



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Draft Five-year Strategy for Victims and
Witnesses: Public Consultation

18 October 2012

NORTHERN IRELAND ASSEMBLY

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Draft Five-year Strategy for Victims and Witnesses: Public Consultation

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Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Alex Easton
Mr Tom Elliott
Mr Seán Lynch
Mr Alban Maginness
Ms Rosaleen McCorley
Mr Jim Wells

Witnesses:

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| Ms Maura Campbell | Department of Justice |
| Mr Maurice Campbell | Department of Justice |
| Ms Veronica Holland | Department of Justice |

The Chairperson: I welcome Maura Campbell, the deputy director of the Department of Justice's criminal justice development division and Veronica Holland and Maurice Campbell from that division to our meeting. This session will be reported by Hansard and published in due course. I invite the officials to briefly take us through their draft document, and I am sure that members will then have some questions.

Ms Maura Campbell (Department of Justice): Thank you very much, Mr Chairman, and good afternoon. We are very pleased to brief you on our plans to consult on the new five-year strategy for victims and witnesses of crime, which we have provisionally titled Making a Difference. A copy of the draft strategy has been provided to you, along with a covering consultation paper.

Subject to your views, we would like to proceed to launch a public consultation by the end of the month. We want to come back to you after the consultation to brief you on the views received and flag up any proposed changes to the strategy on foot of the consultation exercise. We intend to use the consultation as an opportunity for some further proactive engagement with specific interest groups. By way of example, as part of our contribution to the forthcoming autism strategy, we have committed to engaging with people with autism and with parents and carers of those on the autism spectrum.

With a fair wind, we should have the strategy finalised by March 2013 and be ready to start implementing it from April. We intend to publish an action plan to cover the first two years of the strategy at the same time, and, as part of the consultation strategy, we intend to ask consultees what the priorities should be for that initial action plan. If the Committee would find it helpful, we would be happy to provide you with regular progress reports on the strategy's implementation after it has been finalised and published.

As I hope you will have seen, our proposed strategy has been strongly influenced by the findings of your recent inquiry report. Our departmental response to the report, which you considered on 13 September, indicated that there were a couple of your recommendations that would be dealt with through other programmes of work, but that the vast majority are being picked up through this strategy. We have tried to make that linkage very clear by including at appendix E of the strategy how the actions of the draft strategy map across to the relevant recommendations in your report.

The draft strategy also encompasses a number of recommendations made by Criminal Justice Inspection, following its thematic inspections of the care and treatment of victims and witnesses of crime and also of the operation of special measures, as well as some additional ideas put forward by agency and voluntary-sector colleagues. So, in addition to taking on board the recommendations that the Committee has made, that has brought us up to a total of 50 actions in the report, under five themes. I do not propose to go through the 50 actions individually, you are probably relieved to hear. However, I would like to highlight the five proposed themes. They largely echo the main themes in your inquiry report. They are: the status and treatment of victims and witnesses; communication and information provision; support provisions and special measures; participation and improved understanding; and the collation of information and research on the experiences of victims and witnesses.

Those themes, and the actions that we have included under them, have been developed in close consultation with the victim and witness steering group. They have been endorsed by the criminal justice delivery group and the Criminal Justice Board, and they have been reviewed in detail by the victims' champions who were appointed by the front line agencies.

We propose to implement just over half of the actions in the first two years but at the same time, do the ground work on the remaining actions, so that those will not be deferred until the later years.

In concluding, I would like to welcome again the Committee's work in this area and to thank the Committee's staff for producing such a high quality report, which has been very useful to us in developing a new strategy. We were grateful for the opportunity to contribute to the inquiry, and we are very keen to continue to work collaboratively with the Committee as we bring forward the new strategy.

The Chairperson: Thank you very much. I will not detain you too long. I am content to go with the issue of the draft strategy, and, obviously, we will have a role to play when the responses come in.

One question arose when we were looking through the report. The Committee recommended the establishment of a victim and witness charter. I note that in the document you have separated the two. For members' benefit, this is on pages 48 and 49. You are going to introduce a victims charter providing the statutory entitlements for victims in terms of information and treatment in the faster, fairer justice Bill, which will be delivered within the next two years. Then, at point 5, you say that a witness charter will be developed in subsequent years. What is the rationale for this?

Ms Maura Campbell: The thinking behind it is that we are a bit further ahead in the victims area, because we already have the Code of Practice for Victims in place. The code will be supporting the new victim charter. The victim charter will set out the high-level entitlements, based on the sort of entitlements proposed in the inquiry report, and that will be given effect in detail through the code. We will be placing the code on a statutory footing at the same time.

We do not have a corresponding code for witnesses, and there is going to have to be a piece of work done to develop that. Also, witnesses are less homogenous group. You can have people attending as witnesses for a variety of reasons. They may be people who are quite vulnerable as a result of being witnesses, or they could be expert witnesses, or maybe someone just confirming that another person was present at a certain time. So, there is quite a bit of work to be done to establish the standards that should apply for witnesses. So, we either wait until we have done all of that before bringing forward both charters, or we proceed now with the victim charter and then move to create a witness charter.

What we can do, and it is one of the options that we are looking at at the moment, is to take an enabling provision to have a witness charter in place and then, in parallel, progress the more detailed work on that. That really underlies the approach that we are proposing.

The Chairperson: I accept that explanation for it. I suppose that there will be quite a large number of victims who are also witnesses. How are you are going to reconcile that when producing your victim charter. Obviously, for quite a number of them, they are going to be witnesses in the process also.

Ms Maura Campbell: I think that the victim charter should cover them in acting as witnesses. We thought it best to prioritise the victim need because they are the people most directly impacted by the case.

Mr Elliott: My question is along the same lines but is about the communication and information provided. Your paper states that you:

"will build on the entitlements in the Victim Charter and Code of Practice"

and it goes on to outline some of those issues. I know that this is at an early stage but it is very limited in what specific information you will be giving back to victims and witnesses. One aspect that I get quite often is the lack of information that victims and witnesses have relayed back to them. I am looking for a bit more detail at some stage.

Ms Maura Campbell: I think that is right. When we were here before, presenting on the victim code of practice and the way in which we would put it on a statutory footing, we suggested that the requirement for a code would be in statute and that the detail would be in the document. We have the victim code, which sets out standards that apply to each agency, but as part of this we will need to review that. We would like to sharpen up some of those standards and put more timescales around them, if possible.

Mr Elliott: At what stage will that come?

Ms Maura Campbell: I think that is part of the work planned in the first two years.

Mr Elliott: The first two years. That seems quite a distance away. I thought that you could do something like that more quickly.

Ms Maura Campbell: We have a code of practice in place that was published in March 2011. We did an initial review of that. We will be doing a major review of it in the early part of next year because we have assessed it as a priority area. It will need to be updated to reflect the establishment of the victim and witness care units and the introduction of registered intermediaries. There will be significant service improvements coming on train in the next few weeks that we will have to reflect in that.

Mr McCartney: Thank you very much for the presentation. I have a very general observation. We had a presentation recently from the Public Prosecution Service (PPS) and the PSNI about a pilot scheme. I hope that I am not being unfair to them but you can see already that this is placing big demands on people and accommodation.

As we take this forward, people should sit down together and consider whether this is demanding too much from them, and whether they can do it. A timeline and projection of what is possible may be needed. It would be perfectly understandable for somebody to say, "We just do not have the personnel, therefore we will leave it." We would then be back at base one. Having an incremental approach would enable people to sit down together and say that it may be more difficult to do it in one place but that it could be done in another. In that way, the matter would not fail simply because people could not deliver everything. That would be my general point and concern.

Ms Maura Campbell: I agree absolutely. There is going to have to be prioritisation. Helpfully, the PPS invited me to join the project board for that project, which has been helpful in ensuring that we are mapping all the interdependencies between the various pieces of work because a lot is under way.

We are also looking at the priorities through the delivery group and the Criminal Justice Board and they are being briefed regularly on how all this is being taken forward. There is an opportunity here to use the new care unit as a centre of gravity that we can build on. Once that model is in place, a lot of the other work that we are talking about doing through this, such as the development of advocacy services, can be built around and into that model. As additional resources become available, which

we may have to bid for, we can link them to that as the core service model, so that there are not lots of different initiatives sitting side by side.

Mr McCartney: From the Department's point of view, one priority might undermine something else, which, again, is perfectly understandable. What I am trying to say is that you do not end up doing something that in one sense is a priority for the Department but lessens our priorities and only creates a bigger problem down the road for us all. It is trying to have a sense of what priority is and then responding in a proportionate way.

Ms Maura Campbell: We have had a discussion on the priorities with the victims' champions, including the champions for the police and the PPS, including ACC Hamilton, where we took them through the areas that we were proposing to highlight as potential priorities through the consultation. They agreed with most of those. Indeed, they asked that a couple of other actions be brought forward that we suggested could be done later on, because I think that there is a will to get on with it, basically.

It is clear what the challenge is. We are in a position now, through what the Committee has done, whereby we have a five-party consensus on what we should be doing. That is a good place for us to be, and we want to build on that and try to get a lot of this work underway.

Mr A Maginness: I have one question about strategy action 28, which is the evaluation of facilities currently provided for victims and witnesses in all courthouses. Have you made much progress on that? To reveal my thinking on this; I endorse all that the Committee has put forward and I welcome your very positive approach to the Committee's deliberations and recommendations, but I just wonder about the practical application of this aspect, because it requires space. I know from professional experience that courthouses lack space, even for the ordinary work that they do at the moment. I just worry about how you are going to accommodate what will entail additional space for use within courthouses.

Ms Maura Campbell: This action is being led by the Northern Ireland Court Service, which is building it into the review that it had been planning around the courts estate. The service has been up front about the fact that this will be easier in some areas than in others, because some court buildings frankly do not lend themselves terribly well to the needs of victims and witnesses, particularly in the older part of the estate.

However, the types of things they are looking at are, for instance, the scope to make better use of remote links, where you may not have to have the victim situated in the court building. It will particularly look at the learning from the north-west, which I think was part of the evidence that you looked at in the course of your inquiry. There is a good model there that we may try to replicate whereby you have a facility close by with the use of remote links. Technology around that is improving all the time and the court's acceptability of its use is growing. Some creative, imaginative solutions could be brought to bear there, but there are constraints that we have to work around. However, I know that Court Service colleagues are trying to look for any and all opportunities to improve what is currently there.

Mr A Maginness: Court Service has to take into consideration the additional burdens put on the county courts in relation to the extension of the civil jurisdiction limit from £15,000 to £30,000, which will consequentially involve more witnesses, plaintiffs, defendants, engineers and doctors coming to provincial court houses. So, you have a double problem there.

Ms Maura Campbell: There is a double problem there, but in looking for the silver lining, the move towards a single jurisdiction could help us in this area. There will be some additional pressures to be managed, but there are some other opportunities there as well to have a bit more flexibility around how the court space is being deployed.

The Chairperson: There are no other questions. Thank you very much. Are Members content after that discussion that the draft document can be published and that it will come back to us in due course?

Members indicated assent.