Response to the Call for Views on the Victims and Witnesses Bill (Northern Ireland)

1. Introduction

The Probation Board for Northern Ireland (PBNI) welcomes the introduction of the Victims and Witnesses of Crime Bill and supports its overarching aim of strengthening the rights, support and participation of victims and witnesses within the criminal justice system.

The role of probation is to reduce reoffending, reduce the number of victims of crime and protect the public. PBNI does this by assessing and managing risk and by addressing the factors associated with offending behaviour.

At any one time, PBNI works with more than 3,000 people under supervision in the community, while also providing services to victims through its Victims Information Unit. Many people who come into contact with probation have themselves also experienced trauma, abuse or victimisation and may have experienced harm as well as caused it. This gives PBNI an important perspective in the development of a more victim-centred justice system.

2. PBNI's work with victims

The PBNI Victim Information Scheme (VIS) is a statutory scheme established under Article 25 of the Criminal Justice (Northern Ireland) Order 2005. The Scheme currently has approximately 600 victims registered. Through its Victim Information Unit, PBNI provides victims with timely and appropriate information about the sentence and supervision of the person who has offended, in accordance with the statutory scheme. It is worth noting that the legislation underpinning the schemes has not been reviewed since their inception and wider policy around victims has moved on during this period.

Registered victims can receive relevant information about sentence and supervision arrangements, including release arrangements, temporary release and licence conditions where applicable. While the Prisoner Release Victim Information Scheme, the PBNI Victim Information Scheme and the Mentally Disordered Offenders Victim

Information Scheme are separate statutory schemes, they have been delivered in a coordinated way under the leadership of the PBNI Victim Information Unit since 2013.

Each Victim Information Scheme plays an important role in helping victims understand post-sentence processes that can otherwise appear complex or difficult to navigate. PBNI's experience is that accurate information from trained Victim Liaison Officers can improve understanding of sentence and risk-management arrangements and help victims feel that their interests are appropriately recognised throughout the sentence-management process.

PBNI would welcome measures which strengthen awareness of the Victim Information Schemes, improve referral pathways and help ensure that eligible victims are informed of their entitlement to participate at the earliest appropriate stage.

3. Part 1: Commissioner for Victims and Witnesses of Crime

Clarity of roles and responsibilities

PBNI welcomes the proposal to place the Commissioner for Victims and Witnesses of Crime on a statutory footing and recognises the contribution the office can make to strengthening the voice and experience of victims and witnesses within the criminal justice system.

PBNI considers, however, that there would be benefit in ensuring that the respective roles and remits of the Commissioner for Victims and Witnesses of Crime and the existing Commissioner for Victims and Survivors are clearly articulated and understood. While their statutory remits are distinct, there is potential for confusion among victims, service users and the wider public given the similarity in terminology and the possibility that, in some circumstances, individuals may engage with both areas.

PBNI would welcome clarity on how the two Commissioners will work together where their interests or responsibilities intersect, how unnecessary duplication will be avoided, and how victims will be supported to identify the body most appropriate to

their circumstances. Effective cooperation and clearly defined arrangements between the two offices will be important in ensuring a coherent, accessible and victim-centred approach.

General functions, Charter reviews and lived experience

PBNI supports the general duties and powers set out in clauses 3 and 4, the review of the Victim and Witness Charters provided for in clause 5, and the ability under clause 7 to establish advisory groups.

PBNI considers that meaningful involvement of people with lived experience should be central to these arrangements. Their experience can provide important insight into how Charter entitlements and criminal justice services operate in practice and can identify barriers which may not otherwise be apparent. PBNI therefore encourages the Commissioner to embed meaningful engagement with victims and witnesses in Charter reviews, advisory arrangements, research and the development of best practice.

Voluntary and community sector

PBNI recognises the important contribution made by voluntary and community organisations in supporting victims and witnesses throughout the criminal justice process. We would welcome clarity on how the Commissioner will engage with these organisations and how their experience and evidence will inform the Commissioner's work. This is particularly relevant where services are delivered in partnership with, commissioned from or otherwise provided by organisations outside the statutory justice sector.

Charter service providers and restorative justice

PBNI recognises the obligations which the Bill places on Charter service providers. We invite consideration of how Charter standards and entitlements should apply where services within the criminal justice system are delivered by commissioned, accredited or other third-party providers, including within restorative justice arrangements. The key consideration should be that the experience and entitlements

of victims are clear and consistent irrespective of the organisational arrangements through which a service is delivered.

Monitoring compliance and statistical information

PBNI supports the enhanced focus on monitoring compliance with the Victim Charter and the objective of improving transparency and accountability. Clause 11 creates requirements for Charter service providers to collect, retain and provide statistical information, with detailed requirements to be prescribed subsequently through regulations.

PBNI is committed to providing appropriate statistical information and recognises the work already underway across justice organisations in this area. We would welcome early engagement with the Department of Justice and the Commissioner on the development of the regulations, definitions and reporting arrangements.

PBNI considers that reporting requirements should:

- be proportionate and clearly linked to the purpose of monitoring Charter delivery;
- use existing information wherever possible;
- provide consistent definitions and measures across the justice system where appropriate;
- avoid unnecessary duplication of information already collected by other bodies; and
- minimise additional requests for information or feedback from victims and witnesses.

This is important both to avoid repeatedly asking victims and witnesses to revisit their experiences where suitable information is already available elsewhere within the justice system and to ensure efficient use of public resources.

Cooperation and information sharing

PBNI supports effective cooperation with the Commissioner under clause 13 and recognises the value of appropriate information sharing in supporting system-wide

learning and improvement. Implementation should maintain appropriate safeguards in relation to confidentiality and data protection and should avoid creating duplicative reporting or information requests.

Complaints

PBNI recognises the importance of clause 14 and has an established complaints process which is accessible to victims. Our experience is that a victim may not always know which organisation is responsible for a particular aspect of their experience, particularly where they have interacted with several criminal justice organisations during different stages of the justice process.

PBNI would therefore welcome clear and accessible information for victims and witnesses about complaints routes, including arrangements for appropriate signposting or referral where a complaint is made to an organisation that is not responsible for the matter raised. PBNI does not have a substantive role in relation to witnesses as defined by the Witness Charter but recognises the importance of coherent complaints arrangements across the wider justice system.

Strategic planning and groups requiring particular regard

PBNI welcomes the requirement in clause 16 for the Commissioner's strategic plan to identify groups of victims or witnesses to whom particular regard will be given. The Bill provides for the Commissioner to seek and take account of the Department's views when determining these groups.

PBNI considers that Charter service providers could also provide valuable evidence to inform this assessment, drawing on their operational experience and engagement with victims. This might include victims of particular offence types, such as domestic abuse and sexual offending, as well as groups who may experience barriers in accessing criminal justice services, including children and young people and older people.

Recommendations, accountability and existing scrutiny arrangements

PBNI supports the principle of increased transparency and accountability. Clause 19 requires a Charter service provider to respond to recommendations made to it in the Commissioner's annual report, setting out the action it has taken or proposes to take, or the reasons for not doing so.

Given the existing scrutiny, inspection and accountability arrangements applying to criminal justice organisations, PBNI would welcome clarity on how the Commissioner's monitoring and recommendation functions will interact with those of established bodies, including Criminal Justice Inspection Northern Ireland. PBNI considers that these arrangements should be complementary and proportionate, promote shared learning and avoid unnecessary duplication of assurance, inspection and reporting activity.

4. Part 2: Criminal evidence and procedure

PBNI welcomes the provisions intended to provide additional protections to victims and witnesses, including the extension of special measures and protection from in-person cross-examination in cases involving aggravation by hostility, together with the additional protections provided to complainants in sexual offence proceedings. These provisions are principally contained in clauses 24 to 26.

Although trauma-informed practice is not itself a central statutory provision within the Bill, PBNI considers it an important principle for implementation. Victims' and witnesses' experiences and needs vary considerably, and services should be sufficiently flexible to recognise these differences. Training, professional development and guidance for staff across the criminal justice system will therefore be important in translating the Bill's objectives into practice.

PBNI's experience through the Victim Information Scheme demonstrates the value of skilled practitioners who can communicate complex and sometimes difficult information sensitively, support understanding and informed decision-making, and manage expectations while maintaining appropriate professional and statutory boundaries.

5. Implementation and resourcing

PBNI supports the objectives of the Bill and recognises the benefits that enhanced monitoring, reporting and accountability can provide. It will, however, be important that the operational and resource implications for Charter service providers are fully considered as the detailed requirements are developed.

New requirements relating to data collection, quality assurance, reporting, complaints and engagement with the Commissioner should, as far as possible, build on existing systems and processes. PBNI would welcome early engagement on implementation arrangements, associated resource implications and realistic timescales for commencement.

6. Conclusion

The Probation Board for Northern Ireland welcomes the Victims and Witnesses of Crime Bill and supports its overarching aim of improving the experience and outcomes of victims and witnesses.

PBNI would welcome continued engagement with the Department of Justice, the Committee for Justice and the Commissioner as the legislation and subsequent implementation arrangements are developed. PBNI considers that clarity of roles, meaningful engagement with people with lived experience, proportionate data and reporting requirements, effective partnership working and appropriate resourcing will be important to translating the ambitions of the Bill into meaningful improvements for victims and witnesses across Northern Ireland.