

Response ID ANON-8Y3K-4D3C-W

Submitted to Victims and Witnesses of Crime Bill
Submitted on 2026-09-17 00:14:11

Introduction

Confirmation of having read the Northern Ireland Assembly Committee's Privacy Notice.

I confirm that I have read the privacy notice.:

Yes

What is your name?

Name:

Louise Cummings

What is your email address?

Email:

If you are providing a submission on behalf of an organisation or business, please state its name.

Organisation:

PSNI

The Committee for Justice has agreed to publish all responses as part of the survey results. If you would like to have your survey results anonymised and for us not to publish your name or organisation, please indicate so here.

I am content for my information, including details of my name and organisation, to be published in the survey results.

Clauses 1 and 2 - The Commissioner

Clause 1 establishes the Commissioner for Victims and Witnesses of Crime for Northern Ireland, who will be appointed by the Department of Justice. It introduces Schedule 1 which relates to the constitution and operation of the Commissioner and the office. Do you agree with Clause 1 and Schedule 1 of the Bill?

Yes

Please provide information to support your answer here::

We support the establishment of an independent Commissioner for Victims and Witnesses of Crime and recognise the value this role can bring in championing victims' interests across the justice system. From a policing perspective, we would ask the Committee to consider building in clearer expectations around how the Commissioner will engage with operational partners such as PSNI, particularly given the co-operation power set out in paragraph 12 of Schedule 1. Without a defined protocol for engagement (for example, around information requests, timescales and the format of recommendations), there is a risk of duplicating existing oversight and reporting mechanisms already in place through the Policing Board, Criminal Justice Inspection NI and the Police Ombudsman, which could add administrative burden without a corresponding improvement in outcomes for victims. We would welcome the Bill, or accompanying guidance, setting out how the Commissioner's role will be co-ordinated with existing oversight bodies.

Clause 2 provides that the principal aim of the Commissioner is to promote the interests of victims and witnesses. Do you agree with Clause 2 of the Bill?

Yes

Please provide information to support your answer here::

We agree with the principal aim of promoting the interests of victims and witnesses, consistent with our existing commitments under the Victim Charter. The practical impact on day-to-day policing will depend on the specific functions and powers given to the Commissioner in later clauses. We would ask that any expectations placed on policing as a result of this aim are proportionate, clearly defined, and take account of existing resourcing and operational pressures.

Do you have anything further to add on Clause 1 or 2 or Schedule 1 of the Bill?

Yes

Please provide any further information relating to Clause 1 here::

We would ask the Committee to consider three points. First, that the Bill or subsequent guidance set out a clear working protocol between the Commissioner and PSNI, to avoid duplication with existing scrutiny bodies. Second, that the Commissioner's office is adequately and independently

funded, so that its work does not rely on informal resourcing from operational partners. Third, that the Bill make clear that the Commissioner has no direct investigatory or enforcement function in relation to individual policing decisions, which remain the responsibility of the Police Ombudsman for Northern Ireland.

Clauses 3 to 8 - Functions of the Commissioner

Clause 3 provides that the Commissioner must: promote an understanding of the rights of victims and witnesses and an awareness of matters relating to their interest; keep the law and practice relating to victims and witnesses under review to ensure adequacy and effectiveness; advise the Northern Ireland Executive or Departments on issues concerning victims and witnesses; and must take steps to raise awareness of the role and functions of the Commissioner, encourage victims and witnesses to engage with their office and seek the views of victims and witnesses regarding the exercise of the Commissioner's functions. Do you agree with these as suitable for the general duties for the role of Commissioner?

Yes

Please provide information to support your answer here::

We support the general duties, particularly the requirement to keep the law and practice relating to victims and witnesses under review, which aligns with our ongoing work on victim engagement and Victim Charter compliance.

Clause 4 provides the general powers of the Commissioner including the power to conduct, fund or support research or education activities; to compile information; provide advice and information; publish any matter concerning the interests of victims or witnesses of crime; and to make representations and recommendations to any body or person concerning the interest of victims or witnesses. Do you agree with the general powers as outlined in Clause 4?

Yes

Please provide information to support your answer here::

We support the Commissioner having powers to compile information, publish findings and make representations. Given that some of this work may touch on cases that are still before the courts, we would ask that the Commissioner's approach includes a way of checking, ahead of publication, whether material relates to a live investigation or prosecution. This is about protecting the integrity of ongoing justice processes and the interests of the victims and witnesses involved, rather than affecting the Commissioner's ability to publish freely on matters of public interest

Are there any other powers that you believe the Commissioner should have?

No

If yes, what should they be?:

We do not consider additional powers necessary at this stage. We would rather see the powers already proposed bedded in, and their practical impact on policing properly assessed, before further powers are considered.

Clause 5 stipulates that the Commissioner must review the operation and the effectiveness of the Victim and the Witness Charters at least every 3 years or as directed by the Department; prepare a report and, in doing so, consulting the Department and any other person the Commissioner considers appropriate; and publish a report. . Do you agree with the provisions at Clause 5?

Yes

Please provide information to support your answer here::

We support independent review of the Charters every three years. We would ask that PSNI is formally included as a consultee, given that much of the Charter's day-to-day delivery falls to policing, and that sufficient notice is given ahead of any review so that we can gather meaningful operational evidence.

Clause 6 provides that the Commissioner may issue guidance on best practice in relation to any matter concerning the interests of victims and witnesses and that this must be taken into regard by persons exercising public functions; and makes provision in respect of revision, consultation and publication of the guidance. It also prohibits the Commissioner from issuing guidance to a court or tribunal. Do you agree with Clause 6 of the Bill?

Not Answered

Please provide information to support your answer here::

We support best-practice guidance for bodies exercising public functions. Any guidance directed at policing should be developed in consultation with PSNI before publication, so that it is operationally realistic, and with a reasonable lead-in period before compliance is expected.

Clause 7 grants the Commissioner the power to establish advisory groups to provide support and information to the Commissioner on matters related to the Commissioners functions . The Commissioner will determine membership of the group(s) and how expenses will be reimbursed. The Commissioner may also determine the procedure of any advisory group. Do you agree that the Commissioner should have

the power to establish advisory groups?

Yes

Please provide information to support your answer here::

Advisory groups can usefully ground the Commissioner's work in lived experience and frontline practice.

Do you agree that the Commissioner should have the power to determine the membership of advisory groups?

Yes

Please provide information to support your answer here::

We agree this should sit with the Commissioner, though we would welcome the opportunity to nominate an operational policing representative where a group's remit touches directly on policing practice.

Clause 8 provides that the Commissioner cannot become involved in an individual case or intervene in criminal or related proceedings. Do you support the restriction proposed in Clause 8?

Yes

Please provide information to support your answer here::

We strongly support this restriction. It is essential that the Commissioner's role remains focused on systemic issues rather than individual cases, to avoid duplication with, or interference in, the responsibilities of the Police Ombudsman, the Public Prosecution Service and the courts, and to protect the independence of live investigations and prosecutions.

Do you have anything further to add in relation to Clauses 3 to 8 of the Bill?

Yes

Please provide information to support your answer here::

We would welcome clarity on how the Commissioner's general powers interact with existing statutory oversight bodies, so that policing is not subject to overlapping or conflicting scrutiny on the same issues.

Clauses 9 to 15 - Charter service providers

Clause 9 lists the criminal justice agencies which are specified as "charter service providers". Do you agree with the list of bodies specified in Clause 9?

Yes

Please provide information to support your answer here::

We agree that PSNI's inclusion as a charter service provider is appropriate, given our central role in delivering the Victim Charter at first contact and throughout investigations.

Do you believe that there are any other criminal justice agencies that should be added to the list?

No

Please provide information to support your answer here::

Do you believe that any of the agencies listed should be removed from the list?

No

Please provide information to support your answer here::

Clause 10 requires the Commissioner to monitor compliance with the Victim Charter and enables the Commissioner to request information from a charter service provider. It requires charter service providers to comply with such a request as far as is practical. Do you agree with the purpose stated for Clause 10?

Yes

Please provide information to support your answer here::

We support the principle of independent monitoring of Victim Charter compliance. The obligation to comply "so far as is appropriate and reasonably practicable" gives helpful flexibility, but we would ask for an agreed process for how requests are made and prioritised. A single point of contact for the Commissioner's information requests would help avoid ad hoc demands landing on different parts of the organisation and creating unplanned workload

for investigating officers and support staff.

Clause 11 provides that charter service providers must collect and retain data in relation to the provision of services set out in the Victims Charter and to provide statistical information to the Commissioner. The Department must make regulations setting out how the particular statistics, or category of statistics to be provided to the Commissioner are to be determined. The Department must consult with the Commissioner and charter services providers it considers appropriate before making regulations, which will be subject to the draft affirmative procedure. Do you agree with the intent behind Clause 11?

Yes

Please provide information to support your answer here::

We support the principle of transparent, published performance data on victim services. This is, however, the clause with the greatest operational impact for PSNI, since the exact dataset, format, frequency and accompanying assurance requirements are still to be set out in Department of Justice regulations. Ahead of that, we consider early work needs to focus on what victim-service information PSNI currently records, what additional information would need to be captured, data-quality and retention arrangements, gaps in existing systems, and any IT or digital development required to close those gaps. We would also ask that clear internal ownership is established from the outset for data collection and analytical reporting, data-quality assurance and audit trails, secure and consistent extraction and supply of information, and liaison with the Department and the Commissioner on requirements. We would ask that the Department consults fully with PSNI, as it is required to do, before finalising the dataset and reporting intervals, that the frequency and format chosen are proportionate and avoid duplicating data already collected for other statutory or inspection purposes, and that there is a realistic implementation period, including funding for any system changes, before the duty takes effect.

Clause 12 allows the Department to extend the provisions regarding the Victim Charter at Clauses 10 and 11 to the Witness Charter. Are you content with Clause 12?

Yes

Please provide information to support your answer here::

We are content in principle, but note that witness volumes are typically much larger than victim volumes, so extending the same statistical and monitoring duties to witnesses would multiply the resourcing impact described above. We would ask that any decision to extend be preceded by a proper assessment of the additional burden on policing, and by consultation with PSNI as required under the clause.

Clause 13 relates to co-operation with the Commissioner and states a charter service provider must comply or provide the reasons for non-compliance. Do you have any comments on Clause 13?

Yes

Please provide information to support your answer here::

We support the principle that a charter service provider should either comply with a co-operation request or explain why it cannot. We would ask for an agreed turnaround time for such responses, and a shared understanding that operational priorities, for example live investigations, may reasonably delay a full response.

Clause 14 relates to the duty to record and report on complaints received in each financial year that relate to alleged breaches of Victim or Witness Charter entitlements and the outcome of each complaint. Do you agree with Clause 14 of the Bill?

Yes

Please provide information to support your answer here::

We support transparency around Charter-related complaints. We would ask for clarity on how this duty interacts with our existing complaints and professional standards processes, and with the role of the Police Ombudsman, so that the same complaint is not reported, and potentially investigated, twice through parallel routes, and so that officers and staff have a single, clear definition of what counts as a "Charter complaint" for recording purposes.

Clause 15 relates to the disclosure of information between charter service providers and the Commissioner if the information would assist or enable the Commissioner to carry out their functions. These disclosure powers are subject to restrictions set out in subsections (3) to (5) – namely, they do not override patient confidentiality, data protection legislation or prohibitions on disclosure in the Investigatory Powers Act 2016. The sharing of information does not affect any other power that exists to disclose information. Do you support the intention behind Clause 15?

Yes

Please provide information to support your answer here::

We support enabling appropriate information sharing with the Commissioner, and welcome that the clause already protects patient information, data protection obligations and material covered by the Investigatory Powers Act 2016.

Do you believe that there should be other restrictions to the disclosure of information other than those set out in subsections (3) to (5)?

No

If yes, what other restrictions should be placed on the disclosure of information between charter service providers and the Commissioner?

Please provide information to support your answer here::

N/A

Do you have anything further to add in relation to Clauses 9 to 15 of the Bill?

Yes

Please provide information to support your answer here::

Given the scale of new statutory duties this Part places directly on PSNI, particularly data collection and reporting under Clause 11, we would ask the Committee to consider whether new-burden funding should accompany commencement, and whether a phased implementation timetable, developed jointly with PSNI, would be appropriate.

Clauses 16 to 19 - Strategic plan, business plans and annual reports

Clauses 16 requires the Commissioner to prepare a strategic plan setting out objectives and priorities, how they will be achieved and how the outcomes will be monitored. The Commissioner must specify groups of victims and witnesses to whom they will have particular regard and why. The Commissioner may review the strategic plan at any time during their tenure. Clause 17 requires the Commissioner to send an annual business plan to the Department of Justice setting out how they propose to carry out the Commissioner's functions. Do you agree with the provisions at Clauses 16 and 17?

Yes

Please provide information to support your answer here::

We support these governance and planning provisions. We would ask to be consulted, alongside other appropriate bodies, when the Commissioner is deciding which victim or witness groups to prioritise, given our operational insight into where need is greatest.

Clause 18 requires the Commissioner to produce an annual report and sets out what it must include. Do you agree with Clause 18?

Yes

Please provide information to support your answer here::

We support annual public reporting. As PSNI-provided statistics and complaints data will feed directly into this report, we would ask for an opportunity to review and comment on how our data has been presented before publication, to ensure accuracy and appropriate context.

Clause 19 places a duty on charter service providers to respond to recommendations made in the Commissioner's annual report and state how they will be addressed, or provide reasons why a charter service provider does not propose to act on a recommendation. The response must be published within 56 days of the publication of the Commissioner's report. Do you agree with the intent and purposes of Clause 19 of the Bill?

Yes

Please provide information to support your answer here::

We support the principle of accountability for acting on recommendations, including the 56-day timeframe for publishing our response. This is a significant new statutory duty, and meeting it will require PSNI to have a governance process capable of promptly assessing recommendations, approving a corporate response and monitoring delivery of any agreed actions. We would ask that this internal process, once established, is aligned as far as possible with our existing arrangements for responding to reports from bodies such as Criminal Justice Inspection NI and the Policing Board, to avoid parallel, differently timed response processes.

Do you have anything further to add on Clauses 16 to 19 of the Bill regarding strategic plans, business plans and annual reports?

No

Please provide information to support your answer here::

Clauses 20 to 23 - Supplementary

Clause 20 provides that publications made by the Commissioner under the Act are privileged and exempt from challenge under the law of defamation. Do you support Clause 20 of the Act?

Yes

Please provide information to support your answer here::

We support the Commissioner being able to publish findings without undue fear of defamation claims, as this is an important part of the role functioning independently. We would ask that this be supported by a straightforward process for PSNI to check factual accuracy in any material concerning policing ahead of publication, so that what reaches the public is accurate and properly contextualised, supporting confidence in policing and in the justice system more widely.

Clauses 21 sets out the meaning of “victim” for the purposes of Part 1 of the Bill. Do you agree with Clause 21?

Yes

Please provide information to support your answer here::

Aligning the definition with the existing Justice Act (Northern Ireland) 2015 provides welcome consistency with definitions PSNI already works to.

Clause 22 defines the terms used in Part 1; and Clause 23 introduces Schedule 2 which makes minor and consequential amendments in connection with Part 1 of the Bill. Do you have any comments to make on Clauses 22 or 23?

No

Please provide information to support your answer here::

Do you have anything further to add in relation to the supplementary provisions at Clauses 20 to 23 of the Bill?

No

Please provide information to support your answer here::

Clauses 24 to 27 - Criminal evidence and procedure

Clause 24 of the Bill provides that witnesses are eligible for assistance with giving evidence in cases dealing with an offence involving aggravation by hostility. It inserts into the Criminal Evidence (Northern Ireland) Order 1999 Order that the definition of “an offence involving aggravation by hostility” means an offence of any kind in respect of which an allegation that the offence is aggravated by hostility is specified alongside the offence in accordance with section 33(1) of the Criminal Justice (Sentencing etc) Act 2027 [see more information]. Do you agree with the provisions in Clause 24?

Yes

Please provide information to support your answer here::

We support extending eligibility for special measures to witnesses in cases involving aggravation by hostility, which should improve the experience of vulnerable witnesses. As this links to the separate Criminal Justice (Sentencing etc) Bill, we would ask that commencement of this clause be aligned with that Bill's progress, and that PSNI receives updated guidance and training so that officers correctly identify and record hostility aggravation at the investigation stage, ensuring the right protections are triggered.

Clause 25 provides that no person charged with an offence involving aggravation by hostility may cross examine in person a witness, including a child, who is the complainant in connection with the offence or any other offence with which that person is charged in the proceedings. Do you support the inclusion of Clause 25 in the Bill?

Yes

Please provide information to support your answer here::

We support this protection for complainants and child witnesses. From a policing perspective, the main implication is upstream. Investigating officers and witness care staff will need to correctly flag hostility-aggravated cases early, so that the right safeguards are engaged in court

Clause 26 introduces provisions for complainants in sexual offence cases in the Crown Court, to make oral or written representations to the court, be legally represented and entitled to be present at any hearing of an application for documents or records which relate to the complainant and which they could have a reasonable expectation of privacy in relation to. It makes similar provisions in relation to applications made to the court relating to the complainant's sexual history. Do you agree with the inclusion of Clause 26 in the Bill?

Yes

Please provide information to support your answer here::

We support strengthening complainants' rights to make representations and be legally represented where sensitive personal records are sought. We would note this is likely to increase demand on officers and witness care and liaison staff who support complainants through these additional court processes, and would ask that clear guidance be developed on how this interacts with PSNI's existing procedures for handling requests for third-party material.

Clause 27 is a technical fix required for the forthcoming introduction of committal reform provisions. It provides that, in cases involving death or serious harm of a child or vulnerable person, charges cannot be dismissed unless the charge of a offence under section 5 of the Domestic

Violence, Crime and Victims Act 2004 is also dismissed. Do you agree with Clause 27 being included in the Bill?

Yes

Please provide information to support your answer here::

We agree this is a necessary and proportionate technical correction, to ensure related charges are treated consistently once committal reform is implemented

Do you have anything further to add on Clauses 24 to 27 of the Bill relating to Criminal Evidence and Procedure?

Yes

Please provide information to support your answer here::

Clauses 24 to 26 in particular will require updated investigative guidance and staff training ahead of commencement. We would ask that this be developed jointly with PSNI, with sufficient lead-in time before the provisions take effect.

Clauses 28 to 30 - General

Clauses 28 to 30 provide for regulation making powers, the commencement of the parts of the Bill and the short title. Do you have any comments on Clauses 28 to 30 of the Bill?

Yes

Please provide information to support your answer here::

We support the use of the draft affirmative procedure for most regulations, which allows proper Assembly scrutiny. We would ask that PSNI is consulted before any commencement order bringing provisions affecting policing into force, to allow adequate operational readiness, including any necessary system, training or resourcing changes, ahead of the duties taking effect

Any Other Comments on the Bill

Do you have any other comments or views on the Victims and Witnesses of Crime Bill?

Yes

Please provide any other comments or views you have on the Victims and Witnesses of Crime Bill here::

PSNI supports the overall aims of the Bill and the improvements it should bring to victims' and witnesses' experience of the criminal justice system. Our principal asks for the Committee's consideration are that new statutory duties on PSNI as a charter service provider, particularly data collection and reporting, and responding to Commissioner recommendations, are matched by adequate funding and a realistic, phased implementation timetable; that mechanisms are put in place to avoid duplication between the Commissioner's functions and existing oversight bodies (the Policing Board, Criminal Justice Inspection NI and the Police Ombudsman for Northern Ireland); and that operational and training guidance for the criminal evidence and procedure changes in Clauses 24 to 27 is developed jointly with PSNI ahead of commencement.

We would also highlight that the Bill's effect will ultimately be felt at the frontline, not just at organisational level. Delivering on these new obligations will require PSNI to embed a stronger and more demonstrable focus on Victim Charter commitments in day-to-day practice. This includes how officers and staff provide victims with information, updates, referrals and support; accurately record victim and witness contact, needs and outcomes; recognise and correctly route concerns that may amount to a Charter complaint; and identify recurring service-delivery problems for escalation through management channels. We are committed to supporting this through appropriate training, guidance and supervision, and would ask that implementation timescales for the Bill take account of the lead-in time needed to embed these expectations consistently across a large frontline workforce, rather than assuming this can be achieved through policy change alone.