



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Reducing Avoidable Delay: Progress Report
on the Multi-agency Programme to Speed Up
the Justice System

4 July 2013

NORTHERN IRELAND ASSEMBLY

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Reducing Avoidable Delay: Progress Report on the Multi-agency Programme to Speed Up the Justice System

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Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Stewart Dickson
Mr Alex Easton
Mr Tom Elliott
Mr Seán Lynch
Mr Alban Maginness
Mr Patsy McGlone

Witnesses:

Ms Maura Campbell	Department of Justice
Mr Chris Matthews	Department of Justice
Ms Jean Moore	Department of Justice

The Chairperson: I welcome Maura Campbell, deputy director in the criminal justice development division in the Department of Justice (DOJ), and Chris Matthews and Jean Moore from the same division. The meeting, as usual, will be recorded by Hansard and published in due course.

Maura, will you briefly outline to us where we are at? I am sure that Committee members will then have some questions.

Ms Maura Campbell (Department of Justice): Thank you very much, Chair. This is the latest in our series of six-monthly briefings on speeding up justice. Our written briefing covers overall performance and an overview of progress made on our programme of work.

During our previous appearance, Mr McCartney asked us to take a look at how we present the information on performance, with a view to making it clear to the Committee how the system is performing and how it compares with the standards that have been set by the Criminal Justice Board. On this occasion, we have included a paper at annex A that seeks to do that as well as give you some additional analysis and context. I would welcome the Committee's feedback on whether that type of paper is helpful or, indeed, whether there are any other changes that we might usefully make to how the information is presented. We have still included the statistical information that you have had before. That is at annex B. We have done that since that is the report that is provided both to the Criminal Justice Board and to Criminal Justice Inspection.

As you will have seen, the overall picture for the past six months is that Crown Court performance is slightly worse and has stayed fairly level over the past year, but the improved performance in adult-

charge cases has been sustained. Adult-summons cases and both charge and summons cases in the youth court have improved since last year, although those improvements have been fairly modest. We have included at annex C an overview of the main areas in the programme that we have been focusing on over the past period, including a pre-consultation on statutory time limits; the provisions that we intend to introduce in the faster, fairer justice Bill; the development of a non-statutory early guilty plea scheme; and some further work to address delays in the provision of forensic reports. We have also been evaluating the youth engagement pilot, and the evaluation is nearing completion. The emerging findings are, so far, very encouraging. The evidence that we have gathered to date suggests that youth engagement clinics have been very effective in diverting appropriate cases away from court and also in allowing decisions on diversion to be taken much more quickly. In 80% of cases, the time taken from the date of offence to disposal has been 60 days, which compares favourably with previous performance.

The feedback that we have received so far from the young people who have attended the clinics, and from their parents and guardians, has also been positive, and the agencies involved in delivering the clinics remain enthusiastic about the approach. They feel that creating a more neutral environment has made quite a big difference in encouraging young people to engage with them in a more constructive way. To update our paper, our latest information is that 93 referrals have now been made and 67 clinics have been held. At all those clinics, the young person attending has accepted a diversionary disposal. We will be happy to share the report of that evaluation with the Committee once it is available, and, obviously, we will want to keep you informed on any future plans.

Finally, we have included an update on progress made against the recommendations in the 2010 Criminal Justice Inspection report on avoidable delay. That is at annex D. We noted in the covering paper that inspectors have started the fieldwork for a follow-up inspection, which we expect will effectively draw a line under our reporting on performance against the recommendations in the 2010 report. At this time, we have probably reached the limits of what we can achieve with what we call phase 1, which is the first phase of work. We are hopeful that inspectors will support the more fundamental reforms that we are now taking forward, which we refer to in the papers as phase 2. Those more ambitious changes, a number of which will require legislative change. As such, they will take some time to bed in, so we are not expecting to see a dramatic change in performance over the next period. When the Lord Chief Justice attended the Committee in May, he made the observation that we have caught the low-hanging fruit and are now dealing with the more difficult issues. We agree with that analysis.

Before closing, I will touch on arrangements for future reporting to the Committee. You recently asked us for six-monthly reports on the delivery of the new strategy for victims and witnesses, which we published last month. I thank the Chair and Mr Dickson for coming along to the launch event to represent the Committee. We raise in the covering paper the possibility that, in future, we provide you with a combined report on the victims' and witnesses' work and the speeding-up of justice, since that would allow us to capture the linkages between those areas of work, which internally we have brought together under the banner of faster, fairer justice. On the current reporting cycle, that would mean that our next report to you would be due in December, although we are happy to bring that forward if the Committee wishes. Alternatively, we could report separately on the work on victims and witnesses, if that is the Committee's preference.

Thanks again for the opportunity to update you, and, as ever, we are happy to take questions.

The Chairperson: Thank you. The Committee will consider the best way in which to receive reporting on those two areas, and we can let you know about that when we return from recess. Has the Causeway IT system been able to pinpoint more accurately where the blockages are and been able to assist to identify where the pinch points are?

Ms M Campbell: We have been looking particularly closely at Crown Court cases, using the information that we now have available through Causeway. In the past, we did not have that. That has helped us to see the profile of cases that have been resulted, and it shows that there are a small number of cases that have taken quite a long time to be disposed of, and that has the effect of skewing the figures. Even with that, most of the cases are taking quite a long time. It does not really give you any solutions as such; it just gives you a more granular analysis of what is happening. It has also been very useful for looking at what is happening in the likes of summons cases and where some of those delays have been, particularly with unsuccessful service of summons. I do not know whether Chris wants to add anything to that.

Mr Chris Matthews (Department of Justice): The Public Prosecution Service (PPS) data and the Causeway data allow us to identify where the longer blocks of time are in the processing. You might know that you have a problem with summonses, but you can drill in and say that between point x and point y is 50% of the time and that further points take up another proportion of the time. It really helps you to direct your resources and say, "If we are going to make a difference, we need to tackle this." In most cases, the service of summonses is the longest single period. If you want to fix a problem, you have to solve the summons problem.

Causeway also gives you a regional breakdown. It lets you see whether some areas are doing better than others, so you can ask what areas are doing differently. It also lets you look at the types of cases that are causing problems. An example usually given to us is that medical evidence sometimes causes hold-ups, because it takes a while to get from the hospital. You can break it down to how often that is actually a problem and how often it is just a kind of narrative explanation that people give that is not really supported by evidence. With all the data, we have been trying to narrow in on where we are going to get the best value for our investment.

Ms M Campbell: Another example of that is forensics. We use Causeway to look at how many cases involve forensic reports. That, I know, is an issue that has been highlighted here before. We found that, overall, only around 5.5% of cases require actual forensics. In the work that we are doing to speed up the submission of forensics, it makes sense to target it at cases in which we think that an earlier submission of forensics might assist with encouraging earlier guilty pleas. It is about linking it with that work. Causeway helps to indicate to us whether the areas on which we are focusing are the right priority areas. As Chris said, it will give you an indication of where time has been spent. It will not necessarily tell you what you need to do to bring the time down.

The Chairperson: You touched on how the legislative reforms are still at the bedding-in stage. When can we anticipate real reductions in delay, and what should we be looking out for to quantify the reduction?

Ms M Campbell: Obviously, we will need to get the faster, fairer justice Bill through. Our time frame for that is hopefully to have it achieve Royal Assent by next summer. We are looking at probably two to three years before you start to see the impact of the legislative reforms that we are going to make. Some should kick in more quickly than others. You would like to think that statutory case management, for instance, will take effect quite quickly. Some of the other changes might require some further technical changes. We are looking for that step change through the legislative and procedural reform.

Mr McCartney: Thank you very much for the presentation. The paper is easier to follow, so thanks very much for doing that. I preface my remarks by saying that any improvement at all is to be welcomed. I think that people come at this with a desire to ensure that we speed up the process, notwithstanding some of its complexities. It is a bit disappointing that we are speaking about only little change at the Crown Court and modest improvements at other levels. At what point do we re-examine the system? There is a system in place that is now designed to try to bring about improvement. It is accepted that the rate of improvement is not what it should be. Do you have some measure in your mind of where the system should be at and what the gap is? How do we progress the size of that gap for the next six, 12 or 18 months?

Ms M Campbell: The amount of improvement that we want to make is through the process that we have with the Criminal Justice Board in setting the performance standards. It is about calibrating those. We were alert to the fact that previous changes have not had as much effect as we wanted a while ago. It was around a year into the implementation of the 2010 report that the Criminal Justice Board felt that the early indications were that that was not going to be sufficient, so it was at that point that the Minister, through the Criminal Justice Delivery Group, commissioned the second phase of work. That is when we started to develop ideas. We had a long list of ideas that went to the delivery group. Those were then refined, and the board was commissioned to take forward the programme that we have now developed. Some of that has been converted into legislative proposals, and some of it has been taken forward procedurally.

However, it is something that the board recognised at an earlier stage. There was going to be difficulty in making significant inroads on the basis of the changes that had been implemented previously. A lot of the focus of the inspection reports in the past was on the volume cases, so it was on cases in the Magistrates' Court. The more fundamental reforms should help us to progress that but also tackle some of the more systemic issues in the Crown Court.

Mr McCartney: I can understand that some of that work will be assisted by the faster, fairer justice Bill, and you have to allow that to be processed, to be given time to bed in and to yield results, but have you identified anything that was wrong with the system in phase 1 that we need to correct as we go forward, or are we happy that the system in place is rigorous?

Ms M Campbell: What phase 1 has probably highlighted most is the issue that Chris was talking about with summonses.

Mr Matthews: With phase 1, it was more administrative changes that could be done without legislation, and thus quite quickly. The focus of the report and the work that followed was on things that could be done without needing to legislate or without needing a lot of money. After a while of implementing that, we should have realised that if you really want to get to the underlying problems, you need to reform things such as committal and the way in which summonses are issued. That requires legislation, but it also requires a willingness to look at a very deep level at the way in which our systems work. That takes much longer to implement.

When the Minister was talking to the board and the delivery group, it was much more about whether we could think more radically about how we change it and some of the things that previous Ministers perhaps did not want to talk about because they required a longer lead-in time.

Mr McCartney: Finally, as part of the commentary for the faster, fairer justice Bill, you need to include how you see it bringing about fundamental change. There needs to be a very clear view of why you are proposing to change something. Obviously, people will ask why we are making changes. There are no guarantees in life, but, whatever we do, in a year's time or 18 months' time, we should be able to say that the changes that we have made and the process that we are going through with the Bill will be effective, rather than just hope that we change things. We should see clear indicators.

Mr Matthews: Absolutely.

Ms M Campbell: It is about creating a proper benefits-realisation plan.

Mr Dickson: I appreciate that this is a complex and lengthy piece of work that will have to be done, some of which will require legislative change, but are there simple administrative changes that can be made? Do you have people looking to see how you could work smarter to achieve sped-up or more efficient ways of doing things, by using Causeway and all the various communication methods and simply by looking at internal administrative structures? That will not require legislative change. Quite often, it will require only an application of common sense.

Ms M Campbell: A thing such as the streamlined file has shown, where it has been used, that it can be very effective. We will be looking at the learning from that and at how we can extend that further. We will also look at gatekeeping, file quality and all those sorts of things that were highlighted in phase 1. I think that we will not take the eye off the ball but will look to see what more we can do with those.

The youth engagement clinics have allowed us to try some different procedural things as well, and those have been very useful. In some ways, the irony is that, because all young people are choosing the diversionary option, we have not yet had an opportunity to test out a new process that we have put in place for the service of summonses. If the young person decides not to take the diversionary option and the case is to go ahead, we have made a change through Causeway that will allow us to serve the summons at the clinic rather than send it out by post, thereby saving all that time that we waste at the moment trying to serve a summons. That is the sort of change that we can continue to promote in the short term. It is not about saying that you are going to have to wait two or three years before doing anything. Yes, we should see how far we can get with those in the meantime as well, I agree.

The Chairperson: Thank you very much for coming. We appreciate it.