

FROM THE OFFICE OF THE JUSTICE MINISTER

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG

**From:** David Graham  
DALO

**Date:** 18 September 2024

**To:** Aidan Stennett [REDACTED]  
Research and Information Service (RaiSe)  
Northern Ireland Assembly

**CC:** Caroline Perry

Dear Aiden,

**Justice Bill – Information request: Financial Implications of Justice Bill 2024**

Thank you for your email of 12 September, in which you asked for a range of information pertaining to the potential financial implications of various provisions of the Justice Bill.

Business areas have provided the following information in response to your requests, which I have presented per part of the Bill as set out in your email below, for ease of reference.

**Part 1: Creation of Biometric Commissioner:** Has the Department carried out any cost assessment of this new role, including potential salary range, staffing levels including grade, and office costs? If so, I would be grateful if that could be shared.

*The Department is progressing work to assess potential costs associated with establishing a Biometrics Commissioner, including consideration of staffing levels and grades, staff costs and office costs. This work is still ongoing and, therefore, would not be appropriate to share at this stage.*

**Part 2: Bail arrangements for children:** Has the Department carried out any assessment of the cost of children being detained in custody because a lack of suitable accommodation for bail and the impact of the Bill's proposed measures on this cost? Additionally, has the Department carried out any assessment of the cost of ensuring suitable accommodation for bail in the future to enable the provisions of clause 8? If so, I would be grateful if both could be shared.

*The decision to propose changes to existing legislation (in relation to children being detained in custody because of a lack of suitable bail accommodation) has been made, not on an economic argument or with a view to saving costs, but to ensure the Department is compliant with the United Nations Convention on the Rights of the Child and other international instruments. Through the new provisions, we hope to reduce pre-trial detention in all but the most serious of cases, with children held in custody only as a result of the nature of their offending and not their individual circumstances*

*Information is available on the number of additional days children are held in custody having been granted (but not perfected) bail, as is the cost of keeping a child in custody (included in the Youth Justice Agency Annual Report and Accounts each year).*

*However, given that a high proportion of the operating costs of the Juvenile Justice Centre are fixed costs, it is not possible to accurately assess the cost of keeping children in the facility for an additional number of days post-granting of bail due to the lack of appropriate alternative accommodation.*

*Options for suitable bail accommodation alternatives (to enable the provisions of clause 8) were being considered as part of the work being taken forward by the Regional Facilities Programme Team. As the Programme Team has been stood down, it is our understanding, based on discussions with colleagues and the minutes of an associated meeting, that this work will now be taken forward through the mechanisms established to deliver on the recommendations from the recent Independent Review of Children's Social Care Services.*

*As a result, it is not possible, at this stage, to provide an assessment of the cost of providing comprehensive alternative bail accommodation options for children.*

*We can provide an example of one model – that of bail fostering – which is currently being piloted in the Southern Health and Social Care Trust (SHSCT), to give Committee Members an idea of costs, but it should be borne in mind that this is simply one option; every effort should be made to return children to their families or to seek temporary kinship care placements when granted bail.*

*The pilot is a “proof of concept”, and it would be difficult to determine the level of service needed across the Trust in the longer term, or across Northern Ireland were the service to be scaled-up. The pilot service is located within SHSCT’s specialist fostering service. Normally foster parents are paid up to approx. £27k per annum, but it was agreed that this would be increased to approx. £36k for the pilot, in order to reflect the complexity of this task and the young people being supported.*

*The actual cost of providing the bail fostering services is almost impossible to calculate because the bail fostering bed was also used as an emergency short-term foster placement bed, and the foster parents also provided a number of other longer-term placements at the same time.*

*It is also important to note that Department of Justice and Youth Justice Agency pay nothing for the Bail Fostering Scheme Pilot.*

*The role of the Youth Justice Agency is to identify suitable children, and to contribute to the multi-agency support package for these children while they are in the foster placement.*

*The SHSCT has responsibility for providing accommodation for children where they cannot live at home (even on a temporary basis, such as when they are on bail), and so provide the full costs of this pilot.*

*If bail fostering were to be developed in line with the pilot, this would likely involve existing foster parents who can provide normal foster placements, but also have the capacity and flexibility to provide occasional bail fostering placements.*

*It would continue to be for Health Trusts to fund this service.*

**Part 3: Live links:** Has the Department carried out a cost benefit analysis of the roll-out of live links, and if so I would be grateful if this could be shared.

*At this stage, the Department does not consider there to be any additional costs associated with the roll-out of live links, as PSNI will be using technology that is already in place and will be refreshed as part of the normal PSNI IT refresh cycle. PSNI has identified potential benefits in terms of operational flexibility.*

*Currently, superintendents may be required to travel long distances to conduct an extension of detention review, the process of which may take around 10 minutes. The use of live links could potentially result in some efficiencies on travel and escort costs, depending on how often they are used and the volume of cases.*

**Part 4: Administration of justice:** there are a number of potential financial implications arising here. I would be grateful if you could share the following if available:

- Any assessment of the potential savings/costs the Department anticipates from the proposals at Clause 28 that would allow the Department to determine payments for legal aid work

*This provision, in and of itself, will not save any money. It will facilitate reform of taxation of legal aid costs, to remove the determination of legal aid costs for High Court cases and Court of Appeal cases from the Taxing Master (an independent judicial office holder) to the Department.*

*This is in line with a recommendation by the Public Accounts Committee that such costs should come under the purview of the Department's Accounting Officer. This provision, when it is commenced, will preclude the High Court and Court of Appeal from granting orders for taxation of legal aid costs where the Department has the necessary remuneration provisions in place.*

*The provision sets down a marker to ensure that when new fee rates are introduced, the Department rather than the court will determine the fees payable. In determining the fee structure, the Department will take into account value for money. It is not possible at this stage to determine whether there will be any financial savings.*

Any assessment of how the proposals on criminal records will impact the Department's expenditure, and whether these proposals are anticipated to increase case load for the independent Reviewer and any assessment of the costs to the reviewer

*We do not envisage any additional costs to the Department as a result of this provision. AccessNI has been referring all Youth Non-Court Disposals to the Independent Reviewer (on an administrative basis) since March 2020 – the IR has been able to undertake these additional referrals without the need for additional resource. Under this process, IR reviewed 165 disclosures with Youth NCDs in 2023/24, removing the disposals in 96% of the cases.*

Re court security, an estimate on the current costs to the Department of providing court security and any assessment of the costs of extending security provisions as set out in the Bill.

*NICTS do not foresee any additional costs arising from these provisions as they aim to better support the security arrangements that are already in place.*

- Any cost assessment of extending the availability of Registered Intermediaries to appeal proceedings.

*Registered Intermediaries already provide assistance in appeal courts when approved by the judiciary. This legislation is purely to provide a statutory basis for this action. The Department expects an additional 2 to 3 cases per annum as a result of the provision at a cost between £300 - £400 per case, which will be met within existing budgets.*

I trust that this is helpful,



**DAVID GRAHAM  
DALO**