the claimant's future care requirements. Under a structured settlement, this

element of the compensation is paid on an annual basis rather than as a single payment covering multiple years. The use of structured settlements will however impact upon funding available in future year budgets, as a proportion of the budget will be pre-committed.

Impact on Wider Criminal Justice System

The mitigating action noted above is not expected to result in any wider impacts on the criminal justice system. If however, CS could not meet their obligations to administer claims and make payments of compensation, it could result in reputational damage to the organisation and the Department in the form of criticism from victim support groups, legal and political representatives.

Northern Ireland Prison Service (NIPS)

Summary of Impacts, mitigating actions, prioritisation and areas where work will need to be paused or slowed down

The impact of living within this reduced budget is as follows:

Prison Regime

Staffing levels would have to be reduced at a time when the prison population is, as a result of the recovery of the justice system, significantly increasing. A reduction in staff numbers will mean less opportunity for prisoners to engage with staff in constructive activity to address reoffending. There is also an increased risk of attempted suicide, self-harm and deaths in custody, as well as likely increases in prisoner on prisoner assaults, prisoner on staff assaults, and damage to property.

A further practical outworking of a staff reduction would be the concentration of the prison population into a reduced residential footprint. Operational experience shows that crowded accommodation impacts upon the safety and security of prisons with higher levels of violence and incidents. It also makes it much more difficult to identify, assess and address the increasingly diverse and complex needs, risks and vulnerabilities of people in our care. At the furthest extent of the proposed reductions in budget the overall footprint of the NIPS estate may need to be examined.

The impact of NIPS current rehabilitative delivery and ambition being significantly constrained would reverse some of the objectives met through formal reform (Owers) and further developed through continuous improvement (Prisons 2020). Any reduction in the provision of Learning and Skills would have a huge impact on the rehabilitation of prisoners with much reduced constructive activities. There will be a significant detrimental impact on the maintenance of family engagement through the custodial journey and would impact on the relationships with key Voluntary Community Sector (VCS) partners. This would be seen as reversing NIPS key role in reducing reoffending.

Service delivery will revert to more traditional models of custody - in summary prison reforms would be reversed.

Covid management and mitigation

Funding for Covid would not be available and NIPS would have to stop all of the mitigating actions that have been taken to stop the spread of Covid in our Prisons. This would include the closure of isolation units. Prisoners would be locked in their cells for lengthy periods and the risk of our prisons becoming unstable and unsafe will increase. A Covid outbreak would be inevitable and the risk to staff and prisoners, many of whom are vulnerable, would be significantly increased. With only four positive Covid cases in the general prison population over the past 21 months, the success of our mitigation measures is unquestionable.

NIPS is funded to challenge and support 1,450 prisoners and the majority of prisoners are now in single cells. Without access to Covid funding this cannot be maintained. Funding is also required to cover the staffing shortfall as a result of officers self-isolating. The appropriate number of staff need to remain on duty to ensure officers feel safe and prisoners are not locked in their cells for lengthy periods.

In addition, NIPS may not have access to sufficient Personal Protective Equipment (PPE) and appropriate hygiene facilities across all establishments.

Impact on Wider Criminal Justice System

In order to live within a reduced budget, the actions required will impact greatly on NIPS aim of Reducing Reoffending (Outcome 7) where we seek to create a fair,

just and safe community where we respect the law and each other. It will greatly reduce the regime that can be delivered to support people in our care to address their offending behaviour and also greatly reduce capacity to deliver safe, decent and secure prisons.

This will negatively impact NIPS Partnerships with other organisations across the wider criminal justice system. NIPS has placed rehabilitation and resettlement at the core of our work to address economic inactivity through structured learning, skills and activity in partnership with a range of organisations and reintegrates people who have been removed from society, often for many years, to play a constructive role and to be economically active. Preparing people for release is at the heart of what NIPS staff/establishments do, day and daily. The NIPS is working closer with partners in the community than ever before, often reaching out into the community through testing of those working towards release.

Legal Services Agency (LSA)

Summary of Impacts, mitigating actions, prioritisation and areas where work will need to be paused or slowed down
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The funding available to pay for legal advice, assistance and representation provided to individuals through legal aid will be reduced. This will mean that the payment times for the services provided will be further extended to reflect the funding constraints.

While legal aid expenditure on services provided is typically £82m per annum, the funding available will be £74.19m per annum. This means that the funding available will cover just under 11 months of the traditional level of payments for services provided. Over three years, a 2% cut will mean the Agency will spend £23.43m less on legal aid compared to historical pre-Covid spend against the backdrop of increasing demand. By the end of the three years a cut of 2% per year could see payment times extended from the historic target of 8 weeks for standard fees to 47 weeks.

Furthermore, a 2% cut per year will force the Agency not to fill vacancies which will have a negative impact on processing capacity and further exacerbate delays.

Critical work to address long standing audit recommendations and accounts qualifications will also be delayed as a result.

Delays of this magnitude could have serious implications for small businesses and self-employed individuals who undertake a significant amount of legal aid work. This in turn could impact on the individuals who are financially entitled to legal aid to easily access services if there is contraction in the network of providers of publicly funded legal services.

Impact on Wider Criminal Justice System

Delays in the payment timescales could result in a reduction in the network of providers of publicly funded services and a reluctance by providers to engage in reforms to the justice system when they are not being paid promptly for work undertaken.

NI Courts and Tribunals Service (NICTS)

Summary of Impacts, mitigating actions, prioritisation and areas where work will need to be paused or slowed down

- A reduction in court sittings and potential court closures resulting in significant delays to the speed of the civil and criminal justice system, with associated impacts on: victims and witnesses; families and children; vulnerable adults and children who need vindication of their rights through access to justice; and risks of case attrition and unlawful detention.
- Not recruiting staff for business critical posts and an unsustainable courts and tribunals delivery model, with risks of not being able to fulfil core functions including the provision of access to justice.
- Increased health and safety risks and critical business continuity risks in the court estate.
- The Department faces significant and growing unfunded pressures as the impact of the failure to agree a way forward on wider legacy issues (and to implement the Stormont House Agreement) falls largely on the justice system.
- Delivery of the Five Year Plan to deal with outstanding legacy inquests has required additional funding for both the Legacy Inquest Unit and partner justice

agencies. Budget reductions will lead to further delays with likely higher future litigation costs.

Impact on Wider Criminal Justice System

- Significant delays to the speed of the civil and criminal justice system, with associated impacts on: victims and witnesses; families and children; vulnerable adults and children who need vindication of their rights through access to justice; and risks of case attrition and unlawful detention.

Youth Justice Agency (YJA)

Summary of Impacts, mitigating actions, prioritisation and areas where work will need to be paused or slowed down

- Reductions in posts, planned management of vacancies and robust scrutiny of all spending lines.
- The reprioritisation of the Agency's work-plan, ongoing rationalisation of its estate, along with careful workforce planning, has enabled the Agency to already absorb budget cuts of 16% over the past 7 years.
- The Agency must deliver its statutory obligations to provide safe care for young people and prevent re-offending. However, the ability to achieve further staff costs reductions depends on the number of young people within the justice system.
- The Agency's ability to continue the joint funding and roll-out (with Health Trusts) of dedicated Child and Adolescent Mental Health Services (CAMHS) for young people within the criminal justice system to all areas of NI. This will leave young people in many areas unable to access the tailored CAMHS support they need.
- A reduction of any non-contractual spend would prove more costly in the long term as the implementation of such programmes lowers the number of children entering the justice system. Diverting resources to ensure continued delivery of the Agency's statutory services over a sustained period of time could lead to worse outcomes for children and communities.

Forensic Science Northern Ireland (FSNI)

Summary of Impacts, mitigating actions, prioritisation and areas where work will need to be paused or slowed down

The high level impacts of cuts in addition to pressures not being met will mean:

- Reduction in forensic investigations. FSNI currently complete forensic investigation in approx. 8,000 cases per year. A reduction of 18% in funding would mean in the region of 1,440 cases would no longer be subject to forensic investigation. This would have a detrimental impact on the wider criminal justice system with tough decisions having to be taken on when a crime is subject to a forensic examination.
- Reduction in capacity in FSNI will mean time taken to complete forensic investigations will increase, there will be knock on delays to the PSNI investigations and cases progressing through the courts. Victims will be impacted as some cases may not be investigated or will take longer to get through the courts. Ultimately public confidence in the criminal justice system will be reduced.
- FSNI will not be able to drive forward innovation and will be unable to develop new scientific techniques or avail of new technologies. This could lead to an inferior forensic service in Northern Ireland compared to other forensic laboratories and FSNI may not be in a position to respond to anticipated legislative or policy changes such as new legislation in relation to 'Driving under the Influence of Drugs'.

The high level mitigating actions:

- FSNI has extensive cross-skilling of staff between forensic disciplines to ensure the Agency has flexibility to deal with peaks in demand across various forensic disciplines. With the majority of staff already cross skilled this mitigation will be severely limited as all forensic disciplines are already working at maximum capacity.
- Continue to work with criminal justice partners to prioritise cases and restrict items for forensic examination with the harmful consequences outlined above. If existing commitments from the PSNI are met and the cut is limited to 2% the impact will be much less, with 160 cases potentially affected. Capacity reduction will be less and some innovation and development would be able to continue.

Impact on Wider Criminal Justice System

Any detriment to the services provided by FSNI will result in delays incurred across the system due to insufficient resources to meet acceptable turnaround times, poorer justice outcomes, lower detection rates, challenge by defence, loss of confidence within the criminal justice system and opportunities to forensically investigate crime being missed with impacts on victims and risk of reoffending.

Legacy

Summary of Impacts, mitigating actions, prioritisation and areas where work will need to be paused or slowed down

- In the absence of a comprehensive set of arrangements, dealing with the legacy of the past already puts pressures on the justice system which it is not fully resourced to meet. Any reduction in legacy expenditure would, therefore, cause further delays in taking forward legacy inquests and litigation and potentially increase the costs associated with legacy-related litigation where the Department is unable to meet its legal obligations and ends up in breach of the UK's obligations under the European Convention on Human Rights.

Impact on Wider Criminal Justice System

- The scale of legacy related pressures means that, without additional funding, pressures would have a very significant impact on today's front line justice services.

Gillen Review of Serious Sexual Offences

Summary of Impacts, mitigating actions, prioritisation and areas where work will need to be paused or slowed down

- It will not be possible to progress all planned Gillen Review recommendations (an NDNA commitment) including: improvements for child witnesses; improvements to Achieving Best Evidence; measures to 'fast track' sexual offence cases involving under 13s; a pilot for pre-recorded cross examination and the further provision of remote evidence facilities.

Impact on Wider Criminal Justice System
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| <ul style="list-style-type: none">□ Reduced capacity to deliver fully against the Victim and Witness Charters and to implement reforms aimed at improving the experience and confidence of victims in the justice system and at reducing attrition rates and delay. |
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Problem Solving Justice (PSJ)

Summary of Impacts, mitigating actions, prioritisation and areas where work will need to be paused or slowed down
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| <ul style="list-style-type: none">□ A reduction or cessation of PSJ programmes will increase the risk of harm to vulnerable people, lead to an increase in pressure on courts, prison numbers and in re-offending rates. There will also be adverse implications on the number of victims and a negative impact on the Health Care System. |
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Impact on Wider Criminal Justice System
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As per above.

Police Service NI (PSNI)

Summary of Impacts, mitigating actions, prioritisation and areas where work will need to be paused or slowed down
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- 67% of the DoJ budget (excluding security funding) is allocated to the PSNI. The ring-fenced allocation of £14.8m for the police to help deliver against the NDNA commitment of raising police numbers to 7,500, falls far short of what is actually needed even to achieve or maintain officer numbers at 7,100 and is also largely offset with a 2% budget cut of £14.6m.
- This proposed budget would not only mean stopping the uplift in headcount currently underway in 2021-22 but also reducing headcount further in future years and therefore contrary to the commitments given in NDNA to grow police numbers to 7,500.
- The stark reality is that this Draft Budget would lead to a smaller Police Service NI with fewer officers and staff together with more limited operational activity and reach.
- Even if PSNI were to immediately freeze all recruitment, reducing the Service to 6,700 officers by March 2023, it would fall far short of the savings needed in the short term. Given the scale of the funding gap and limited time available, it is difficult to see how PSNI could deliver the savings required just to live within budget, especially in the next few years.

- Although PSNI will always strive to keep people safe, the proposed budget is likely to have a significant long term impact on front line services to the public and to victims of crime which in turn, severely impacts public confidence in policing and justice. By necessity, their ability to respond to threat and risk will be diminished. Examples include:
 - Impact upon serious crime investigations;
 - Higher risks in the areas of Child Sexual Exploitation, Child Abuse and Domestic Abuse;
 - Less proactive policing against crime targets;
 - More demand presenting into the Health Service – mental health calls, violence with injury, road traffic victims; and
 - Increase of fear of crime.
- There would be a significant impact on organisational resilience and plans for much needed modernisation as well as increasing the likelihood of costly mutual aid.
- The impact of cuts to budgets could increase the risk of legal challenges.
- The impact of reductions to EU funding would further impact on neighbourhood policing in critical areas and PSNI will be unable to effectively carry out its functions in relation to EU exit.

Impact on Wider Criminal Justice System

□ Any consequential impact on the wider justice family will contribute to further delays in delivering justice, an impact on public confidence and delays in work to transform the overall justice system. If PSNI need to move headcount from back and middle office functions and are unable to invest in workforce modernisation to offset these moves, then this could also lead to delays in criminal investigation and file processing.

Probation Board for Northern Ireland (PBNI)

Summary of Impacts, mitigating actions, prioritisation and areas where work will need to be paused or slowed down

As staff costs represent circa 80% of PBNI’s budget, the only way that PBNI can meet reductions of this magnitude would be to reduce headcount. Headcount reductions would impact the ability to deliver an adequate and safe level of statutory service and heighten the level of re-offending with increased costs across

the criminal justice sector and the wider public sector including Health and Social Care. In the short term to make savings, as PBNI have no vehicle to remove staff, they will therefore need to rely on attrition and a freeze on recruitment. PBNI's capacity to supervise the licences and orders of people who have been convicted of serious offences would be compromised and will inevitably lead to an increased risk to the public, increased public fear of crime and increase the number of victims of crime.

Reduction(s) to voluntary and community sector grants would mean the cessation of essential employability, mental health, and drug and alcohol referral programmes which would have an adverse impact on rehabilitation of people convicted of offences and increase pressure on the mainstream healthcare system.

There would be further impacts on Problem Solving Justice initiatives. This will increase the risk of harm to vulnerable people, lead to an increase in pressure on courts, prison numbers and in re-offending rates. There will also be adverse implications on the number of victims and a negative impact on the Health Care System.

Impact on Wider Criminal Justice System

A reduction in funding will limit PBNI's ability to deliver outcomes for victims and the criminal justice system and is likely to enhance the risk of legal challenge.

The Office of the Police Ombudsman for Northern Ireland (OPONI)

Summary of Impacts, mitigating actions, prioritisation and areas where work will need to be paused or slowed down

- A reduced headcount would present significant challenges for the Office as they continue to deal with a backlog of cases which arose during the pandemic with increases in complaints. This would have a significant detrimental impact on the time taken for investigations and would significantly limit the ability of the Ombudsman to undertake other important work, leading to risk of legal challenge. In the short term to make savings, as the Office has no vehicle to remove staff, they will therefore need to rely on attrition and a freeze on recruitment.

- Limit the ability of the Police Ombudsman to undertake important investigations into policing of events. Confidence in policing in Northern Ireland remains fragile and the role of the Office remains vital to underpin that confidence.
- Cuts in legacy budgets would impact on timeliness of investigations.

Impact on Wider Criminal Justice System

Potential reduced confidence in policing and investigation outcomes.

Potential additional costs to PSNI if they have to investigate complaints.

Northern Ireland Policing Board (NIPB)

Summary of Impacts, mitigating actions, prioritisation and areas where work will need to be paused or slowed down

- A reduction in the staff complement of approximately 3.6% in 2022-23, increasing year on year. This is in the context of an already reduced workforce and sustained budget cuts totalling more than 11.5% in real terms over the last 5 years. This would have a knock on impact on the ability to deliver on the Board's statutory functions. In the short term to make savings, as the Board has no vehicle to remove staff, it will therefore need to rely on attrition and a freeze on recruitment.
- Scaling back of the Board's core statutory responsibilities and this would impact on the full range of actions in the Engagement Strategy on delivery of safe communities and confidence in policing. Policing and Community Safety Partnerships (PCSPs) support the Board in building community confidence in policing and deliver local initiatives to support the work of the Board and the DoJ.
- The Board's financial support for PCSPs would have to be reduced which will negatively impact on the ability to deliver against the DoJ/NIPB strategic priorities. The Board has a statutory requirement to appoint Independent Members to the PCSPs. There is an unfunded pressure of £50k in 2022-23 for the commencement of this process and a £250k pressure in 2023-24 for completion of the appointment process.

Impact on Wider Criminal Justice System

This action would impact on the ability of the Board to carry out its statutory functions.

There could be political sensitivities around the work of the Board if pressures impacted on front line work.

Police Rehabilitation and Retraining Trust (PRRT)

Summary of Impacts, mitigating actions, prioritisation and areas where work will need to be paused or slowed down

- PRRT provides specialist clinical health services which are tangible and measurable and contributes to alleviating waiting times and treatment pressures on the National Health Service (NHS).
- In order to meet existing inescapable pressures and the budget cuts – a reduction of staff would be the only option. This would extend waiting lists and impact on the NHS. In the short term to make savings, as PRRT have no vehicle to remove staff, they will therefore need to rely on attrition and a freeze on recruitment.

Northern Ireland Police Fund (NIPF)

Summary of Impacts, mitigating actions, prioritisation and areas where work will need to be paused or slowed down

- This may result in a reduction in grants within the Fund which may equate to a reduction or a loss of services to third party grant organisations and/or individuals.

Criminal Justice Inspection NI

Summary of Impacts, mitigating actions, prioritisation and areas where work will need to be paused or slowed down

Achieving a 2% cut (£23k) will require the suppression of 0.5 Full Time Equivalent (FTE) vacancy in the Inspection Team. Savings generated by suppressing this post will also be required to partly offset additional inflationary pressures in 2022/23. The main impact of reducing the Inspection Team by 0.5 FTE will be an immediate 10% loss in capacity with biggest impact on delivery of the 2022-23

Inspection Programme and the scope of future inspection programmes i.e. loss of at least one major inspection per annum and delays in the progression and completion of fieldwork for other inspections. Conducting fewer inspections and longer periods to complete inspections will increase risks regarding the reputation and relevance of the Inspectorate and may damage relationships with inspected organisations and other stakeholders.

Due to projected inflationary pressures of 3% per annum, this will cost £34k in 2022-23, £68k in 2023-24 and £102k in 2024-25 which will require additional cuts to external support. This will mean reducing the participation of other UK inspectorates together with limited access to specialist services such as forensic science. This will prevent CJI from benchmarking the current practice or criminal justice system performance in Northern Ireland against other jurisdictions, remove the input of subject matter experts into key inspections and reduce opportunities to support the professional development of the remaining members of the CJI Inspection Team.

Impact on Wider Criminal Justice System

- Public confidence in inspection and accountability arrangements may be undermined
- Public and stakeholder expectations of what CJI can no longer deliver may undermine efforts to modernise and transform elements of the criminal justice system
- The Justice Minister and the DoJ may choose not to make ministerial requests to CJI due to lack of resources (finance and staff) in CJI
- Not doing a prison inspection may have implications for identifying and managing risks within the NI Prison Service and raise concerns regarding CJI's ability to deliver its UK National Preventive Mechanism commitments under the Optional Protocol to the Convention Against Torture (OPCAT).

Royal Ulster Constabulary George Cross Foundation (RUCGC)

Summary of Impacts, mitigating actions, prioritisation and areas where work will need to be paused or slowed down

- A budget reduction would result in the Foundation having to reduce maintenance on the Memorial Garden.
- The Foundation continues to support the professional development of police officers and innovations in policing, and the Foundation's Bursary Scheme is the main method of driving this forward. To date, the Bursary Scheme continues to be highly valued by the Chief Constable of the PSNI, the DoJ and the Northern Ireland Policing Board. However, a budget reduction, would result in the Foundation having to reduce the number of awards in our Bursary scheme.

Overview of Departmental Structure

Annex B

