FROM THE OFFICE OF THE JUSTICE MINISTER

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An Roinn Dlí agus Cirt
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Kathy O'Hanlon
Committee Clerk
Committee for Justice
Parliament Buildings
Stormont
Belfast BT4 3XX

02 November 2026

Our reference: JCP\26\265

Dear Kathy,

Re: CRIMINAL JUSTICE (SENTENCING ETC) BILL – DEPARTMENT OF JUSTICE ORAL EVIDENCE

Thank you for your correspondence dated 16 October 2026 following the Committee's meeting on 15 October. The Department's response is as follows.

Amendment to Part 6 – "blue light workers"

We note the Committee's timeframe for completing its deliberations and clause by clause scrutiny and will endeavour to have any draft amendments the Minister agrees to take forward ready for consideration at the Committee's scrutiny session on 12 November, subject of course to Departmental and drafting capacity.

Clause 1 – Purposes and principles of sentencing

The Minister has given consideration to the question of making the protection of victims of crime a standalone purpose of sentencing and is supportive of making such a change. We can therefore agree to seek to provide a draft amendment in this regard.

As regards bringing an amendment to exempt the use of character references by courts when determining the sentence for specific offences, it is a matter of public record that the minister has already indicated her desire to address this issue and has prioritised this

element of the sentencing policy review, launched earlier this year, with a view to legislating, if possible, during this mandate.

As the Committee has acknowledged, a consultation is currently live seeking the public's views on the important questions around the use of character references at sentencing. Having launched this consultation, it would be inappropriate for the Department to forsake or pre-empt the views of the public by drafting any provisions before the results of the consultation are known.

The Committee may recall the Minister's commitment to bringing forward an amendment to the Victims and Witnesses Bill in this regard if a simple legislative fix can be found once responses to the consultation have been considered. In light of this, it would not be the Department's intention to bring forward such an amendment to the sentencing bill.

Clause 2 - Duty to follow and give reasons in relation to sentencing guidance

As has been indicated in previous correspondence and in oral evidence sessions, the Department's previous consideration did not support the case for a sentencing council for Northern Ireland (see the Department's response of 21 October). The Department does, however, share the Committee's desire to improve sentencing consistency and transparency and therefore is considering this issue again in its current sentencing policy review. The review will allow time to explore the options fully and give the public the opportunity to have its say via formal consultation.

It is therefore not considered appropriate to bring forward legislation to create a sentencing council in haste at this time, and the Department would urge the Committee to await the public's views, particularly in light of the potentially high costs to establish and maintain such a mechanism.

Clause 3 - Suspended sentence order availability

While the Department understands the Committee's concerns that the sentence imposed should fit the crime, the Committee will have heard the Department repeatedly stating

that sentencing in individual cases is a matter for the independent and highly trained judiciary.

This is a fundamental constitutional principle. Restricting the availability of a particular sentence type from a group of specified offences is something that the Department considers carries significant risk of unintended consequences and a high risk of challenge. It is only the judge hearing the individual details of each unique case who should decide what the appropriate sentence is. The Minister would strongly oppose any such amendment.

As regards Part 2 of the Bill, the intention of the provisions is simply to allow a court to impose a community requirement along with a suspended sentence. The Bill does not aim to change the sentences which can attract a suspended sentence or the suspension periods currently available. No consideration was given to further reviewing the existing operation of suspended sentences. No representations have been made to suggest there is an issue with the sentences which can attract a suspended sentence. Accordingly, the terms of sentences of up to 2 years and up to 7 years are a direct re-statement of the existing position as found in the 1968 Act, and the Department is content that these remain unchanged.

Clause 6 - Provision of copies of orders and explanation of effect

The Department has some concerns about bringing forward an amendment to include reference to victims at clause 6(4). It is difficult to imagine what the practical impact of such a change would be on the explanation required by the clause.

The purpose of clause 6(4) is to ensure that the offender understands why the court has decided to impose this sentence, the effect the order will have on them and to let them know that the order may be reviewed either on an application they may bring or an application brought by the responsible officer. This information is personal to the offender and important to them for the purpose of understanding what the court hopes to achieve, and for their compliance with the order imposed.

It is considered that this information will be heard and understood equally by the victim if they are present, and that the mechanisms in place to support victims are sufficient to assist them in understanding the sentence should they need further explanation. In particular, we would draw the Committee's attention to the Victim Charter for NI under which victims already have the right to be informed of the verdict and the sentence handed down by the court.

In addition, as previously advised, work is ongoing within the Department to facilitate the provision of written sentencing comments to victims, and legislation is not required to allow this important change to be taken forward.

We do not therefore consider that it is appropriate to require the court to consider also addressing the victim on these particulars of the sentence.

Clause 8 - Community requirements

Clause 8 of the Bill allows the court to attach a community requirement to a suspended sentence order. The available community requirements are:

- those detailed in Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996. These are requirements that can be attached to a probation order under the 1996 Order;

- curfew or electronic monitoring requirements as detailed in Part 2 of the Criminal Justice (NI) Order 2008. These can already be ordered as part of bail conditions, licence conditions, and probation orders; and

- unpaid work requirements, as set out at Schedule 1 to the Bill. These mirror the requirements for a community service order found at Article 13 of the 1996 Order.

Any amendment to Clause 8 to make specific reference to gambling addiction alongside drug and alcohol dependency in Schedule 1 to the 1996 Order would be an adjustment to the requirements available for probation orders, which would then, by virtue of Clause 8, also be available for suspended sentence orders.

Schedule 1 to the 1996 Order makes detailed provision in relation to requirements as to treatment for drug or alcohol dependency. It would be important to understand what kind of treatment is available for gambling addiction and whether, by its nature, it would fit within the model for treatment for drug and alcohol dependency as it currently stands in Schedule 1 to the 1996 Order. In addition, any new provision of this nature is likely to require consultation with Departments of Health and Communities. As such an addition has not been considered in the context of the Sentencing Bill, we could not currently give a view as to whether or how a workable amendment could be made, without considerable additional policy and service development work in advance.

Part 2 - Suspended sentences

- *What cost-benefit analysis has been carried out regarding this part of the Bill and the likelihood that it will be commenced.*

An early high-level cost-benefit analysis was carried out during the post-consultation consideration of this proposal.

The Department modelled its analysis on figures provided by PBNI for the unit cost of a probation order and extrapolation of the findings of the University of Ulster Economic Policy Centre's report on the Economic Impact of Enhanced Combination Orders (ECOs) from which it was possible to project potential system savings accruing from reduced re-offending expected after serving a community-based order.

The cost-benefits analysis was intended to give indicative figures, based on costs at that time, but which would have to be updated to form the basis of a detailed business case in real time once the provisions were in place and implementation was being planned. We appreciate that PBNI have provided more recent costing projections which will be factored into such an updated analysis.

In summary, the Department's analysis revealed the potential costs of attaching community requirements to suspended sentences, using the average unit probation order cost (£1650 per case at the time.) In cases where the imposition of a community

requirement prevents reoffending this represents value for money, since the average cost per crime, according to the University of Ulster's report was £53,650.

If attached to all suspended sentences (around 3,800), the total cost could have been in the region of £6.25m. However, it is not anticipated that the courts will consider it necessary to impose community requirements in all cases. It will be a matter for the courts to decide the offenders who are likely to benefit from such requirements to help prevent them re-offending. For each case where this is the outcome there will therefore be a net saving to society of around £52,000, however, more sophisticated modelling is needed to assess the likely proportion of cases where the community requirement will be imposed and would have this effect.

When a new budget is set, allocations decided and the provisions are in place it will be possible to give a clearer indication of when the provisions will be commenced.

- *How danger and risk will be assessed and public protection considered before suspended sentence orders are made.*

It is a matter for the court to consider and assess risks and public protection issues presented by an offender when deciding the appropriate sentence to impose in each individual case. These considerations are primarily informed by reference to the pre-sentence report prepared by PBNI and consideration of the defendant's previous offending, if any.

- *How a trauma-informed approach will be reflected in the overall system for suspended sentence orders.*

Considerable work has been undertaken across the justice system in recent years to create and support trauma-informed practice across the justice system.

This system-wide approach seeks to recognise the trauma experienced by victims, witnesses, those dealing with offending and offenders themselves and to deal with offending in a sensitive and trauma informed way.

A cross-departmental, justice-wide trauma-informed practice group (established in 2021 with support from the Safeguarding Board for Northern Ireland) coordinates trauma-informed approaches across police, prosecution, probation, and the judiciary.

Each of those organisations is committed to implementing a trauma-informed approach to their policies and services, benefitting from shared information, training and research.

The launch of the Victims and Witnesses Strategy 2026-2032 includes further actions aimed to empower and support all victims and witnesses using a trauma-informed approach. For example, the strategy commits to:

- a review of the use of victim personal statements in court;
- expansion of the use of remote evidence centres for vulnerable victims and witnesses;
- development of existing plans to implement a pre-recorded cross examination pilot.

PBNI continues to embed trauma informed principles across every aspect of its work, with its recent workshop highlighting the progress made to date[1].

At the recent QUB conference on victims' experiences of the legal system, the Lady Chief Justice explained that judicial training in Northern Ireland has incorporated trauma-informed practice, equipping judges with a deeper understanding of how trauma may present and how courtroom management can support effective participation without compromising fairness[2]. This learning will continue to be reflected in how the courts deal with the cases before them.

[1] Becoming a Resilient and Trauma-Informed Organisation - Probation Board Workshop | Probation Board for Northern Ireland

[2] Lady Chief Justice - Queens University Belfast Victims Conference.pdf

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All of these measures and steps are designed to ensure a trauma-informed approach be reflected in all aspects of the criminal justice system, including where suspended sentence orders are imposed as well as in all other sentencing decisions.

- *How they will provide for clear referral pathways to the appropriate tailored community-based organisations when providing restorative interventions.*

When the court makes a community order it is generally a matter for PBNI, who are responsible for the arrangements for community requirements, to allocate cases to appropriate organisations to enable the requirements to be fulfilled. The same approach will apply under the new provisions for suspended sentences when a community requirement is imposed. This is an operational matter for PBNI.

I trust the Committee finds this information helpful.

Yours sincerely,

[redacted]

DALO, Department of Justice

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16 October 2026

Dear [redacted]

Criminal Justice (Sentencing etc) Bill – Committee Deliberations

At its meeting on 15 October 2026, the Committee for Justice commenced deliberations on the Criminal Justice (Sentencing etc) Bill.

The Committee agreed to ask the Department to confirm when the text of the planned Ministerial amendment(s) relating to "blue light workers" as outlined in the oral evidence session on 13 October will be available. The Committee will need to complete its formal clause by clause scrutiny of the Bill no later than 19 November. It would be helpful if the text of the draft "blue light workers" amendments and any other amendments the Minister agrees to take forward could be provided for the Committee's consideration ahead of its informal clause by clause scrutiny session on 12 November.

The Committee also agreed to write to the Department on several matters discussed during the deliberations, which are outlined below.

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Clause 1 – Purposes and principles of sentencing

Members agreed that "the protection of victims of crime" should be a standalone purpose of sentencing, rather than being included at Clause 1(2)(b). The Committee therefore agreed to ask if the Minister would be content to bring forward an amendment to insert "the protection of victims of crime" at 1(2)(aa).

The Department will be aware that the Committee has received significant evidence regarding the use of character references at sentencing. While acknowledging that the Department has recently launched a consultation on this matter, Members nevertheless wish to explore an amendment to the Bill to exempt the use of character references by courts when determining the sentence for specific offences, in particular domestic abuse, sexual offences and technology-assisted child sexual abuse. The Committee agreed to seek the Department's views on this and to ask if the Minister would be content to bring forward such an amendment at Consideration Stage.

Clause 2 – Duty to follow and give reasons in relation to sentencing guidance

Members are of the view that a Sentencing Council would lead to a more consistent and transparent approach to sentencing and would improve public confidence and agreed to explore if an amendment could be made to the Bill to provide for a Sentencing Council. The Committee agreed to seek the Department's views on this and to ask if the Minister would be content to bring forward such an amendment at Consideration Stage.

Clause 3 – Suspended sentence order: availability

The Committee agreed to explore an amendment to Clause 3 of the Bill to prohibit the use of suspended sentence orders where the offender has been convicted of domestic abuse offences, sexual offences or technology-assisted child sexual abuse. The Committee agreed to seek the Department's views on this and to ask if the Minister would be content to bring forward such an amendment at Consideration Stage.

The Committee also agreed to request clarification on whether the intention of Clause 3 is to modernise the relevant provisions in the Treatment of Offenders Act (Northern Ireland) 1968; how the terms of sentences of up to 2 years and up to 5 years were determined; and if it is appropriate to carry those terms forward from the 1968 Act to this Bill.

Clause 6 – Provision of copies of orders and explanation of effect

The Committee agreed to ask the Minister if she would be content to bring forward an amendment to Clause 6 (4) at line 21 to insert "and victims" after "offender", when providing an explanation in ordinary language about the imposition and effect of a suspended sentence order and community requirements. Members were also keen to ensure that, where the victim has not attended court for sentencing, they can receive the explanation in writing.

Clause 8 – Community requirements

The Committee agreed to ask the Department how an amendment could be made to Clause 8 to make specific reference to gambling addiction alongside drug and alcohol dependency in Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996.

Part 2 – Suspended sentences

The Committee also requested the following information in relation to Part 2 of the Bill:

- what cost-benefit analysis has been carried out regarding this Part of the Bill, and the likelihood that it will be commenced.
- how danger and risk will be assessed and public protection considered before suspended sentence orders are made.
- how a trauma-informed approach will be reflected in the overall system for suspended sentence orders.
- how they will provide for clear referral pathways to the appropriate, tailored community-based organisations when providing restorative interventions.

I should appreciate a response at your earliest convenience to enable the Committee to reach its final position on these matters. In particular, the Committee would welcome an indication whether the Minister intends to proceed with any of the Committee's requested amendments at the earliest possible opportunity.

Yours sincerely

[redacted]

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