

DRAFT

**CRIMINAL JUSTICE REVIEW
IMPLEMENTATION PLAN**

2 NOVEMBER 2001

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[PHOTO]

FOREWORD BY THE SECRETARY OF STATE FOR NORTHERN IRELAND

I am pleased to present the Government's response to the Review of the Criminal Justice System in Northern Ireland. The publication of this Implementation Plan, along with the draft Justice (Northern Ireland) Bill, represents another key step in taking forward the Belfast Agreement.

This is the most important review of the criminal justice system to have been undertaken over the past 30 years. It both acknowledges existing good practice and offers challenging new ideas on how services can be delivered in a more effective, more transparent and more accountable way in the future.

Throughout its report, the Review addressed the need for the criminal justice system to have the confidence of all parts of the community, while delivering a fair and impartial system of justice. The Review also sought to make the criminal justice system more responsive, and many of its recommendations were designed to enhance transparency and openness and increase public accountability and public understanding of the system. The Review also looked at issues of effectiveness, at ways of reducing crime and the fear of crime and at ways of improving the experience of victims.

The Government welcomed the Review when it was published in March 2000 and, following a period of consultation, announced that it fully endorsed the general approach which it took.

This Implementation Plan now provides a more detailed response to the Review's 294 recommendations, and sets out the actions the Government and the criminal justice agencies intend to take to put them into practice.

The Review has made a major contribution towards achieving the objectives of the Belfast Agreement, and the Government now intends to give practical effect to the ideas which it contains.

As the Plan indicates, the Government accepts the great majority of the recommendations. Where recommendations have been qualified in any way reasons are given. These qualifications are, for the most part, designed to address technical issues and seek to build on the detail of the recommendations in a constructive manner.

The Plan has been informed by the many comments received on the recommendations during the consultation exercise which took place following the Report's publication. There will now be a further period of consultation on how the Government proposes to take forward the recommendations.

I am grateful to all those who have contributed to the production of this Plan and who have taken on responsibility for ensuring its implementation. I would like to pay particular tribute to the criminal justice agencies for the professional and constructive approach they have taken to addressing the Report's recommendations.

I believe that this Implementation Plan provides a firm basis for taking forward the recommendations of the Review of the Criminal Justice System.

Once the devolved institutions are working effectively, the Government intend to devolve responsibility for policing and justice functions, as set out in the Belfast Agreement. We need first to take some major steps to implement the Criminal Justice Review and to make some more progress on detailed implementation of the Patten report. A final decision to devolve these functions can only be taken at the time taking account of security and other relevant considerations. But the Government's target is to devolve policing and justice after the Assembly elections scheduled for May 2003.

RT HON DR JOHN REID MP
SECRETARY OF STATE FOR NORTHERN IRELAND

INTRODUCTION

Report of the Criminal Justice System Review Group

The terms of reference for the Review of the Criminal Justice System were set out in the Belfast Agreement. The Agreement envisaged a wide-ranging review of criminal justice (other than policing and those elements of the system relating to the emergency legislation) with the aim of ensuring a system of criminal justice for Northern Ireland that:

- delivers a fair and impartial system of justice to the community;
- is responsive to the community's concerns, and encourages community involvement where appropriate;
- has the confidence of all parts of the community; and
- delivers justice efficiently and effectively.

The Review undertook a fundamental review of the justice system in Northern Ireland. It studied the principles and values that should underpin the criminal justice system and offered new approaches to delivering services, for example in the areas of restorative justice and community safety. The Review Group undertook extensive research and brought together examples of international best practice, and also made a number of suggestions for improving the quality of services provided to victims by both statutory and voluntary agencies.

The Review was published in March 2000, and was then subject to extensive consultation. Responses to the consultation were received from a wide range of groups and individuals, including the political parties, the criminal justice agencies, other organisations in the statutory, voluntary and community sectors, and the public. As was inevitable with such a detailed and complex report, some respondents expressed reservations about some of the proposals. Overall, however, there was broad agreement on the overall shape of the proposed reforms. The Government has considered very carefully all of the comments received - whether positive or negative - in deciding how to respond to the Review recommendations.

Purpose of the Implementation Plan

The Implementation Plan repeats the relevant extracts from the Review Group's report, then sets out clearly the action that will be taken on each recommendation, who will be responsible for it and the timescale within which action will be taken. The relevant departments and agencies will be driving forward work on implementing these recommendations, co-ordinated by the Northern Ireland Office. Where a recommendation cuts across the work of

the criminal justice agencies (the Northern Ireland Court Service, the Office of the Director of Public Prosecutions for Northern Ireland, the Police Service for Northern Ireland, the Northern Ireland Prison Service, the Probation Service for Northern Ireland and the Northern Ireland Office) we have referred to these bodies collectively. The Plan indicates where legislative provisions are required to give effect to the recommendations and, unless otherwise indicated, the vehicle for this will be the Justice (Northern Ireland) Bill. The Plan also highlights other important milestones and factors that could impact on actions, such as the devolution of criminal justice functions.

The Plan follows the format of the Review Group's report as far as possible, though some of the recommendations have been re-grouped to show appropriate linkages. For ease of reference, there is an index at the end of the Plan showing where to find the response to each of the recommendations.

The Plan will provide an important tool for monitoring progress towards implementing the Review. In some cases recommendations have already been met, but a number of others will take a significant period of time to implement in full. The Government intends to publish an updated plan shortly after passage of the Bill has been completed.

Draft Justice (Northern Ireland) Bill

The draft Justice (Northern Ireland) Bill is also being published today for consultation. Copies of the draft Bill are available on request from the following address:

The Criminal Justice Review Implementation Team
Castle Buildings
Stormont
BELFAST
BT4 3SG

Subject to consultation, the Government expects to introduce this legislation in Parliament this session.

Equality

The Review recommended that there should be a strategy for equity monitoring the criminal justice system, whilst ensuring that this is done in a way that does not compromise judicial independence. It further recommended that the outcome of equity monitoring should be published on a regular basis, though without risking the identification of the community background of individuals.

The Government supports these recommendations and is fully committed to developing an equity monitoring process for the criminal justice system.

The Review recommendations are consistent with Section 75 of the Northern Ireland Act, which states that:

“A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity.”

In implementing the Review, the Government will take into account the effect new or existing policies will have on all of the nine groups listed in the Act. Each policy area has been screened to determine whether there is evidence that a policy could have a differential impact on different groups of people. Where such evidence exists, Equality Impact Assessments will be produced to show what action needs to be taken to deal with the differential effect. The results of the screening exercise are available from today on the Northern Ireland Office website, which can be found at www.nio.gov.uk .

Resources

Appropriate resources will be provided to implement the decisions set out in this Plan.

Comments

We would welcome your comments on the Government’s response to the Criminal Justice Review, as set out in both this Implementation Plan and the draft Justice (Northern Ireland) Bill. These should be sent, by 12 December, to:

The Criminal Justice Review Implementation Team
Castle Buildings
Stormont
BELFAST
BT4 3SG

HUMAN RIGHTS AND GUIDING PRINCIPLES

RECOMMENDATION 1**HUMAN RIGHTS TRAINING**

We recommend that human rights issues should become a permanent and integral part of training programmes for all those working in criminal justice agencies, the legal professions and the relevant parts of the voluntary sector. [para 3.25]

RECOMMENDATION 11**HUMAN RIGHTS TRAINING FOR LAWYERS**

We recommend that lawyers should receive appropriate training in human rights principles before starting to practise. [para 3.56]

Accepted

Lead responsibility: Criminal Justice Agencies.

The Government agrees that human rights are central to the criminal justice system. Delivering training on human rights issues is an important part of this process, and the criminal justice agencies will take forward this recommendation and report on progress in their annual reports. As part of the implementation process, they will discuss human rights training with any voluntary sector organisations they sponsor. The Criminal Justice Board (which comprises the heads or senior officials of the main statutory organisations in the criminal justice system, with responsibility for developing overall strategy and addressing inter-agency issues) will promote awareness of best practice in this field. Responsibility for education and training of members of the legal profession falls primarily to the Law Society of Northern Ireland (in respect of solicitors) and the Bar Council (in respect of barristers). The Law Society has affirmed its intention to conduct an audit of the present training provision to ensure its adequacy.

Timescale: Ongoing

RECOMMENDATION 2**CRIMINAL JUSTICE AIMS**

We endorse the Criminal Justice Board aims for 1999/2000 as a good model for the criminal justice system-wide set of aims.

Aim A

To dispense justice fairly and efficiently and to promote confidence in the criminal justice system

- (i) Provide fair and just criminal processes and outcomes.
- (ii) Improve service delivery by enhancing levels of effectiveness, efficiency and co-operation within the criminal justice system.
- (iii) Make the criminal justice system as open, inclusive and accessible as possible and enhance and promote public confidence in the administration of justice.

RECOMMENDATION 3**PUBLICATION OF AIMS, PLAN AND ANNUAL REPORT**

We recommend that the aims of the criminal justice system be published, together with a criminal justice plan outlining measures to be taken in support of them and appropriate performance indicators. An annual report on progress in implementing the plan should also be published. [para 3.29]

Accepted

Lead responsibility: Criminal Justice Board

The Criminal Justice Board will use the aims for 1999/2000 as the basis to develop a draft Strategic Statement of Purpose and Aims for the criminal justice system. This will be published, together with performance indicators, by the end of 2001. The Review Implementation Plan will support the Purpose and Aims and function as the core planning document for the criminal justice system. An annual report will be published on progress in carrying through the Implementation Plan.

Timescale: The Statement of Purpose and Aims will be published by the end of 2001

RECOMMENDATION 4**WORKFORCE STRATEGY**

We recommend that, whatever machinery is devised for administering criminal justice matters after devolution, it should have as a primary task the development of a concerted and proactive strategy for securing a "reflective" workforce in all parts of the system. [para. 3.35]

Accepted in principle

Lead responsibility: Northern Ireland Executive

The Government is committed to ensuring that the criminal justice system attracts full confidence from all parts of the community, and welcomes the Review's recommendations in this area. After devolution, the organisational arrangements for administering criminal justice matters will fall to the Northern Ireland Executive. The Government will work with the Executive to help put agreed arrangements in place.

Timescale: Subject to devolution

RECOMMENDATION 5**EQUITY MONITORING**

We recommend that the Criminal Justice Board and its research sub-committee be tasked with developing and implementing a strategy for equity monitoring the criminal justice system, as it affects categories of people, in particular by community background, gender, ethnic origin, sexual orientation and disability; whilst ensuring that this is done in a way that does not compromise judicial independence. [para 3.28]

RECOMMENDATION 6**PUBLICATION OF EQUITY MONITORING INFORMATION**

We recommend that the outcome of equity monitoring should be published on a regular basis, to the maximum extent possible without risking the identification of the community background of individuals. [para 3.41]

Accepted

Lead responsibility: Criminal Justice Board

The Criminal Justice Board is fully committed to developing an equity monitoring process for the criminal justice system. This is a complex task, particularly as the process must not compromise the independence of the judiciary or the prosecution, or infringe the individual's right to privacy. The Research and Statistics Sub-Group of the Criminal Justice Board is currently developing a timetable for the work, and is also considering how information can best be published.

Timescale: Ongoing

RECOMMENDATION 7**STATEMENTS OF ETHICS**

As part of our strategy for developing transparency and accountability mechanisms, we recommend the publication of statements of ethics for each of the criminal justice agencies covering all those employed or holding office in the criminal justice system. [para 3.45]

Accepted

Lead responsibility: Criminal Justice Agencies

The Government is fully committed to transparency and accountability and agrees that such statements of ethics will play an important part. Each individual agency is taking forward the process in its area and some are at an advanced stage. For example, the Chief Constable aims to present a draft Code of Ethics to the Policing Board by the end of 2001.

Timescale: Ongoing

RECOMMENDATION 8**MEMBERSHIP OF ORGANISATIONS**

If an organisation were, by its policy or its actions, clearly committed to acting contrary to the law or the interests of the criminal justice system, then it would be for the criminal justice agencies to make clear that their employees were not permitted to belong to such an organisation. [para 3.47]

For further consideration

Lead responsibility: Criminal Justice Agencies

The development and publication of statements of ethics for those employed in the criminal justice agencies will - together with training - set standards of conduct to be followed, including in relation to membership of organisations, as appropriate. In addition, there is a range of offences for which individuals could be prosecuted if they were members of a proscribed organisation or otherwise acted in an unlawful manner.

On the matter of organisations “committed to acting contrary to the interests of the criminal justice system” generally, the Review did not define what this meant. It is a difficult concept and further work in this area is needed. This will need to cover the necessary distinctions between the actions or policies of an organisation and those of individual members, and also take into account the requirements of the European Convention on Human Rights now incorporated in the Human Rights Act 1998, section 75 of the Northern Ireland Act 1998, and the law concerning employment issues.

Timescale: Ongoing

RECOMMENDATION 9**ROLE OF DEFENCE LAWYERS**

We agree with the Special Rapporteur on the Independence of Judges and Lawyers that government has a responsibility to provide the machinery for an effective and independent investigation of all threats made against lawyers and note the role of the Police Ombudsman if such allegations relate to the actions of police officers. Further, we endorse his recommendation that training seminars should be organised to enable police officers and members of other criminal justice agencies to appreciate the important role that defence lawyers play in the administration of justice and the nature of their relationship with their clients. [para 3.53]

Accepted

Lead responsibility: Criminal Justice Agencies

The Government has taken careful note of the report in 1998 by the Special Rapporteur on the Independence of Judges and Lawyers, Mr Param Cumaraswamy. Threats against individuals fall to be investigated by the police. The Police Ombudsman may investigate complaints about police handling of complaints or allegations relating to the conduct of police officers. The police will be circulating a new directive to cover the role of police and defence lawyers, based on the UN Declaration on the role of lawyers.

Individual criminal justice agencies will be responsible for developing training seminars on the role of defence lawyers, working with the Law Society, which has welcomed the recommendation and affirmed a willingness, wherever practical, to contribute constructively to the implementation of this recommendation.

Timescale: Ongoing

RECOMMENDATION 10**BURSARIES FOR LEGAL TRAINING**

We recommend the continuation of bursaries to ensure that entry to the legal professions is open to people of talent from all sections of the community, regardless of means. [para 3.55]

Accepted in Principle

Lead responsibility: Department of Employment and Learning (DEL)

DEL will continue to fund 40 fees only bursaries for the Institute of Professional Legal Studies in 2001/02. Continued funding will be dependent upon, among other things, the availability of resources and pressures and priorities within the full range of postgraduate awards for which the Department has responsibility.

Timescale: Ongoing

RECOMMENDATION 12**LIST OF EXPERTS**

We suggest that there would be some benefit in the compilation by the Law Society of a list of experts in particular fields that could be drawn on by the defence. [para 3.60]

Accepted in Principle

Lead responsibility: Law Society of Northern Ireland

The Law Society has undertaken to maintain, where feasible, access to lists of relevant experts.

Timescale: Ongoing

RECOMMENDATION 13**RESEARCH INTO PACE**

We recommend research into the impact of PACE at the stage of police questioning. [para. 3.63]

Accepted

Lead responsibility: NIO

The Government recognises the importance of research into the impact of PACE at the stage of police questioning, particularly on the understanding of a formal caution when issued to those who are vulnerable.

Timescale: The research will be commissioned during 2001/02

RECOMMENDATION 14**PUBLIC INFORMATION AND EDUCATION STRATEGY**

We recommend a public information and education strategy for the criminal justice system. This might include the following features, some of which are already in place:

- The production and distribution of guides to various aspects of criminal justice, targeting specific groups such as witnesses, victims, children, minority groups and defendants.
- The prominent display of mission statements for each criminal justice agency.
- The publication of statements of principles showing how the system as a whole will address specific issues, such as the treatment of victims, racial discrimination or cross-agency working.
- The publication by all agencies of codes of practice in accessible language.
- The publication by all agencies of annual reports, which include objectives, indicators and an account of performance.
- The publication of statistical and research material in accessible form.
- Consideration of innovative methods for increasing public understanding such as open days at courts for schools, colleges and the public, and the creation of videos explaining aspects of the criminal justice system.
- The inclusion of a criminal justice module in the school civics curriculum. [para. 3.67]

RECOMMENDATION 15**CRIMINAL JUSTICE IN SCHOOL CURRICULUM**

The need for awareness of criminal justice issues should be considered as part of the current review of the Northern Ireland curriculum. [para 3.68]

Accepted

Lead responsibility: Criminal Justice Board

The Government supports the need for a public information and education strategy, which included the features recommended by the Review. Some of these features (eg the publication of statistical and research material) are already in place. Taken together the recommendations represent a significant work programme which the Board will take forward in co-operation with the voluntary sector and the Department of Education, as well as the statutory criminal justice organisations. In order to facilitate this, the Criminal Justice Board has established a Public Information and Education Sub-Group.

Timescale: Ongoing

RECOMMENDATION 16**COMPLAINTS MECHANISMS TO BE WIDELY AVAILABLE**

All parts of the criminal justice system should be covered by complaints mechanisms that are well publicised, easily accessible and understood, administered with due sensitivity and expedition and which, where appropriate, have an independent element. The workings of the complaints mechanisms should receive coverage in annual reports and, in those parts of the system subject to inspection be inspected. [para 3.70]

Accepted

Lead responsibility: Criminal Justice Agencies

Complaints mechanisms are an important safeguard underpinning the transparency and accountability of agencies within the criminal justice system. The Government endorses this recommendation and notes that it will be for individual agencies to take it forward. When it is created, the Criminal Justice Inspectorate will include the workings of complaints mechanisms within its programme of inspections.

Timescale: Ongoing; creation of Criminal Justice Inspectorate dependent on legislation (see recommendation 263)

PROSECUTION

RECOMMENDATION 17**SINGLE INDEPENDENT PROSECUTING
AUTHORITY**

We recommend that in all criminal cases, currently prosecuted by the DPP (NI) and the police, responsibility for determining whether to prosecute and for undertaking prosecutions should be vested in a single independent prosecuting authority. [para 4.127]

RECOMMENDATION 58**RENAME DPP (NI) AS THE PUBLIC PROSECUTION
SERVICE FOR NORTHERN IRELAND**

We recommend that the Department of the Director of Public Prosecutions be renamed the Public Prosecution Service for Northern Ireland. [para 4.174]

Accepted

Lead responsibility: NIO

A single fully independent prosecution service responsible for undertaking all criminal prosecutions will be a fundamental element in the new criminal justice system. The Public Prosecution Service for Northern Ireland will be headed by the Director of Public Prosecutions and will build upon the work of the existing department. The Director will have overall responsibility for creating the new service. Provisions to implement this will be included in the Bill.

Timescale: Dependent on legislation

RECOMMENDATION 18**INVESTIGATION TO REMAIN WITH POLICE**

We recommend that the investigative function should remain the responsibility of the police and not be subject to external supervision. [para 4.130]

Accepted

Lead responsibility: Police Service of Northern Ireland

The Government agrees that the separation of the prosecution and investigative processes is an important safeguard. Oversight of the work of the police is a matter for the Police Ombudsman and, in any case, would not be consistent with the independence of the prosecution service.

Timescale: Already in place

RECOMMENDATION 19**STATEMENT OF ABILITY AND DETERMINATION TO PROMPT AN INVESTIGATION**

We recommend that the powers contained in Article 6(3) of the Prosecution of Offences (Northern Ireland) Order 1972 be retained and that the head of the prosecution service should make clear publicly the service's ability and determination to prompt an investigation by the police of facts that come into its possession, if these appear to constitute allegations of the commission of a criminal offence, and to request further information from the police to assist it in coming to a decision on whether or not to prosecute. [para 4.131]

Accepted

Lead responsibility: NIO and DPP (NI)

These powers will be carried over in the new arrangements provided for in the Bill. The prosecution service will make clear in its Code of Practice the circumstances under which it will request such information.

Timescale: Article 6(3) is already in force: publication of circumstances of its use is dependent on legislation

RECOMMENDATION 20**REFERRAL TO POLICE OMBUDSMAN**

We recommend that Article 6(3) of the 1972 Order be supplemented with a provision enabling the prosecutor to refer a case to the Police Ombudsman for investigation where he or she is not satisfied with an Article 6(3) response. [para 4.132]

Accepted

Lead responsibility: NIO and DPP(NI)

Article 6(3) of the Prosecution of Offences Order 1972 currently requires the Chief Constable to provide information to the prosecution service on indictable offences alleged to have been committed in Northern Ireland and any other alleged offences as may be specified. The DPP(NI) may also request that the Chief Constable provide information about any matter which may need investigation on the grounds that it may involve an offence or is information necessary to carry out the other functions of the prosecution service. If the police are not fulfilling their obligations under this provision then this is a legitimate matter for investigation. The Government agrees that if such an investigation is required, the Police Ombudsman would be the most appropriate person to carry it out. Provisions supplementary to the current Article 6(3) powers will take effect when the Bill comes into force and the new prosecution service is created.

Timescale: Dependent on legislation

RECOMMENDATION 21**MALPRACTICE ALLEGATIONS TO BE INVESTIGATED**

We recommend that a duty be placed on the prosecutor to ensure that any allegations of malpractice by the police are fully investigated. [para 4.133]

Accepted

Lead responsibility: NIO and DPP (NI)

Any member of the public may report allegations of police malpractice to the Police Ombudsman. It would then be for the Ombudsman to decide whether or not it would be appropriate for an investigation to take place. The Government will add extra safeguards to this by adding the head of the prosecution service to the list of those statutory office holders able to refer such matters to the Ombudsman.

Timescale: Dependent on legislation

RECOMMENDATION 22**ADVICE TO POLICE ON PROSECUTORIAL ISSUES**

We recommend that it be a clearly stated objective of the prosecution service to be available at the invitation of the police to provide advice on prosecutorial issues at any stage in the investigative process. [para 4.135]

Accepted

Lead responsibility: NIO and DPP (NI)

Advice will be limited to prosecutorial issues only and not stray into supervision of the investigation of any offence (see recommendation 18 above). Provisions requiring the prosecution service to give advice where requested will be included in the Bill.

Timescale: Dependent on legislation

RECOMMENDATION 23**SCRUTINY OF DECISION TO PROSECUTE**

We suggest that, where a prosecutor has been extensively involved in advising the police on prosecutorial matters at the investigative stage, in order fully to safeguard the independence of the prosecution process consideration should be given to the possibility of arranging for the decision to prosecute to be made or scrutinised by another member of the prosecution service. [para 4.136]

Accepted

Lead responsibility: DPP (NI)

The Implementation Team for the new prosecution service will consider the practical consequences of the recommendation, including resource implications, and its impact on the effectiveness of prosecution decision-making.

Timescale: Subject to the development of the new prosecution service

RECOMMENDATION 24**PROSECUTOR'S ROLE AND 'HOLDING' CHARGES**

We recommend that where the police prefer a "holding" charge under Article 38(7) of the Police and Criminal Evidence (Northern Ireland) Order 1989, a prosecutor should be seized of and be responsible for the presentation of the case before a magistrates' court in accordance with the provisions of Article 47 of the Order. [para 4.138]

RECOMMENDATION 25**PROSECUTOR'S RESPONSIBILITY FOR CHARGING**

It should be the prosecutor's sole responsibility to formulate and determine the charge that is presented to the court. [para 4.138]

RECOMMENDATION 26**PROSECUTOR'S RESPONSIBILITY FOR REMAND**

The prosecutor should have legal responsibility for the application to the magistrates' court for remand, including the presentation of all supporting evidence. [para 4.139]

RECOMMENDATION 27**WITHDRAWAL OF CHARGES**

We recommend that consideration be given to amending the Police and Criminal Evidence (Northern Ireland) Order 1989 to enable a prosecutor, on reviewing the case, to withdraw the charges before the court appearance. [para 4.139]

RECOMMENDATION 29**PROSECUTOR TO HAVE FULL RESPONSIBILITY FOR THE CASE**

We recommend that the prosecutor should assume full responsibility for the case between the point of charge (or summons) and trial, including tracking progress of the case, advising the police on the evidence required to secure conviction and deciding on what matters should be disclosed to the defence. [para 4.141]

Accepted

Lead responsibility: NIO and DPP (NI)

These recommendations are consistent with the principle that it should be for the prosecution service to undertake and carry out all prosecutions. Provision to give effect to these recommendations will be included in the Bill and the prosecution service will take forward the necessary preparatory work to carry out these functions.

Timescale: Dependent on legislation

RECOMMENDATION 28**PUBLICATION OF NAME AND FACT OF ARREST**

We recommend that (if the law is changed in the way we suggest), until the prosecutor has determined whether to proceed with the remand application, the fact of the arrest and the name of the person detained should not be publicised. [para 4.139]

Accepted with Qualifications

Lead responsibility: NIO and DPP (NI)

It is agreed that the name of the person arrested should not be publicised until the prosecutor has determined whether to proceed with the remand application. However, the Government considers that the presumption should be that the fact that an (unnamed) individual has been arrested is a legitimate matter for public knowledge.

Timescale: Dependent on legislation

RECOMMENDATION 30**COMMENCEMENT OF LEGISLATION**

We suggest that the timing of commencement of legislation that will flow from our recommendations should be planned so as to ensure that all necessary resources, preparation and training are in place and completed before procedural changes are introduced. [para 4.142]

RECOMMENDATION 66**LESSONS OF GLIDEWELL REPORT**

We recommend that those who are considering the resource implications and the organisational issues arising from our proposals in respect of the prosecution function should examine the Glidewell Report, with a view to seeing whether there are lessons to be learnt from the experience of England and Wales. [para 4.183]

Accepted

Lead responsibility: DPP(NI) and NIO

The Government is fully aware of the findings of the Glidewell report. Resources will be provided to enable the DPP (NI) to manage the transition to the new prosecution service. The Government intends to commence the legislative provisions as soon as possible after Royal Assent, subject to the prosecution service being ready to take on its new responsibilities. The new service will extend its role on an incremental basis, with full implementation and commencement at the end of the process.

Timescale: As soon as practicable

RECOMMENDATION 31**REVIEW OF DISCLOSURE PROVISIONS**

We believe that the present disclosure provisions should be reviewed and suggest in Chapter 14 that this might be one of the matters for consideration by a Law Commission. [para 4.143]

Accepted

Lead responsibility: Northern Ireland Law Commission

The Government accepts the recommendation that disclosure procedures under the provisions of the Criminal Procedure and Investigations Act 1996 should be considered as part of the Law Commission's early programme of work. The Bill will provide for the establishment of the Northern Ireland Law Commission.

Timescale: It will be for the Commission to develop and agree its programme of work (see recommendations 244-255).

RECOMMENDATION 32**TRANSFER OF CASES TO CROWN COURT**

We recommend that consideration be given to introducing simplified procedures for transferring cases to the Crown Court in Northern Ireland, while ensuring safeguards for a defendant who wishes to argue that there is no case to answer. Such a development could be accompanied by a major effort further to reduce time taken to bring cases to trial. [para 4.144]

Accepted in Principle

Lead responsibility: NIO and Criminal Justice Agencies

Opportunities to simplify procedures will be taken as they occur as part of the continuing review of criminal justice legal processes.

In the context of the Administrative Time Limits Scheme, criminal justice agencies will continue to take steps to reduce the time taken to bring cases to trial.

Timescale: Consideration of items for inclusion in a new Criminal Justice Order will begin in late 2001

RECOMMENDATION 33**DEVELOPMENT OF STANDARDISED FORMS**

We recommend that once the police at divisional level decide that they wish to proceed and judge that they have sufficient evidence to warrant prosecution, the facts of the case should be sent to the prosecutor. In order to facilitate the process, consideration should be given to the development of standard forms, with the information fields necessary for purposes of issuing a summons, which could be e-mailed or faxed to the prosecutor. [para 4.146]

RECOMMENDATION 34**ARRANGEMENTS FOR SUMMONS CASES**

We recommend that in summons cases arrangements be made to ensure that the facts of the case are passed to the prosecutor by a police officer who is close to and familiar with the investigation. [para 4.147]

RECOMMENDATION 35**LEGALLY QUALIFIED STAFF AND COUNSEL**

We envisage moving towards a position where it is the norm for legally qualified staff of the prosecution service to present cases at magistrates' courts (including committals), while retaining the option of briefing independent counsel when appropriate. [para 4.149]

RECOMMENDATION 36**CAUTION GUIDELINES TO BE AGREED**

We recommend that caution guidelines should be agreed between the police and the prosecution service. Statistics should be kept and the practice kept under review, with particular attention being paid to consistency of approach and to ensuring that cases are dealt with expeditiously. [para 4.151]

Accepted

Lead responsibility: DPP(NI)

The prosecution service will take forward the changes required and make appropriate arrangements as part of its expansion. Caution guidelines have already been agreed.

Timescale: Preparatory work has already begun and is ongoing

RECOMMENDATION 37**DIVERSION OPTION TO BE CONSIDERED BY PROSECUTORS**

We recommend that prosecutors be enjoined positively to consider the diversion option in their consideration of cases. The options available to them might be:

- referral back to the police with a recommendation to caution;
- diversionary options, for example mentally disordered offenders or drug users being referred to treatment or young offenders being offered programmes to address offending behaviour; and
- the making of arrangements for restorative interventions. [para 4.152]

Accepted

Lead responsibility: NIO and DPP (NI)

Prosecutors can at present respond to a recommendation from the police that a caution be administered and consequently direct that there should be no prosecution. Arrangements are being made to allow prosecutors to divert juveniles to youth conferences (see recommendation 165) and consideration will be given to the extension of conferencing to young adults and adults (see recommendation 144).

Timescale: Dependent on legislation

RECOMMENDATION 38**REVIEW DIVERSION DECISION IN EVENT OF BREACH**

We think it right for the prosecutor to have the ability to review the decision not to prosecute if the offender fails to follow through the arrangements for diversionary activity, treatment or restorative agreements. [para 4.153]

Accepted

Lead responsibility: NIO and DPP (NI)

Prosecution will remain an option in the event that an alleged offender fails to comply with diversionary arrangements. See also recommendation 148.

Timescale: Dependent on legislation

RECOMMENDATION 39**PROSECUTORIAL FINE**

We recommend that consideration be given to introducing the prosecutorial fine in Northern Ireland. [para 4.154]

Accepted

Lead responsibility: NIO and DPP (NI)

A scheme of prosecutor-administered fines currently operates in Scotland for less serious offences. If such a fine is accepted and paid no proceedings are commenced and no conviction is recorded. If a fine is declined or not paid the case proceeds to court as normal. NIO and DPP(NI) will consider how such a scheme could operate in Northern Ireland.

Timescale: Ongoing

RECOMMENDATION 40**AWARENESS OF DIVERSION**

It will be necessary for the prosecution service, together with the police, to engage with the community and other agencies and service providers about what is involved in the diversionary process and to seek to arrive at a clear understanding of what diversionary schemes and options may be available at the local level. [para 4.155]

RECOMMENDATION 41**OUTREACH TO THE COMMUNITY AS AN OBJECTIVE**

We recommend that outreach to the community and inter-agency working be a stated objective of the prosecution service. [para 4.156]

Accepted

Lead responsibility: DPP(NI)

There will be an Implementation Team for the new prosecution service which will take forward work on the arrangements that may be required to give effect to these recommendations.

Timescale: Ongoing

RECOMMENDATION 42**DEVOLUTION OF RESPONSIBILITY FOR PROSECUTION**

We recommend that political responsibility for the prosecution system should be devolved to local institutions along with other criminal justice functions, or as soon as possible after devolution of such functions. [para 4.158]

Accepted

Lead responsibility: NIO

The Government intends that responsibility for prosecution will be devolved at the same time as other justice functions. Preparatory work to create a new prosecution service is proceeding. See also recommendation 256 on the devolution of justice functions.

Timescale: Subject to devolution of justice functions

RECOMMENDATION 43**ATTORNEY GENERAL FOR NORTHERN IRELAND**

We recommend that consideration be given to establishing a locally sponsored post of Attorney General who, inter alia, would have oversight of the prosecution service. We see the Attorney General as a non-political figure drawn from the ranks of senior lawyers and appointed by the First Minister and Deputy First Minister. We would suggest a fixed term appointment, with security of tenure, say for five years, which would not be affected by the timing of Assembly terms. [para 4.160]

Accepted

Lead responsibility: NIO

Currently the Attorney General for England and Wales acts as Attorney General for Northern Ireland. The Bill will allow the First Minister and Deputy First Minister to appoint a local Attorney General after devolution of justice functions. The Attorney General for Northern Ireland includes some functions which would not be relevant for a local law officer to exercise as they relate to matters in the excepted field. On devolution these excepted functions will be exercised by the Attorney General for England and Wales acting as Advocate General for Northern Ireland. The split between the functions of the two offices will be set out in the Bill. Additional functions for the local Attorney relating to the Assembly and Executive suggested by the Review (such as Legal Advisor to the Assembly) are matters for the Assembly and Executive.

Timescale: Subject to devolution of justice functions

RECOMMENDATION 44**PARTICIPATION IN ASSEMBLY BUSINESS**

We recommend that the formulation in section 27 of the Scotland Act 1998 be adopted in that, although not a member of the Assembly, the Attorney should be enabled by Standing Orders to participate in Assembly business, for example, through answering questions or making statements, but without voting rights. [para 4.161]

Accepted

Lead responsibility: NIO and Northern Ireland Assembly

Provision along these lines will be included in the legislation.

Timescale: Subject to devolution

RECOMMENDATION 45**END TO POWER OF DIRECTION**

There should be no power for the Attorney General to direct the prosecutor, whether in individual cases or on policy matters. [para 4.162]

Accepted

Lead Responsibility: NIO

Ending the power of direction will help to ensure the independence of the new prosecution service in the new circumstances after devolution. Provision to this effect will be included in the legislation.

Timescale: Subject to devolution

RECOMMENDATION 46**RELATIONSHIP BETWEEN PROSECUTION AND ATTORNEY GENERAL**

We recommend that legislation should: confirm the independence of the prosecutor; make it an offence for anyone without a legitimate interest in a case to seek to influence the prosecutor not to pursue it; but make provision for statutory consultation between the head of the prosecution service and the Attorney General, at the request of either. [para 4.163]

Accepted

Lead responsibility: NIO

These protections will help to ensure the independence of the prosecutor, while allowing consultation on matters for which the Attorney General is accountable to the Assembly (and on those for which the Advocate General is accountable to Parliament). The Government is considering the practicalities of a new offence, particularly in light of the approach in the Republic of Ireland which the Review Group were attracted to.

Timescale: Dependent on legislation

RECOMMENDATION 47**QUESTIONS ON INDIVIDUAL CASES**

We recommend that it be made clear on the face of legislation, as in section 27 of the Scotland Act 1998, that the Attorney could decline to answer questions on individual cases where to do so might prejudice criminal proceedings or would be contrary to the public interest. [para 4.163]

RECOMMENDATION 48**ACCOUNTABILITY OF HEAD OF PROSECUTION**

We recommend that the head of the prosecution service should be accountable to the appropriate Assembly Committee for financial and administrative matters relating to the running of the service. [para 4.163]

Accepted

Lead responsibility: NIO

The safeguard proposed in recommendation 47 will also be extended to the Director of Public Prosecutions in relation to his appearances before Assembly Committees. The Bill will limit the powers of Assembly Committees so that they are only able to ask the Director about financial and administrative matters relating to the running of the service.

Timescale: Dependent on legislation and subject to devolution

RECOMMENDATION 49**GIVING OF REASONS**

We recommend that, where information is sought by someone with a proper and legitimate interest in a case on why there was no prosecution, or on why a prosecution has been abandoned, the prosecutor should seek to give as full an explanation as is possible without prejudicing the interests of justice or the public interest. It will be a matter for the prosecutor to consider carefully in the circumstances of each individual case whether reasons can be given in more than general terms and, if so, in how much detail, but the presumption should shift towards giving reasons where appropriate. [para 4.167]

Accepted with Qualifications

Lead responsibility: DPP (NI)

The giving of reasons for non-prosecution is a complex issue. In many cases the reason for non-prosecution is a technical one (for example, the unavailability of a particular proof which is essential to establish the case). A balance needs to be struck between the proper interest of victims and witnesses and other concerns, including damage to the reputation of or other injustice to an individual, the danger of infringing upon the presumption of innocence and the risk of jeopardising the safety of individuals.

The Government recognises that the propriety of applying the general practice to refrain from giving reasons other than in the most general terms must be examined and reviewed in every case where a request for the provision of detailed reasons is made. The Government accepts that where such requests are received, the Director of Public Prosecutions must consider the applicability of considerations which militate against providing detailed reasons together with any other considerations which seem to him material to the particular facts and circumstances of the case in question, and, assess the weight to be accorded to these considerations. Practice will continue to evolve in accordance with review, legal advice and developments in the law.

Timescale: Ongoing

RECOMMENDATION 50**PROSECUTION SERVICE PUBLICATIONS**

We recommend that the head of the prosecution service be required by statute to publish the following:

- an annual report;
- a code of practice outlining the factors to be taken into account in applying the evidential and public interest tests on whether to prosecute; and
- a code of ethics, based in part on the standards set out in UN Guidelines. [para 4.169]

Accepted

Lead responsibility: NIO and DPP (NI)

Provisions requiring the prosecution service to publish these documents will be included in the Bill as they represent an important accountability measure for the prosecution service.

Timescale: Dependent on legislation

RECOMMENDATION 51**INSPECTION OF THE PROSECUTION SERVICE**

We recommend that the prosecution service should be subject to inspection, with a significant independent input. [para 4.170]

RECOMMENDATION 52**BUYING IN EXPERTISE**

We recommend that the Criminal Justice Inspectorate, which we propose in Chapter 15, be given that responsibility for buying in the professional expertise necessary to carry out inspections. [para 4.171]

RECOMMENDATION 53**FUNCTIONS OF THE CRIMINAL JUSTICE INSPECTORATE**

We recommend that the Criminal Justice Inspectorate be under a statutory duty to arrange for the inspection of the prosecution service, report to the Attorney General on any matter to do with the service which the Attorney refers to it and also report the outcome of inspections to the Attorney General. [para 4.171]

RECOMMENDATION 54**INSPECTORATE TO PUBLISH RESULTS OF INSPECTIONS**

We recommend that the Criminal Justice Inspectorate should include in its annual report a review of inspection activity and its outcomes in relation to the prosecution service. [para 4.171]

Accepted

Lead responsibility: NIO

These points are covered by the recommendation on the Criminal Justice Inspectorate (see recommendation 263).

Timescale: Dependent on legislation

RECOMMENDATION 55**PUBLICATION OF COMPLAINTS PROCEDURES**

Details of complaints procedures for the prosecution service should be publicly available and included in the service's annual report, along with an account of the handling of complaints throughout the year. [para 4.172]

Accepted

Lead responsibility: DPP (NI)

This will be taken forward by the Implementation Team for the new prosecution service.

Timescale: Subject to progress of further detailed work

RECOMMENDATION 56**INDEPENDENT ELEMENT TO COMPLAINTS PROCEDURES**

We recommend that an independent element be introduced into the procedures where the complainant is not satisfied with the initial response and where the complaint is not about the exercise of prosecutorial discretion. [para 4.172]

RECOMMENDATION 57**AUDIT OF COMPLAINTS PROCEDURE**

The Criminal Justice Inspectorate should audit the operation of the prosecution service's complaints procedures on a regular basis. [para 4.172]

Accepted

Lead responsibility: DPP (NI)

Whenever a complaint arises from a member of the public the DPP (NI) already ensures that all such complaints are received and closely supervised at a senior level of management. Every complaint is considered individually on its merits, fairly and impartially. Systems exist so that complaints are examined independently by a member of staff other than the person whose actions or decisions may have given rise to the complaint. All complaints procedures will be open to inspection by the Criminal Justice Inspectorate.

Timescale: Existing practice will continue to be re-developed

RECOMMENDATION 59**APPOINTMENT OF HEAD OF PUBLIC PROSECUTION SERVICE**

We recommend that the appointment process for the head of Public Prosecution Service and deputy be through open competition, with a selection panel, in accordance with procedures established by the Civil Service Commissioners for Northern Ireland. These appointments would be made by the Attorney General for Northern Ireland. Appointments would be for a fixed term, or until a statutory retirement date. There should be statutory safeguards to ensure that removal from office by reason of misconduct or incapacity would be possible only after a recommendation to that effect coming from an independent tribunal. [para 4.176]

Accepted

Lead responsibility DPP(NI) and NIO

These arrangements will apply to appointments taking place after devolution. Both the Director and deputy Director will be appointed until a statutory retirement age of 65. Provisions giving effect to this and the tribunal for removal are in the Bill.

Timescale Dependent on legislation and subject to devolution

RECOMMENDATION 60**LOCAL OFFICES**

We recommend that the Public Prosecution Service should establish local offices from which the bulk of prosecutorial work in their respective areas would be conducted. The boundaries of such offices should be coterminous with police and court boundaries, which in turn are based on district council areas. [para 4.178]

RECOMMENDATION 61**DELEGATION TO LOCAL OFFICES**

We recommend that each of these offices should be headed by a senior prosecutor of sufficient status for decisions on most prosecutions to be delegated to the local offices. [para 4.178]

Accepted

Lead responsibility NIO and DPP (NI)

The Director of Public Prosecutions will establish local offices and appoint staff to have responsibility for the conduct of prosecutions within defined geographical areas, subject to his direction and control.

Timescale Dependent on legislation

RECOMMENDATION 62**EXPANSION OF PROSECUTION SERVICE**

External recruitment of new staff should be subject to open competition, in accordance with fair employment and equal opportunities best practice. A substantial recruitment exercise would provide the opportunity to attract applicants from a range of diverse backgrounds, including defence lawyers and people from all parts of the community, with a geographical spread across Northern Ireland. [para 4.180]

Accepted

Lead responsibility DPP (NI)

The Implementation Team for the new prosecution service will take forward these recommendations when recruiting staff. The recruitment process to staff the Implementation Team and the expansion of the new prosecution service has begun.

Timescale Ongoing

RECOMMENDATION 63**FIXED TERM CONTRACTS /FINANCIAL ASSISTANCE**

Consideration should be given to some posts being the subject of fixed-term contracts and to offering financial assistance to a limited number of students seeking professional qualifications, on the basis that they might start their career within the Public Prosecution Service. [para 4.180]

Accepted

Lead responsibility: DPP (NI)

The Implementation Team for the new prosecution service, in consultation with the Civil Service Commissioners, will consider how this recommendation can be best achieved.

Timescale: Subject to progress of further detailed work

RECOMMENDATION 64**HEAD OF CORPORATE SERVICES**

We recommend the appointment of a senior manager as head of Corporate Services to work to, and alongside, the head of the Public Prosecution Service. This post would have particular responsibility for driving the change agenda and ensuring the efficient and effective management of what will be a larger and more dispersed organisation than is the case at present. [para 4.181]

Accepted

Lead responsibility DPP(NI)

An open competition has been held to fill the post of Assistant Director - Corporate Services. As the head of the prosecution service's implementation team the post-holder will play a crucial role in developing the new prosecution service.

Timescale The post will be filled in December
2001

RECOMMENDATION 65**IDENTIFICATION OF TRAINING NEEDS**

We recommend that at the earliest possible stage in establishing the Public Prosecution Service training needs should be identified and the necessary resources deployed to meet them. [para 4.182]

Accepted

Lead responsibility DPP(NI)

DPP(NI) will identify training needs and deploy the necessary resources to meet them.

Timescale Ongoing

THE JUDICIARY

RECOMMENDATION 67**JUDICIAL INDEPENDENCE**

We recommend that primary Westminster legislation should make explicit reference to the requirement for an independent judiciary and place a duty on the organs of government to uphold and protect that independence. [para 6.82]

Accepted

Lead responsibility: Northern Ireland Court Service and NIO

The Government recognises that the independence of the judiciary is of paramount importance and must continue to be protected. The Bill places a duty on those responsible for the administration of justice in Northern Ireland to uphold the continued independence of the judiciary.

Timescale Ongoing

RECOMMENDATION 68**MERIT PRINCIPLE**

Merit, including the ability to do the job, thus providing the best possible quality of justice, must in our view continue to be the key criterion in determining appointments. [para. 6.84]

Accepted

Lead responsibility: Northern Ireland Court Service

Candidates are selected for appointment on the basis of merit, regardless of ethnic origin, gender, marital status, sexual orientation, political affiliation, religion or disability (except where the disability prevents the fulfilment of the physical requirements of the office). The Government fully endorses the principle of appointment on merit and has reaffirmed it in the Bill.

Timescale: Ongoing

RECOMMENDATION 69**JUDICIARY TO BE REFLECTIVE OF SOCIETY**

It should be a stated objective of whoever is responsible for appointments to engage in a programme of action to secure the development of a judiciary that is as reflective of Northern Ireland society, in particular by community background and gender, as can be achieved consistent with the overriding requirement of merit. [para. 6.85]

RECOMMENDATION 89**EQUAL OPPORTUNITY**

We recommend that those responsible for judicial appointments should engage in discussions with the Bar Council and Law Society about equal opportunity issues and their implications for the judicial appointments process. The Equality Commission should be asked to assist with these discussions. [para. 6.113]

RECOMMENDATION 90**ENCOURAGEMENT OF APPLICATIONS**

Efforts should be made to stimulate interest in becoming a judge, especially in sectors which are under-represented or where historically applications have been disproportionately low. [para. 6.114]

RECOMMENDATION 91**DATABASE OF CANDIDATES**

We are attracted to the idea of developing a database of qualified candidates interested in securing judicial appointment, and we recommend that this idea be considered further. [para. 6.115]

RECOMMENDATION 92**PART TIME APPOINTMENTS**

We recommend that consideration be given to introducing a small number of part-time appointments. [para. 6.116]

Accepted

Lead responsibility: Northern Ireland Court Service

The Government supports the principles of equal opportunity and outreach which seek to stimulate interest in judicial office from sectors that may have been historically under represented, thus encouraging a greater number of applications from a broader range of candidates suitable for judicial office.

The Northern Ireland Court Service will take these issues forward in consultation with the Equality Commission. The Commissioner for Judicial Appointments in Northern Ireland (to be appointed in early 2002, see recommendation 95) will also have a monitoring role in this area and will be consulted as the systems and policies are developed further. The Government welcomes the Review's acknowledgement of the continued primacy of the merit principle.

Timescale: Ongoing

RECOMMENDATION 70**ELIGIBILITY OF SOLICITORS**

We endorse the view that extensive experience of advocacy should not be regarded as a prerequisite of success in a judicial capacity and recommend that practice and/or standing requirements for recruitment to all levels of the bench should not differentiate between barristers and solicitors. [para. 6.89]

RECOMMENDATION 71**ELIGIBILITY CRITERIA**

We recommend that consideration be given to consolidating and amending the legislation relating to eligibility criteria for judicial appointments with a view to shifting the emphasis to standing (i.e. period since being called to the Bar or admitted as a solicitor) rather than practice. Time spent in lower judicial posts should also be recognised for eligibility purposes. [para. 6.90]

RECOMMENDATION 72**PROGRESSION BETWEEN JUDICIAL TIERS**

In our view it should be clear that progression from one judicial tier to another is regarded as an accepted form of appointment, provided that it takes place on the basis of merit as part of open competition. [para. 6.91]

Accepted

Lead responsibility: Northern Ireland Court Service

The Government welcomes these recommendations. They reflect its existing plans for the further development of eligibility criteria and the continuing recognition of progression between tiers as one proper avenue for judicial appointment. The recommendations on eligibility will be taken forward by primary and subordinate legislation, and merit will continue to be the overriding principle in appointment.

Timescale Dependent on legislation

RECOMMENDATION 73**DEVOLUTION OF JUDICIAL APPOINTMENTS**

We recommend the enactment of legislation enabling responsibility for judicial appointments in Northern Ireland to be devolved on an agreed basis at a date to be determined by the Government in the light of the prevailing circumstances. This would of necessity be primary Westminster legislation. The legislation would include provisions establishing the machinery and procedure by which appointments were to be made. [para. 6.95]

RECOMMENDATION 74**ACCOUNTABILITY AFTER DEVOLUTION**

On devolution, political responsibility and accountability for the judicial appointments process should lie with the First Minister and the Deputy First Minister. [para. 6.96]

RECOMMENDATION 76**CROSS-COMMUNITY VOTING**

We suggest that consideration be given to including in the primary Westminster legislation that provides for the transfer of judicial matters of a provision that no vote, resolution or Act of the Assembly on judicial matters should be valid unless it has cross-community support, as defined by section 4(5) of the Northern Ireland Act 1998. [para. 6.97]

Accepted

Lead responsibility: Northern Ireland Court Service and NIO

The Government intends, and is willing, to devolve responsibility for judicial appointments alongside other justice functions. The Bill will include the cross-community safeguard advocated by the Review. The Government also notes the position in Scotland where legislation on judicial appointments is protected from modification by the Scottish Parliament in order to safeguard judicial independence. The Government will also consider the option of a concordat with the Executive to cover judicial appointments after devolution of justice functions.

Timescale: Dependent on legislation and subject to devolution

RECOMMENDATION 75**APPOINTMENT OF LORD CHIEF JUSTICE AND LORD JUSTICES OF APPEAL**

For the appointment of the Lord Chief Justice and Lord Justices of Appeal, responsibility for making recommendations to Her Majesty The Queen would lie with the Prime Minister, as now, but on the basis of recommendations from the First Minister and the Deputy First Minister. [para. 6.96]

RECOMMENDATION 85**APPOINTMENT PROCEDURE FOR LORD CHIEF JUSTICE AND LORD JUSTICES OF APPEAL**

We recommend that the First Minister and Deputy First Minister should consult with the Judicial Appointments Commission over the procedure to be adopted in appointments to the positions of Lord Chief Justice and Lord Justice of Appeal and submit such procedure to the Prime Minister for approval. The same principles of transparency and appointment on merit should apply as with other appointments. [para. 6.109]

Accepted

Lead responsibility: Northern Ireland Court Service and NIO

The Bill will provide for the changes to the current appointment mechanisms for the most senior judicial posts. The Bill will also provide for the First Minister and Deputy First Minister to consult the Lord Chief Justice before putting a name forward.

The First and Deputy First Ministers will discuss the mechanisms for these appointments with the Judicial Appointments Commission when it is established after devolution of justice functions.

Timescale: Dependent on legislation and subject to devolution

RECOMMENDATION 77**DEVOLUTION OF JUDICIAL APPOINTMENTS TO
JUDICIAL APPOINTMENTS COMMISSION**

We recommend that legislation enabling responsibility for judicial appointments to be devolved should include provision for the establishment of a Judicial Appointments Commission. [para. 6.102]

RECOMMENDATION 78**MEMBERSHIP OF JUDICIAL APPOINTMENTS
COMMISSION**

As for membership of the Commission, we envisage a strong judicial representation drawn from all tiers of the judiciary (including a representative of the lay magistracy – see Chapter 7) and nominated for appointment by the Lord Chief Justice after consultation with each of those tiers. The Lord Chief Justice or his nominee would chair the Commission. In line with practice elsewhere, there would be one representative nominated by the Law Society and one by the Bar Council. In total the Commission might consist of around five judicial members, two from the professions and four or five lay members. [para. 6.103]

RECOMMENDATION 79**REPRESENTATIVENESS OF JUDICIAL
APPOINTMENTS COMMISSION**

The lay members of the Commission should be drawn from both sides of the community, including both men and women. This could be achieved through a legislative provision along the lines of section 68(3) of the Northern Ireland Act 1998 which provides that the Secretary of State should, so far as practicable, secure that the Northern Ireland Human Rights Commission is representative of the community in Northern Ireland. [para. 6.104]

RECOMMENDATION 80**APPOINTMENT TO JUDICIAL APPOINTMENTS
COMMISSION**

The First Minister and Deputy First Minister would appoint the nominees of the Lord Chief Justice and the professions and would secure the appointment of lay members through procedures in accordance with the guidelines for public appointments (the Nolan procedures). [para. 6.104]

Accepted

Lead responsibility: Northern Ireland Court Service and NIO

The Bill will give full effect to these recommendations.

The membership of the Commission will comprise representatives from the various judicial tiers together with representatives from the legal professions. The Commission will also have strong lay representation, including men and women drawn from both sides of the community.

Timescale: Dependent on legislation and subject to devolution

RECOMMENDATION 81**RESPONSIBILITIES OF THE COMMISSION**

The Commission should be responsible for organising and overseeing, and for making recommendations on, judicial appointments from the level of High Court judge downwards. [para. 6.105]

RECOMMENDATION 82**SELECTION PANELS**

Working through an Appointments Unit, the Commission would organise its selection panels which, for appointments at deputy resident magistrate and above, would always include at least one member of the judiciary at the tier to which the appointment was to be made and a lay person. The selection panel would shortlist, take account of the available information on the candidates, and conduct interviews with a view to making recommendations to the Commission. [para. 6.105]

RECOMMENDATION 83**SELECTION PROCESS**

We recommend that for all judicial appointments, from lay magistrate to High Court judge, and all tribunal appointments, the Commission should submit a report of the selection process to the First Minister and Deputy First Minister together with a clear recommendation. [para. 6.106]

RECOMMENDATION 84**APPOINTMENT BY FIRST AND DEPUTY FIRST MINISTER**

The First Minister and Deputy First Minister would be required either to accept the recommendation or to ask the Commission to reconsider, giving their reasons for doing so; in the event of their asking for a recommendation to be reconsidered, they would be bound to accept the second recommendation. The First Minister and Deputy First Minister would then:

- in respect of High Court and county court judges, and resident magistrates, advise Her Majesty The Queen to appoint the recommended candidate;
- in respect of appointment of deputy county court judges and deputy resident magistrate, and of appointments below the level of resident magistrate, make the appointment. [para. 6.106]

RECOMMENDATION 107**CODE OF ETHICS**

We recommend that consideration be given to drawing up a statement of ethics which might be annexed to the annual report of the Judicial Appointments Commission. [para 6.138]

Accepted

Lead responsibility: Northern Ireland Court Service and NIO

The Bill will include provisions along the lines of these recommendations.

The Judicial Appointments Commission will make recommendations on judicial appointments up to and including the tier of High Court Judge when justice functions are devolved. (See recommendations 77-80) The Commission will be responsible for selecting candidates for judicial office and making recommendations for appointment to the First Minister and Deputy First Minister. The First Minister and Deputy First Minister will only be able to appoint a candidate recommended by the Commission.

In regard to recommendation 107, the contents of the Commission's annual report will be a matter for the Commission once it is appointed.

Timescale: Dependent on legislation and subject to devolution

RECOMMENDATION 86**JUDICIAL APPOINTMENTS UNIT**

The Judicial Appointments Commission would require a fully resourced administrative structure in the form of a Judicial Appointments Unit separate from the Court Service (or Department of Justice) but staffed by officials drawn from it. This Unit, under the supervision of the Commission, would assist the Commission in:

- establishing criteria for appointment which provide for the level of technical and legal competence required by particular posts and the personal qualities necessary for members of the judiciary, including an awareness of social and human rights issues;
- organising the selection processes which would include open advertising, published criteria for appointment and structured interviews for all appointments from High Court judges downwards;
- ensuring that selection panels had before them all the information on which to base decisions, including the results of consultation with the senior judiciary and professional associations;
- publishing detailed information on all aspects of the appointments system in Northern Ireland, along the lines of *Judicial Appointments*, the Lord Chancellor's Department publication for England and Wales;
- publishing an annual report on the appointments process;
- developing a strategy of equal opportunity and outreach designed to broaden the pool of potential applicants in a way that maximised the opportunity for men and women from all parts of the community to secure appointments; and
- identifying and, where possible, addressing factors which might make it more difficult, or constitute a disincentive, for qualified candidates from particular parts of the community to apply for appointment. [para. 6.111]

RECOMMENDATION 87**CONSULTATION REGARDING CANDIDATES**

There should remain a role for formal written consultation with the senior judiciary and the heads of the legal profession in respect of candidates for appointment as county court judge and above. For the sake of ensuring transparency and fairness, the results of such consultation should be made available to the selection panels for these posts, who would consider them along with all other relevant information. [para. 6.112]

RECOMMENDATION 88**REFEREES**

We consider that the present practice of asking for named referees for lower tier appointments should be extended to include candidates for appointment as High Court or county court judges and suggest that consideration be given to including an element of self-assessment in application forms for judicial appointments. [para. 6.112]

RECOMMENDATION 94**TIMING OF IMPLEMENTATION**

We recommend that those elements of our appointments strategy which do not require legislative change be adopted for implementation at an early stage and be operated within the existing structures. Early steps should also be taken to establish a dedicated Judicial Appointments Unit within the Northern Ireland Court Service to assist the Lord Chancellor and the Lord Chief Justice in their duties within the current judicial appointments process. [para 6.122]

Accepted

Lead responsibility: Northern Ireland Court Service

The Northern Ireland Court Service has already invested significant resources into the establishment of a Judicial Appointments Unit. This Unit currently fulfils a key role in supporting the appointments process and will take full account of the procedural issues raised in recommendations 87 and 88. The position will be kept under review taking account of the appointment of a Commissioner for Judicial Appointments in Northern Ireland (see recommendation 95).

Timescale: Ongoing

RECOMMENDATION 93**BACKGROUND OF APPLICANTS**

We recommend that consideration be given to finding a satisfactory way, with the assistance of proxy indicators if necessary, of assessing for statistical purposes the religious and ethnic background of applicants for judicial posts and of those who wish to be included in the database. There would also need to be assessment for statistical purposes of the ethnic background of applicants. This information would not be available to those involved in the selection process [para. 6.120]

Accepted

Lead responsibility: Northern Ireland Court Service

The Government supports the principle of equity monitoring of the judiciary and the proposals for Northern Ireland mirror those currently in place in England and Wales.

The Northern Ireland Court Service is to begin developing a system to monitor, for statistical purposes, the community background of all applicants for judicial appointment. The Northern Ireland Court Service will consult with the Equality Commission and, when appointed, the Commissioner for Judicial Appointments in Northern Ireland before that system is implemented. Proxy indicators will be used if necessary.

The Judicial Appointments Commission (and the Commissioner for Judicial Appointments prior to devolution) will be required to obtain and collate statistics on, inter alia, the community background, gender and ethnicity of applicants for judicial posts and to refer to such information, in general terms, in its annual report.

Timescale: The Commissioner for Judicial Appointments is expected to be appointed early in 2002

RECOMMENDATION 95**JUDICIAL APPOINTMENTS COMMISSIONER**

We recommend the early appointment of a person or persons of standing to oversee and monitor the fairness of all aspects of the existing appointments system and audit the implementation of those measures that can be introduced before devolution. Such a person or persons should not be a practising member of the legal profession, should be independent of the judicial system and government, and should have the confidence of all parts of the community. They should have access to all parts of the appointments process and report annually to the Lord Chancellor. That report should be published. [para. 6.123]

Accepted

Lead responsibility: Northern Ireland Court Service

The process to appoint a Judicial Appointments Commissioner is well advanced. The post was advertised in the national and local press in July and again in the local press during August. Short listed candidates were interviewed in early November with a view to making an appointment early in 2002. To ensure continuity with the appointment of Deputy Commissioners in England and Wales, the Northern Ireland Court Service and Lord Chancellor's Department have engaged the services of recruiting consultants to assist in the process. The procedures for the selection process have been developed to secure the widest possible pool of suitable candidates and the appointment of an individual who can command the confidence of all parts of the community.

The Commissioner will, in the first year, conduct a full audit of the existing processes and policies for making and renewing judicial and tribunal appointments and publish a report on the findings of that audit. The Commissioner will also be responsible for overseeing and monitoring the fairness of all aspects of the appointments system and audit the implementation of those measures that may be introduced before devolution. This independent scrutiny will enhance public confidence in the appointment process and encourage greater openness and transparency.

Timescale: The Commissioner will be appointed early in 2002.

RECOMMENDATION 96**OATH**

We recommend that, on appointment, members of the judiciary be required to swear an oath along the following lines:

I, [], do swear [or do solemnly and sincerely and truly affirm and declare] that I will well and faithfully serve in the office of [], and that I will do right to all manner of people without fear or favour, affection or illwill according to the laws and usages of this realm. [para. 6.128]

Accepted

Lead responsibility: Northern Ireland Court Service and NIO

All new appointees to judicial office will be required to swear this oath. Those whose renewable appointment pre-dated the coming into force of this provision will be required to take the oath on re-appointment.

Timescale: Dependent on legislation

RECOMMENDATION 97**ACADEMIC INPUT TO JUDICIAL STUDIES BOARD**

We think that the membership of the Board, drawing representation from each judicial tier, is about right, although an academic input might bring benefits. [para. 6.131]

RECOMMENDATION 98**ANNUAL REPORT**

We believe that the Board should produce an annual report on its activities and on its training plans for the judiciary. It should continue to be supported by an administrative secretariat. [para. 6.131]

RECOMMENDATION 99**DEVELOPMENT OF TRAINING**

We think that the Judicial Studies Board should develop a prioritised training plan, with members of the judiciary making the major contribution but also taking account of the views of the professions and other stake-holders. [para. 6.132]

RECOMMENDATION 100**CO-OPERATION WITH OTHER JURISDICTIONS**

We recommend that the Judicial Studies Board pay particular attention to maximising the benefits to be secured from co-operation with England and Wales, Scotland and the Republic of Ireland. [para. 6.133]

RECOMMENDATION 101**INDUCTION TRAINING**

We believe that induction training should be mandatory. [para. 6.134]

RECOMMENDATION 102**JUDICIAL INVOLVEMENT IN TRAINING**

We think that training is more likely to have a beneficial effect and secure the necessary commitment if it is developed by the judiciary for the judiciary on a voluntary basis. The Judicial Studies Board should monitor closely the progress of voluntary training and the degree of participation in it. [para. 6.134]

Accepted

Lead responsibility: Northern Ireland Court Service

The Government fully endorses these recommendations and believes that implementation will do much to raise public awareness of the Judicial Studies Board's existence and work. The Judicial Studies Board has already made significant progress on the implementation of these recommendations.

Timescale: Ongoing

RECOMMENDATION 103**TENURE**

We endorse the current arrangements that give full-time judges and magistrates tenure during good behaviour until a statutory retirement age. [para 6.136]

RECOMMENDATION 108**JUDICIAL SALARIES**

On remuneration we recommend that judges' salaries continue to be fixed by reference to their equivalents in England and Wales, which are within the remit of the Senior Salaries Review Body. [para 6.139]

Accepted

Lead responsibility: Northern Ireland Court Service

The Government fully supports the paramount importance of judicial independence (see recommendation 67) and considers these recommendations a vital part of protecting that independence. Judges' salaries will continue to be fixed by reference to their equivalents in England and Wales, which are within the remit of the Senior Salaries Review Body. Tenure is also enshrined in legislation.

Timescale: Already in place

RECOMMENDATION 104**JUDICIAL TRIBUNALS**

We recommend that removal from office of a judge or lay magistrate should only be possible on the basis of the finding of a judicial tribunal constituted under statutory authority and convened by the First Minister and Deputy First Minister or the Lord Chief Justice, that a magistrate or judge was unfit for office by reason of incapacity or misbehaviour. [para 6.136]

RECOMMENDATION 105**COMPLAINTS PROCEDURE**

We recommend that a complaints procedure be devised and published. This would make clear that complaints about the exercise of judicial discretion could only be addressed through the judicial (ie the appeal) process, essential if judicial independence is to be maintained. Complaints about conduct or behaviour would be the ultimate responsibility of the judiciary, although, as now, officials in the Court Service could be tasked with dealing with the administration of such matters. [para 6.137]

RECOMMENDATION 106**TRIBUNALS FOR SERIOUS COMPLAINTS**

We recommend that for the most serious complaints which appear to have substance, including those which might merit some form of public rebuke or even instigation of the procedure for removal from office, the Lord Chief Justice should have the option of establishing a judicial tribunal to inquire into the circumstances and make recommendations. [para 6.137]

Accepted

Lead responsibility: Northern Ireland Court Service and NIO

The new arrangements reflect practice in many other jurisdictions and, taken with other recommendations from the Criminal Justice Review, will enhance the transparency of the judicial complaints process.

Timescale: Dependent on legislation. New arrangements for tribunals are subject to devolution of justice functions

RECOMMENDATION 109**HEAD OF THE JUDICIARY**

We recommend that the Lord Chief Justice should have a clearly defined position as head of the whole judiciary (including the lay magistracy) in Northern Ireland. [para. 6.141]

Accepted

Lead responsibility: Northern Ireland Court Service and NIO

The Lord Chancellor is currently head of the judiciary and magistracy in Northern Ireland. The Lord Chief Justice of Northern Ireland is President of the High Court, Crown Court and Court of Appeal but has no function in relation to the judicial tiers in the county court and magistrates' courts.

The effect of the Bill as drafted will be to make the Lord Chief Justice head of the whole Northern Ireland judiciary (including the lay magistracy). The Government is considering whether further clarification is required in the Bill.

Timescale: Dependent on legislation and subject to devolution

RECOMMENDATION 110**RESIDENT MAGISTRATES TO BE REDESIGNATED
DISTRICT JUDGES (MAGISTRATES' COURTS)**

We recommend that legislation be passed to redesignate resident magistrates as district judges (magistrates' courts). [para. 6.142]

Accepted

Lead responsibility: Northern Ireland Court Service and NIO

The Government supports this recommendation which recognises and publicly demonstrates that the magistracy is an integral part of the judiciary. This will be implemented in the Bill.

Timescale: Dependent on legislation

LAY INVOLVEMENT IN ADJUDICATION

RECOMMENDATION 111**JURY TRIALS**

We fully endorse the principle of jury trial in cases tried on indictment at the Crown Court. [para. 7.3]

RECOMMENDATION 122**REVIEW OF ASPECTS OF JURY TRIAL**

We think that there are aspects of jury trials that should be reviewed including, inter alia, measures to prevent intimidation of jurors, and the role of juries in particular classes of case. [para. 7.66]

Accepted

Lead responsibility: NIO and Northern Ireland Court Service

The Government's review of the Diplock system was completed in July 2000. Although the Government's overall objective remains a return to jury trial, the then Secretary of State concluded that the time was not yet right for such a move.

A policy to address intimidation is being drawn up in consultation with the police (see recommendation 140). The NIO is considering other aspects of jury trials in the light of Lord Justice Auld's review of the criminal justice system in England and Wales.

Timescale: Dependent on publication of Auld report; policy on intimidation to be drawn up by March 2002.

RECOMMENDATION 112**SUMMARY ADULT TRIALS**

We do not believe that a sufficiently strong case has been made at present to warrant change from the current system whereby a professional magistrate sitting alone adjudicates at summary adult trials. [para. 7.48]

RECOMMENDATION 114**LAY PANELLISTS IN YOUTH COURTS**

We strongly endorse the continued involvement of lay panellists in youth courts. [para 7.50]

RECOMMENDATION 115**ROLE OF LAY PEOPLE**

We do not think that lay people should any longer have the power to extend the period during which a suspect might be held in custody by the police, hear committal proceedings or adjudicate on a range of complaints against adults. There should however continue to be a role for suitably trained lay justices in presiding over special courts for first remand hearings. [para 7.52]

RECOMMENDATION 116**ISSUING SUMMONSES AND WARRANTS**

We recommend that lay people should continue to have a role in hearing complaints with a view to issuing summonses and warrants. [para 7.53]

RECOMMENDATION 117**LAY MAGISTRATES**

We recommend that all lay appointees empowered to fulfil judicial functions should be designated as lay magistrates. [para 7.55]

RECOMMENDATION 121**MONITORING AND EVALUATION**

We recommend that the quality and impact of lay involvement, especially in the youth court and in the county court, be monitored and evaluated as a possible basis for extending the work of lay magistrates. [para. 7.61]

Accepted

Lead responsibility: Northern Ireland Court Service and NIO

These recommendations recognise the important role currently performed by lay persons within the justice system and propose ways to enhance that role. Measures to improve the responsiveness and accountability of lay participation will also be introduced.

Timescale: Dependent on legislation

RECOMMENDATION 113**COMMUNITY INVOLVEMENT**

We strongly endorse the view that efforts should be made to make the system more responsive to community concerns and to encourage lay involvement in an informal capacity. We make recommendations elsewhere about opening up the courts to the public and we believe that the judiciary could make a significant contribution to this. Participating in various types of discussion fora, facilitating court visits and seeking out the views of the public on the way in which the system works should significantly reduce the likelihood of their being “out of touch” and should enhance confidence generally. [para. 7.49]

RECOMMENDATION 129**COURT USER GROUPS**

We recommend the establishment of court user groups across Northern Ireland inclusive of the judiciary, the professions, criminal justice agencies, and voluntary organisations representing victims and witnesses. We also suggest that consideration be given to means of sharing best practice between such groups. [para. 8.47]

RECOMMENDATION 134**ROLE OF COURT USER GROUPS**

Local court user groups will have a role in making suggestions for and monitoring improvements in facilities with reference to agreed standards. [para. 8.51]

Accepted

Lead responsibility: Northern Ireland Court Service

These recommendations already form part of Northern Ireland Court Service policies. The Northern Ireland Court Service made a commitment in its Corporate Plan 1999-2002 to develop Court User forums at main court centres and has made good progress in this regard with forums established in, for example, Ards, Armagh, Londonderry and Cookstown.

Timescale: Within the Corporate Planning period 1999-2002

RECOMMENDATION 118**RESPONSIBILITIES OF LAY MAGISTRATES**

We recommend that a system be devised whereby lay magistrates would be formally authorised to perform each of the three functions only following appropriate training. We would envisage training being the responsibility of a sub-committee of the Judicial Studies Board. Current members of the Juvenile Lay Panel will already have received structured training and we envisage that they would therefore be eligible for re-appointment as lay magistrates without the need for a selection process in their case; it will of course be necessary to appoint significant numbers of additional lay panellists to provide for the expanded jurisdiction of the youth courts. [para. 7.56]

RECOMMENDATION 119**APPOINTMENT PROCESS**

We envisage appointments to the position of lay magistrate being made using the same mechanism as used for other members of the judiciary. The selection procedure should, however, draw upon the advice of local committees, as now, which should include a mix of existing magistrates and representatives of outside interests, including people with a community focus. The objective should be to secure the appointment of magistrates on the basis of publicly available criteria through advertisement and a proactive effort to secure nominations from organisations in the community including, for example: the private sector, voluntary and community organisations, churches and other local groups. There should be a retirement age of 70 for lay magistrates. [para. 7.57]

RECOMMENDATION 120**ATTENDANCE PROCEDURES**

It should be for the body responsible for courts' administration to organise the attendance of lay magistrates at court to enable them to fulfil their functions and stand-by rotas in case they are needed out of hours. [para. 7.58]

Accepted

Lead responsibility: Northern Ireland Court Service

The Review recommended the creation of the new office of Lay Magistrate. Existing lay appointees (Justices of the Peace and Lay Panellists) may apply to become Lay Magistrates. Following the completion of the necessary training they will be empowered to carry out the following judicial functions:

- first remand hearings in special courts;
- hearing complaints with a view to issuing warrants and summonses; and
- sitting as lay panellists in youth courts, family proceedings courts and as assessors at the hearing of appeals to the county court from youth courts.

Those Justices of the Peace who do not apply to become lay magistrates, or whose application is not successful, will continue to carry out those functions which lie outside the field of criminal law.

Current members of the lay panel who already receive structured training will be eligible for re-appointment as Lay Magistrates without the need to go through a selection process. Legislation is required to rename lay panellists, to change their role and to re-assign the criminal justice functions presently performed by Justices of the Peace.

In regard to community involvement, see recommendations 124-128, which outline steps to be taken on public education and recommendations 129 and 134 on the creation of court user groups which include the judiciary.

Timescale: Recommendations 118-120 are dependent on legislation

COURTS

RECOMMENDATION 123**REVIEW OF INQUESTS**

We recommend an independent review into the law and practice of inquests in Northern Ireland. [para. 8.36]

Accepted

Lead responsibility: Home Office and Northern Ireland Court Service

The Government has initiated an independent review of the coroner system, which will be led by the Home Office. This review will cover the systems in England and Wales and Northern Ireland.

Timescale: It is envisaged that the review will report before the end of 2002.

RECOMMENDATION 124**COURTS TO BE EFFICIENT AND EFFECTIVE**

We believe that the courts in Northern Ireland should operate efficiently but also effectively and in a way that promotes confidence in the criminal justice system. [para. 8.41]

RECOMMENDATION 125**PUBLIC EDUCATION STRATEGY**

The courts' administration should contribute to and be fully involved in the co-ordinated strategy of public education and information about the criminal justice system. [para. 8.45]

RECOMMENDATION 126**PUBLIC INFORMATION**

We endorse the current efforts of the Northern Ireland Court Service to provide information to the public and recommend that this work is developed further. [para. 8.46]

RECOMMENDATION 127**DISSEMINATION OF INFORMATION**

Information points in courthouse reception areas should include a range of leaflets explaining what goes on in courts, while the internet and video might be used to disseminate information. [para 8.46]

RECOMMENDATION 128**COURT VISITS**

Visits to courts should continue to be encouraged as a way of increasing community awareness and understanding. [para. 8.46]

Accepted

Lead responsibility: Northern Ireland Court Service

These recommendations endorse existing practices and policies. The Northern Ireland Court Service has already been proactive in a number of areas including provision of information to the public (in April 2000 it published a revised Courts Charter which is displayed in its public offices) and providing outreach opportunities to the wider community through court visits and work experience placements. Work is being taken forward on the implementation of an extensive Information Systems/Information Technology Service Delivery Programme which will focus in part on the electronic provision of information using access channels such as the internet and video.

Timescale: Ongoing

RECOMMENDATION 130**MEMBERSHIP OF THE CRIMINAL JUSTICE ISSUES GROUP**

We see the Criminal Justice Issues Group as a body bringing together the judiciary, the heads of the main criminal justice agencies, the legal profession and the voluntary sector to promote good practice throughout the system. [para. 8.47]

RECOMMENDATION 266**ROLE OF THE CRIMINAL JUSTICE ISSUES GROUP**

We agree with those who suggested that the membership of the Criminal Justice Issues Group should be expanded to include representatives of the major voluntary sector organisations, given the important role they currently play - and will continue to play in future - in delivering criminal justice, and we so recommend. [para. 15.76]

Accepted

Lead responsibility NIO

The Criminal Justice Issues Group was established in 1998. The NIO is considering the development of its membership and remit in the light of the Review recommendation.

Timescale: Ongoing

RECOMMENDATION**RECEPTION AND WAITING AREAS**

We recommend that it should be an objective for all court buildings to have appropriate reception, waiting and consultation areas for those attending court, with adequate refreshment facilities and proper access for the disabled. Consideration should also be given to the need to accommodate and staff information points, witness support facilities and other community services as considered appropriate in the local area. [para. 8.49]

RECOMMENDATION 132**COURTROOM LAYOUT**

We recommend that the layout of courtrooms should take account of the needs of the judge and those attending court to have good lines of sight and be able to hear the proceedings. [para. 8.50]

RECOMMENDATION 133**RESEARCH INTO COURTROOM LAYOUT**

Courtrooms should have the appropriate degree of formality, and be designed to minimise the risk of jury or witness intimidation. We also recommend research into audibility, layout and procedure in the courts throughout Northern Ireland to highlight any simple improvements that might be made. We note the importance of those participating in court speaking clearly. [para. 8.50]

Accepted

Lead responsibility: Northern Ireland Court Service

The Government fully supports the need to make courtrooms more user-friendly. The Northern Ireland Court Service has lead responsibility for implementation. It will publish an Accommodation Strategy for public consultation before the end of 2001 and is developing a Customer Care strategy.

Timescale: The consultation period will be completed by spring 2002

RECOMMENDATION 135**SIMPLIFICATION OF DRESS**

We recommend the simplification of dress worn in court and an end to the wearing of wigs except on ceremonial occasions. [para. 8.52]

Accepted in Principle

Lead responsibility: Lord Chief Justice, the judiciary and the legal professions

Court dress is by custom determined by the judiciary and the legal professions and implementation of this recommendation is for them to consider and consult on as necessary.

Timescale: To be developed

RECOMMENDATION 136**SIMPLIFICATION OF LANGUAGE IN COURTS**

We recommend that steps be taken to ensure the language used in the criminal courts is easily understood by lay people. [para. 8.53]

Accepted

Lead responsibility: Northern Ireland Court Service and Criminal Justice Agencies

Taking forward the practical implementation of this cross-cutting issue is for the criminal justice agencies, the judiciary and the legal profession.

Timescale: Ongoing

RECOMMENDATION 137**INTERPRETERS**

We endorse the work that is currently under way in drawing up a common list of interpreters to be used for victims, witnesses and suspects. [para. 8.54]

Accepted

Lead responsibility: NIO

As noted by the Review, work is currently under way to draw up a common list of interpreters to be used for victims, witnesses and suspects. It will remain the responsibility of the relevant criminal justice agency to identify need and to ensure that interpreters are available.

Timescale: A list will be drawn up by April 2003

RECOMMENDATION 138**IRISH LANGUAGE**

We recommend that consideration of the use of the Irish language in courts be taken forward in the wider context of the development of policy on the use of Irish in public life generally. [para. 8.56]

Accepted

Lead responsibility: Northern Ireland Court Service

The Northern Ireland Court Service, in consultation with other government departments, is considering the scope for use of Irish in courts in the context of developing policy on using Irish in public life generally. An Interdepartmental Group already exists to take forward implementation of those provisions of Part III of the European Charter on Regional or Minority Languages which apply to the Irish language following ratification of the Charter in March 2001.

Timescale: Ongoing

RECOMMENDATION 139**COURT SECURITY**

In line with the assessment of security risk, the Court Service should assume full responsibility for security at its courthouses, for jury keeping and for the reception and provision of information for court users. [para. 8.58]

Accepted

Lead responsibility: Northern Ireland Court Service

The Bill will ensure civilian security officers have all reasonable powers to provide security at courthouses. The Northern Ireland Court Service will take this recommendation forward in conjunction with external providers.

Timescale: Dependent on legislation

RECOMMENDATION 140**INTIMIDATION IN COURT**

We recommend that the Court Service should have the responsibility, in consultation with the police, for drawing up policy in relation to countering intimidation of jurors, witnesses, victims and other members of the public on court premises and for ensuring that the policy is implemented.
[para. 8.59]

Accepted

Lead responsibility: Northern Ireland Court Service

The Court Service will engage with the police to establish a policy which will counter intimidation of jurors, witnesses victims, and other members of the public.

Timescale: Preparation of an intimidation policy will be completed by March 2002

RECOMMENDATION 141**SYMBOLS**

We recommend that there should be no change in the arrangements for displaying the Royal Coat of Arms on the exterior of existing courthouses. However, in order to create an environment in which all those attending court can feel comfortable we recommend that the interior of courtrooms should be free of any symbols. We recommend that the flying of the Union flag at courthouses should continue to be in line with flag flying practice at other government buildings which are the responsibility of the Secretary of State for Northern Ireland. These practices would become subject to any decision of the Assembly on devolution of responsibility for courts administration. [para. 8.62]

RECOMMENDATION 142**ROYAL DECLARATION**

We believe that the declaration of "God Save The Queen" on entry of the judiciary to the court is unnecessary and we recommend that this practice should end. [para. 8.63]

Accepted

Lead Responsibility: Northern Ireland Court Service

The Government endorses recommendation 141 on symbols. The Bill will include provision to implement this.

The Government also accepts that the flying of flags at courthouses should continue to be in line with flag flying at other government buildings.

In regard to recommendation 142, it is Northern Ireland Court Service policy that there should be no declaration of "God Save the Queen" on entry of the judiciary to court. A notice will, however, be issued to court staff reminding them of this policy.

Timescale: Implementation of recommendation 141 dependent on legislation

RESTORATIVE AND REPARATIVE JUSTICE

RECOMMENDATION 143**DEVELOPMENT OF RESTORATIVE JUSTICE APPROACHES**

We recommend the development of restorative justice approaches for juvenile offenders. [para. 9.53]

RECOMMENDATION 144**PILOTING AND EVALUATION OF RESTORATIVE JUSTICE SCHEMES**

We recommend that restorative justice schemes for young adults (i.e. those between 18 and 21 years of age inclusive) and adults be piloted and evaluated carefully before final decisions are made on whether and how they might be applied across Northern Ireland as a whole. [para. 9.54]

RECOMMENDATION 146**INTEGRATION INTO JUVENILE JUSTICE SYSTEM**

We recommend that restorative justice should be integrated into the juvenile justice system and its philosophy in Northern Ireland, using a conference model (which we term a "youth conference") based in statute, available for all juveniles (including 17 year olds, once they come within the remit of the youth court), subject to the full range of human rights safeguards. [para. 9.60]

RECOMMENDATION 147**RESTORATIVE JUSTICE**

We recommend that a Northern Ireland system should focus on:

- reparative justice and meeting the needs of victims, so giving them a real place in the youth conference, rather than just regarding it as a means to reform the offender;
- rehabilitative justice, where what is important is the prevention of re-offending by the young person, so that the youth conference focuses on offending behaviour;
- proportionality, rather than pure retributive justice;
- reintegrative shaming, where the offender acknowledges the harm done, but where the youth conference clearly separates the offender from the offence and focuses on the potential for reintegrating the offender into the community in the plan and on the prevention of re-offending;
- repairing relationships which have been damaged or broken by crime;
- devolving power to youth conference participants (see below for discussion of who those participants might be) to create the youth conference and the plan, but requiring subsequent approval for the plan from the court for cases which have gone to court (see below in relation to police/prosecution referrals);
- encouraging victims to bring one or more supporters (who might be, but need not necessarily be, a member of Victim Support);
- encouraging offenders to bring significant others (especially their families, but also particular members of the community important to them) to the youth conference, but not placing such a strong emphasis on the responsibility of the family to deal with offending as is done in New Zealand. [para. 9.62]

Accepted

Lead responsibility: NIO

The Bill will provide for these recommendations through the introduction of a youth conferencing system for juveniles, both as an intervention prior to court and as a formal court-based system. Although priority will be given to court-based schemes the intention is also to develop diversionary conferencing. The conferencing system will be designed to address the needs of victims, to focus on offending behaviour and proportionality, and to seek to repair damaged relationships. The system will support full participation by the offender and his/her family, empowering conference participants to formulate a plan of action. This plan would be safeguarded by a requirement that the court, in the case of court-ordered conferences, or the prosecutor, in diversionary conferences (see recommendations 145-166), would have to approve the plan.

The Government also accepts that schemes for young adults and adults which are based on the

restorative philosophy should be piloted and evaluated before decisions are taken as to whether and how they might be applied across Northern Ireland.

Timescale: Dependent on legislation, with piloted introduction as necessary

RECOMMENDATION 145	INFORMAL WARNINGS AND CAUTIONS
We recommend that in Northern Ireland the police continue to have the option of issuing informal warnings or cautions to juveniles. [para. 9.59]	
RECOMMENDATION 163	POLICE AND PROSECUTOR REFERRALS
We recommend that priority be given to establishing facilities for court-referred youth conferences, and that the system be expanded to provide for police and prosecutor referrals more slowly. [para. 9.87]	
RECOMMENDATION 165	PROSECUTOR REFERRALS
We think it is important that, when resources permit, youth conferences, as with other forms of diversion, should be available through prosecutor referral as well as police referral. [para. 9.92]	
RECOMMENDATION 166	OPTION TO PROSECUTE
For prosecutor referrals, the right to prosecute should remain until the plan has been completed. In the case of police referrals the co-ordinator should monitor the implementation of any agreed plan and report back to the police, but the police should not have the option of proceeding further. [para. 9.93]	

Accepted

Lead responsibility: NIO

As recommended by the Review, the police will continue to have the option of issuing informal warnings or cautions to juveniles.

The Government accepts that the restorative conferencing system should be available to juveniles accused of crime as an intervention prior to the court process. The option of diversion should be made available as soon as possible. This would divert from the formal system those who would benefit from such action and would avoid creating delay in the courts. It is, therefore, agreed that work to establish the diversionary conferencing system will be taken forward in conjunction with work on the court-based system.

The system will work as follows: having established a firm intention to prosecute, prosecutors may make a referral to a diversionary youth conference. If the conference fails or the agreed plan is not fully completed then a prosecution will take place and the matter will go to court.

Timescale: Dependent on legislation

RECOMMENDATION 148**COMBINATION OF SANCTIONS**

Even where there is a need for custody or a traditional criminal justice community sanction (such as probation, community service or a compensation order), we recommend that these should be capable of being combined with other elements within a youth conference order (allowing a number of elements to be incorporated into a plan, not all of which can be combined at present). [para. 9.63]

RECOMMENDATION 149**COURT-REFERRED YOUTH CONFERENCE SCHEME**

We recommend that a court-based youth conferencing scheme should operate on the basis of court referrals, with the youth conference resulting in a report to the court which contains a plan. If approved by the court, the plan will form the basis for the court disposal. Court-ordered referrals should be required after guilt has been admitted or determined, but before disposal. They should be discretionary for offences that are triable only on indictment. [para. 9.65]

RECOMMENDATION 150**PRE-SENTENCE REPORT**

Where the court orders a youth conference, we recommend that there should be no requirement to request a pre-sentence report, so as to avoid introducing a further cause of delay. [para. 9.66]

Accepted

Lead responsibility: NIO

The Government agrees that conference participants should be empowered to agree a plan of action. It endorses the important safeguard that such a plan should then be subject to approval by either the court, in the case of a court-ordered conference, or the prosecutor, where it is a diversionary conference.

In order for the conference plan to address the needs of individual offenders it is important that it should be able, subject to court approval, to recommend combinations of sanctions which cannot currently be combined. The conference cannot recommend a more punitive sanction than that which could be imposed by the court. In formulating its decisions the conference will consider all relevant information, such as would currently be included in a pre-sentence report. The agreement of a conference plan, therefore, dispenses with the need for a separate pre-sentence report.

Timescale: Dependent on legislation

RECOMMENDATION 151**ATTENDANCE BY VICTIM**

Every effort should be made by the conference co-ordinators to contact victims, to encourage them to attend and to organise conferences in such a way as to facilitate the attendance of victims. [para. 9.68]

RECOMMENDATION 152**ATTENDANCE BY SUPPORTERS**

Victims should be able to be accompanied at the conference by a supporter (or, at the discretion of the co-ordinator, more than one supporter - a restriction on numbers would be inappropriate, especially in the case of child victims). [para. 9.70]

RECOMMENDATION 153**VICTIM STATEMENT**

If the victim does not wish to attend the conference, then he or she should be offered the alternative of submitting a written statement (describing the effect of the offence and indicating whether an apology, reparation or compensation would be received positively). [para. 9.71]

RECOMMENDATION 154**ATTENDANCE OF VICTIM OPTIONAL**

If victims do not wish to attend a youth conference that should not prevent it from going ahead. Victims should not have a veto on conferences taking place. [para. 9.71]

Accepted

Lead responsibility: NIO

It is agreed that the new system of juvenile justice should place a high priority on addressing the needs of victims. The emphasis on the involvement of the victim in the conferencing process is welcomed, as are the recommendations that, should the victim wish it, he or she may be accompanied by one or more persons whose role is to offer support, or may choose to submit to the conference a written statement on how the offence has affected him or her. It is right, however, that where the victim does not wish to attend the conference the conference should still proceed.

Timescale: Dependent on legislation

RECOMMENDATION 155**DEFINITION OF "FAMILY"**

We recommend that in Northern Ireland, for purposes of attendance at youth conferences, "family" should be viewed in its broad context to include those, such as church or youth leaders, who play a significant role in the offender's life. [para. 9.72]

RECOMMENDATION 156**MANDATORY PARTICIPANTS**

We recommend that the following should always take part in a youth conference:

- the co-ordinator;
- the juvenile and the juvenile's parents or guardians; and
- either a police officer or prosecutor. [para. 9.76]

RECOMMENDATION 157**OPTIONAL PARTICIPANTS**

We recommend that the following may participate in the youth conference:

- the victim (if he or she agrees) and the victim's supporters;
- significant others relevant to the offender (at the co-ordinator's discretion);
- a defence solicitor or barrister (where this is wished by the offender or his or her guardian); and
- where appropriate, professionals such as probation and social services, who can provide information to the conference about possible options for the plan and about the offender's background (but only as information providers and at the co-ordinator's discretion). [para. 9.77]

Accepted

Lead responsibility: NIO

The Government fully endorses the principle that different participants should have different levels of involvement in the conferencing process. The conference may not proceed without the young offender, his or her parents/guardian/appropriate adult, a police officer and the co-ordinator. No other potential participant may prevent a conference going ahead. The victim(s) of the offence, a defence solicitor/barrister (to provide advice and support only), certain other professionals (social worker, probation officer, attendance centre officer etc) and the family of the offender may attend and participate in the conference. The victim may be accompanied by one or more supporters if this will make attendance easier, but these supporters will not be entitled to participate in the conference beyond sharing information about the effects of the crime.

Timescale: Dependent on legislation

RECOMMENDATION 158**MONITORING AND BREACH POWERS**

We recommend that the youth conference co-ordinator should have the same type of monitoring and breach powers as probation officers in relation to monitoring probation orders and their requirements. If offenders do not complete their plans in their entirety or, in the judgement of the co-ordinator, sufficiently, then breach proceedings would start. [para. 9.79]

RECOMMENDATION 159**YOUTH CONFERENCE CO-ORDINATORS**

We recommend that the youth conference and youth conference co-ordinators should be housed within a separate arm of the Department of Justice or one of its agencies. [para 9.82]

RECOMMENDATION 162**INTER-AGENCY ARRANGEMENTS**

We recommend that youth conference co-ordinators should take the lead in developing networks and inter-agency arrangements in local areas, and should co-ordinate the development of a local menu of programmes and options that might form part of a youth conference order. They should develop close links with a variety of organisations and groups with an interest in youth conferences in local areas, including funders, programme providers, community groups, sentencers, the police, probation, social services and education authorities. [para. 9.86]

RECOMMENDATION 164**DIVERSIONARY CONFERENCES**

We believe that in the longer term, as resources permit, youth conference co-ordinators should assist with pre-court conferences as part of a diversionary strategy. [para. 9.90]

Accepted

Lead responsibility: NIO

It is agreed that a separate agency should be established to take forward the youth conference work. Conference co-ordinators would be housed within this agency. The establishment of networks for information sharing and support and for the provision of programmes will be vital in ensuring the proposed system operates as effectively as possible. Establishing such networks should be a key role of the co-ordinators. The co-ordinator's responsibility should include monitoring compliance with the conference plan and initiating breach proceedings. This could be done by bringing the issue to the attention of the prosecutor (diversionary conferences) or to the court (court-ordered conferences). The role of the co-ordinator in the pre-court conference will be the same as at a conference ordered by the court. Work to establish the conference co-ordination agency will progress in parallel with the legislation.

Timescale: Dependent on legislation

RECOMMENDATION 160**NATIONAL AND LOCAL PROGRAMMES**

We recommend that the development of restorative justice, and in particular the development of the menu of national and local programmes and projects which the youth conference can draw upon, should be driven at both national and local level. [para. 9.85]

RECOMMENDATION 161**YOUTH CONFERENCE INTER-AGENCY BODY**

We recommend that a national level inter-agency body responsible for youth conferencing should be established; it might be a sub-group of the Criminal Justice Board. It could have responsibility for ensuring the availability of programmes across Northern Ireland to support community sanctions, restorative justice generally, and youth conferences in particular. It should deal with the accreditation and setting of standards for restorative justice, including those that apply to community restorative justice schemes, and encourage the spreading of good practice. [para. 9.85]

Accepted

Lead responsibility: NIO

This work will be taken forward once legislation is in place.

Timescale: Dependent on legislation

RECOMMENDATION 167**REVIEW OF COURT SENTENCING POWERS**

We recommend that the courts' sentencing powers be reviewed to facilitate the possibility of restorative interventions, including the formal payment of compensation before sentence is finally passed. [para. 9.94]

Accepted

Lead responsibility: NIO

The Government agrees that sentencing powers should be reviewed with a view to making them more flexible. It is envisaged that conditions could be attached to deferred sentences in order to address the circumstances of individual offenders, for example, where alcohol or drug abuse plays a role in the offence the successful completion of a rehabilitation programme might result in a community sentence rather than a custodial one.

Timescale: Detailed review of sentencing powers to start in July 2002 and will be completed by July 2003; implementation to follow subject to any necessary legislation

RECOMMENDATION 168**COMMUNITY RESTORATIVE JUSTICE SCHEMES**

We believe that community restorative justice schemes can have a role to play in dealing with the types of low-level crime that most commonly concerns local communities. However, we recommend that community restorative justice schemes should:

- receive referrals from a statutory criminal justice agency, rather than from within the community, with the police being informed of all such referrals;
- be accredited by, and subject to standards laid down by the Government in respect of how they deal with criminal activity, covering such issues as training of staff, human rights protections, other due process and proportionality issues, and complaints mechanisms for both victims and offenders;
- be subject to regular inspection by the independent Criminal Justice Inspectorate which we recommend in Chapter 15; and
- have no role in determining the guilt or innocence of alleged offenders, and deal only with those individuals referred by a criminal justice agency who have indicated that they do not wish to deny guilt and where there is prima facie evidence of guilt. [para. 9.98]

Accepted

Lead responsibility: NIO

The Government agrees that community restorative justice schemes have a role to play in dealing with types of low level crime, but it also agrees with the Review's emphasis on the need to protect the human rights of all who come into contact with such schemes. The Government agrees fully with the Review's recommendations on how community restorative justice schemes may exercise a role in relation to low level crime: namely that they should only receive referrals from a statutory agency, with the police informed of all referrals; they should be accredited by and subject to standards laid down by Government; they should be subject to regular inspection by the Criminal Justice Inspectorate; and should have no role in determining guilt or innocence.

The Government looks forward to working in close co-operation with accredited schemes, and to assisting those schemes which are actively working towards accreditation. However, schemes which set out to deal with criminal matters and which do not attain accreditation pose a serious threat to the human rights of those involved and risk undermining the rule of law. In order to facilitate the move towards accreditation the NIO will draw up guidelines, developed in consultation with relevant parties, including statutory agencies and community schemes, for the operation of the schemes which would bring them into line with the Review's recommendation.

Timescale: Ongoing

JUVENILE JUSTICE

RECOMMENDATION 169**STATEMENT OF AIMS AND PRINCIPLES**

We recommend that in drawing up legislation flowing from this Review, the Government should develop, agree and incorporate a clear statement of the aims of the juvenile justice system in Northern Ireland and a statement of the principles which should guide those who exercise the powers conferred by the legislation with due regard to the international human rights standards to which the United Kingdom has given commitment. [para. 10.66]

Accepted

Lead responsibility: NIO

As recommended, the Bill will set out the aims and principles of the juvenile justice system.

Timescale: Dependent on legislation

RECOMMENDATION 170**PROVISION FOR 10-13-YEAR-OLD OFFENDERS**

We recommend that children aged 10-13 inclusive who are found guilty of criminal offences should not be held in juvenile justice centres, and that their accommodation needs should be provided by the care system. [para. 10.69]

Accepted

Lead responsibility: NIO and Department of Health, Social Services & Public Safety (DHSSPS)

The Government endorses this recommendation and the Bill will include provision to have 10-13 year olds held in secure care accommodation. Discussions have begun between the NIO and the DHSSPS to work through the practicalities involved in implementing this.

Timescale: Dependent on legislation

RECOMMENDATION 171**YOUTH COURT TO INCLUDE 17-YEAR-OLDS**

We recommend that 17-year-olds be brought within the ambit of the youth court. [para. 10.70]

Accepted

Lead responsibility: Northern Ireland Court Service

Legislative provision will be made in the Bill. The practical arrangements for implementation will be taken forward by the Northern Ireland Court Service.

Timescale: Dependent on legislation and implementation of practical arrangements

RECOMMENDATION 172 **17-YEAR-OLD OFFENDERS REMANDED AND SENTENCED TO YOUNG OFFENDERS CENTRE**

In the particular circumstances of Northern Ireland we recommend that it should continue to be the practice for 17 year olds to be remanded and sentenced to the young offenders centre. [para. 10.72]

Accepted with Qualifications

Lead responsibility: NIO

The majority of 17-year-olds requiring custody will continue to have their needs met appropriately in a Young Offenders Centre. As an additional safeguard, courts will be given limited discretion to place a 17-year-old in a Juvenile Justice Centre where certain conditions are met and if they believe it to be in the young person's best interest.

Timescale: Dependent on legislation

RECOMMENDATION 173 **VULNERABLE OR IMMATURE 17-YEAR-OLDS**

We recommend that the staff at the young offenders centre pay particularly close attention to the 17-year-olds in their care and be prepared to take special measures, including the provision of separate accommodation, for any who are assessed as being vulnerable or immature. [para. 10.72]

Accepted

Lead responsibility: Northern Ireland Prison Service

The Northern Ireland Prison Service recognises the special needs of young adults in the prison system and continually strives to improve its supervision arrangements. This is achieved by various measures including:

- new induction arrangements allow specific problems to be addressed early;
- a personal officer scheme will be introduced shortly to give inmates direct contact to specific staff; and
- an anti-bullying policy that is being implemented at Young Offenders Centre. This includes the separation of accommodation for bullies from their victims.

Timescale: Ongoing

RECOMMENDATION 174 **COMMUNITY SERVICE**

We recommend that a form of community service should be developed for those under 16 years of age, with a maximum period of service of 40 hours. The service to be undertaken should be tailored to the needs of juveniles of that age group and be of a nature most likely to maintain and promote the development of the juvenile in responsible, beneficial and socially acceptable ways. The arrangements should be piloted and evaluated rigorously. [para. 10.74]

RECOMMENDATION 175 **REPARATION ORDERS**

We recommend the introduction of reparation orders in Northern Ireland. [para. 10.75]

Accepted

Lead responsibility: NIO

The Government will introduce a community responsibility order and a reparation order to implement these recommendations.

Timescale: Dependent on legislation

RECOMMENDATION 176**BAIL AND REMAND FACILITIES**

We recommend:

- (i) the piloting and evaluation of bail information and support schemes to provide the courts with information and advice to assist them with making bail and remand decisions in respect of individual juveniles;
- (ii) the development of bail hostel accommodation specifically for juveniles, particularly within Belfast;
- (iii) that those remanded in custody should be assessed as quickly as possible to determine the nature of the regime required, including the degree of supervision; and
- (iv) that remands in custody should be for the shortest period of time possible. [para. 10.78]

Accepted

Lead responsibility: NIO

Recommendation 176 contains 4 parts. Taking each in turn: -

- (i) The Government accepts that more effective bail arrangements should be developed and a number of locations for pilot schemes are being considered.
- (ii) Where necessary, arrangements for the provision of accommodation for children who are on bail will be developed in conjunction with the voluntary sector and other statutory providers.
- (iii) Assessment arrangements for children entering custody on remand are currently the subject of a wider Social Services Inspectorate review on the operation of the Criminal Justice (Children)(NI) Order and will be implemented as part of the development of new regimes for the single juvenile justice centre.
- (iv) It is fully accepted that remands in custody should be for the shortest period of time possible. Only a few children who are charged with very serious offences spend a long time on remand; the majority are released within a week of committal. Better bail support arrangements will help to reduce the numbers on remand and the time they spend in custody.

Timescale: Bail pilot schemes including bail information, support and accommodation will be in place by spring 2002; revised assessment procedures for remand juveniles in place by March 2002

RECOMMENDATION 177**CLOSURE OF LISNEVIN**

We recommend that Lisnevin juvenile justice centre be closed. [para. 10.79]

Accepted

Lead responsibility: NIO

The Government is committed to closing Lisnevin as soon as acceptable alternative provision can be made. Further work is being undertaken to review the options in the period before a new purpose built centre is available for occupation.

Timescale: Details of the next steps will be announced by the end of the year.

RECOMMENDATION 178**DIVERSIONARY MECHANISMS**

We endorse the development of further diversionary mechanisms based on a partnership approach and recommend that any savings arising from the rationalisation of the juvenile justice estate should be reallocated to diversionary programmes and other community-based sanctions for juveniles. [para. 10.87]

Accepted

Lead responsibility: NIO

Further diversionary mechanisms will be established in line with identified needs and effective practice. Some resources released from the rationalisation of the custodial estate have already been allocated to diversionary programmes.

Timescale: Ongoing

RECOMMENDATION 179**PROSECUTOR-DRIVEN DIVERSION TO BE DEVELOPED**

We recommend also the development of prosecutor-driven diversionary schemes for juveniles, including the power to refer back for a police caution and the development of agreed guidelines on good practice in diversion at police and prosecutor level. [para. 10.87]

Accepted

Lead responsibility: DPP(NI) and NIO

This recommendation sums up the contents of other Review recommendations. Recommendations 163 and 165 cover prosecutor-driven diversionary schemes. The response to recommendations 36 and 37 deals with the prosecutor's power to refer back to the police for a caution and the development of guidelines.

Timescale: Preparatory work has already begun on the development of good practice guidelines. Prosecutor-driven diversionary schemes are dependent on legislation

RECOMMENDATION 180**RESEARCH INTO EFFECTS OF CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1988**

In respect of juveniles, we recommend that the Government should commission independent research into the effects of the Criminal Evidence (Northern Ireland) Order 1988 on juvenile defendants as a matter of urgency, and that the findings of that research should be published. [para. 10.89]

RECOMMENDATION 189**RESEARCH INTO JUVENILE JUSTICE**

We recommend the use of research as a basis for developing an informed juvenile justice policy. We recommend that all new initiatives and legislation should be routinely monitored and subject to rigorous and independent evaluation. [para. 10.105]

Accepted

Lead responsibility: NIO

Research into the effects of the Criminal Evidence (NI) Order 1988 will be commissioned during 2001/2002 as part of an extensive research programme. This programme will inform the development of juvenile justice policy.

Timescale: Due to begin in January 2002

RECOMMENDATION 181**TRAINING OF APPROPRIATE ADULTS**

We recommend that those who volunteer to act as appropriate adults should receive training by a wide range of agencies, to include training on the needs of those who have learning or other disabilities, or who are suffering from a mental disorder, and children's rights and broad human rights awareness. [para. 10.90]

Accepted

Lead responsibility: NIO

Full implementation of this recommendation will involve local policing boards, Health Trusts, including mental health, and social services. The police service will be responsible for awareness training.

Timescale: Ongoing

RECOMMENDATION 182**OPERATION OF THE YOUTH COURT**

In respect of the operation of the youth court we recommend that:

- (i) Guidelines should be developed for the layout and operation of the youth court, emphasising the need for all the participants in court to sit at the same level, the need for all participants to be able to hear what is being said in court, the need for simple and plain language to be used during the proceedings, and the need for the defendant and his or her parents to be given opportunities to participate and express themselves freely.
- (ii) Defence and prosecution advocates should be encouraged, through professional education and development, to enhance their expertise in respect of handling juvenile cases and their awareness of the human rights instruments and jurisprudence as they relate to juveniles. This should not interfere with the juvenile's right to the lawyer of his or her choice. Professional and lay members of the bench should receive similar training under the auspices of the Judicial Studies Board.
- (iii) In the light of the outcome of evaluation, the child witness scheme should be made available at all criminal court venues in Northern Ireland, including youth courts.
- (iv) Efforts to deal with delays in cases being brought before the youth court should continue.
- (v) Given the need to tackle delay and the impact of extending the jurisdiction of youth courts to include 17 year olds, there should be an examination of youth court sittings and consequential implications for magistrates' courts. [para. 10.94]

Accepted

Lead responsibility: Northern Ireland Court Service, NIO and Criminal Justice Board

Recommendation 182 contains 5 parts. Taking each in turn: -

- (i) Courtroom layout and audibility issues will be addressed in the context of the Court Service's Accommodation Strategy. Guidelines in respect of other matters contained in this recommendation will be developed in conjunction with the judiciary and other criminal justice agencies. Guidelines should issue by summer 2002.
- (ii) Handling of Juvenile Cases - The need for enhanced training will be drawn to the attention of the relevant professional bodies and the Judicial Studies Board by the end of 2001.
- (iii) Evaluation of pilot the Child Witness Scheme has been completed. The recommendation is that the child witness service is rolled-out to Crown Court venues but that further work is required to establish the level of need in Magistrates' and Youth Courts.
- (iv) See recommendations 268-269 which outline steps being taken to tackle delays, including time limits.
- (v) The examination of Youth Court sittings proposed will be undertaken and completed by summer 2002.

Timescale:

- (i) By summer 2002
- (ii) By December 2001
- (iii) Roll-out to Crown Court venues to be completed by summer 2002, further work on the level of need in the Magistrates' and Youth Courts is ongoing.
- (iv) Ongoing
- (v) By summer 2002

RECOMMENDATION 183**IMPLICATIONS OF T & V v UNITED KINGDOM**

We recommend that the Government should consider carefully the implications of judgments of T & V v United Kingdom for the operation of the juvenile justice system in Northern Ireland. [para. 10.95]

Accepted

Lead responsibility: NIO

The implications of the judgment in the Thompson and Venables case have been considered and steps have been taken in Northern Ireland to implement them. A practice direction was issued by the Lord Chief Justice for Northern Ireland on 15 June 2000, setting out in detail how trials of children and young persons in the Crown Court should be conducted. The Life Sentences (Northern Ireland) Order 2001 came into force in October 2001. This gave effect to the changes required to tariff-setting procedures for children and young persons.

Timescale: Already implemented

RECOMMENDATION 184**COMPLAINTS MECHANISMS AND INSPECTION ARRANGEMENTS**

We make the following recommendations in respect of the complaints mechanisms and inspection arrangements:

- (i) Complaints mechanisms should be reviewed as a matter of urgency to ensure that they conform to the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and to ensure that they include an independent element.
- (ii) On admission to a juvenile justice centre, all juveniles should, as now, be given a copy of the rules governing the juvenile justice centre and a written description of their rights and obligations in a language they can understand, together with a description of the ways in which they can make complaints, as well as the address of public or private agencies and organisations which provide legal assistance.
- (iii) For those juveniles who have difficulty in understanding the written guidance, the guidance should, as now, be explained to them.
- (iv) All agencies providing facilities and services for juvenile offenders, including juvenile justice centres, should come within the remit of the Criminal Justice Inspectorate, in respect of those services or facilities.
- (v) Each juvenile justice centre should have a local advisory committee that brings in local professional and community representatives, including representatives of nearby residents. [para. 10.98]

Accepted

Lead responsibility: NIO

This recommendation has 5 parts. Taking each part in turn:-

- (i) Complaint mechanisms, which already include an independent element, will be reviewed.
- (ii) Appropriate induction material will be provided on admission to custody.
- (iii) As noted by the Review, guidance will continue to be explained to those who have difficulty understanding written guidance.
- (iv) Activities and buildings provided or managed by agencies for juvenile offenders will be subject to inspection by the Criminal Justice Inspectorate.
- (v) A local advisory committee will be established for the single juvenile justice centre at Rathgael.

Timescale: Complaints mechanisms and induction material will be reviewed by March 2002. A local advisory committee will be established by August 2002

RECOMMENDATION 185**JUVENILE JUSTICE BOARD REPLACED BY A NEXT STEPS AGENCY**

We recommend the creation of a next steps agency which would take on responsibility for the range of responsibilities which fall to the current Juvenile Justice Board as are set out in Article 56(5) of the Criminal Justice (Children) (Northern Ireland) Order 1998. [para. 10.101]

RECOMMENDATION 186**SEPARATE JUVENILE JUSTICE POLICY UNIT**

We recommend that the development of juvenile justice policy should be separate from the functions of the juvenile justice agency and should be a matter for a separate unit in the department within which the agency is placed. That unit should be responsible for advising the Minister in relation to policy and legislative proposals. The unit should also be responsible for developing a strategy for the delivery of juvenile justice services, and should develop and publish aims, standards and performance indicators. [para. 10.102]

Accepted

Lead responsibility: NIO

A juvenile justice agency will be established under existing legislative provision.

Timescale: Steps are being taken to secure the creation of an agency at an early date. A timetable for this work will be published following the completion of a scoping study.

RECOMMENDATION 188**IMPACT OF DEVOLUTION ON JUVENILE JUSTICE**

We recommend that, pending devolution, political responsibility for the juvenile justice system should remain with the Secretary of State for Northern Ireland and that policy and legislative advice should continue to be provided by the Northern Ireland Office. After devolution, we believe that ministerial responsibility should lie with whichever Minister is responsible for prisons and probation. [para. 10.104]

Accepted

Lead responsibility: NIO

Until devolution, the juvenile justice system will remain a reserved matter. When justice functions are devolved responsibility for juvenile justice will be determined by the Executive.

Timescale: Subject to devolution

RECOMMENDATION 190 CONSULTATION

We recommend that in developing policy and practice the views of the public and of young people in particular should be taken into account. To achieve this, innovative approaches to consultation should be developed, and consideration should be given to how best to seek out the views of young people. [para. 10.106]

RECOMMENDATION 191 DEVELOPMENT OF COMMUNICATION STRATEGY

We also recommend that, to enhance public confidence in the juvenile justice system, a communication strategy be developed to advertise successes, develop public awareness of existing practice and new initiatives, and to provide information to sentencers on the availability of programmes and other community disposals. [para. 10.106]

Accepted

Lead responsibility: NIO

The development of consultation and communication strategies will be taken forward as an integral part of the creation of the Juvenile Justice Agency.

Timescale: Strategies will be in place by August 2002

COMMUNITY SAFETY

RECOMMENDATION 192	AIM OF COMMUNITY SAFETY STRATEGY
We recommend that the aim of a community safety strategy in Northern Ireland should be to create the conditions which promote an inclusive partnership-based approach in developing community safety initiatives between relevant agencies, voluntary groups, the private sector and local communities, with a view to reducing crime, the fear of crime and enhancing community safety. [para. 11.51]	
RECOMMENDATION 193	DEVELOPMENT OF COMMUNITY SAFETY STRATEGY
We recommend the development of a Northern Ireland community safety strategy based upon extensive consultation with relevant agencies, political structures, and the voluntary, private and community sectors. [para. 11.51]	
RECOMMENDATION 194	CONSIDERATIONS FOR COMMUNITY SAFETY STRATEGY
We recommend that in developing a community safety strategy for Northern Ireland specific consideration be given to:	
<ul style="list-style-type: none"> ▪ offences against women, particularly domestic violence; ▪ child abuse; ▪ interventions in relation to youth offending; ▪ the needs of ethnic minority communities; ▪ drug, substance and alcohol abuse; ▪ street violence, low-level neighbourhood disorder and anti-social behaviour; ▪ car crime; ▪ reducing criminality (i.e. addressing the factors which lie behind criminal behaviour). [para. 11.52] 	
RECOMMENDATION 195	SHARED RESPONSIBILITY
We recommend that there should be no presumption that any particular body should always take the lead in individual community safety projects. [para. 11.58]	

Accepted

Lead Responsibility: NIO

The Government is developing a community safety strategy for Northern Ireland, which will be published for consultation later this year. This strategy (which will be fully discussed with the Executive) will take account of the considerations set out at recommendations 192 and 194.

In addition, the Secretary of State for Northern Ireland set a number of specific crime reduction targets in March 2001, for achievement over the next five years.

Timescale: Draft Community Safety strategy will be published shortly.

RECOMMENDATION 196**ESTABLISH COMMUNITY SAFETY AND POLICING PARTNERSHIPS**

Rather than District Policing Partnerships we recommend that:

- Community Safety and Policing Partnerships (CSPPs), chaired by local authority elected members, should be established.
- The role and remit of the CSPP should be set out in statute, supplemented by good practice guidelines.
- The membership of the CSPP should be as recommended by the Policing Commission for District Policing Partnership Boards, with a majority of elected members, and with independent members selected to represent business and trade union interests and to provide expertise in matters relating to community safety. We suggest that consideration be given to inviting councils to seek nominations through bodies such as Chambers of Commerce, Business in the Community, the Northern Ireland Committee of the Irish Congress of Trade Unions and the Northern Ireland Council for Voluntary Action. The District Partnership Boards, currently in place to administer European funding, provide a useful model.
- The CSPP should prepare a local community safety strategy based on local crime profiles, people's worries about crime locally, and the availability of local services.
- When carrying out this wider community safety role, the CSPP should consult widely in the community and work in partnership with community, statutory, and voluntary agencies; on the statutory side, the police should be involved along with others such as the Probation Service, the Public Prosecution Service, social services, education, health and the Northern Ireland Housing Executive.
- It should be open to the CSPP to invite other relevant agencies to the monthly public meetings envisaged in recommendation 36 of the Policing Commission Report.
- The CSPP should submit an annual report of its activities in relation to community safety to the district council or councils to which it relates, and then to the Policing Board and the central Community Safety Unit (which is referred to below) for their information. [para. 11.61]

For further consideration

Lead Responsibility: NIO

The Government strongly supports the idea of local structures to drive forward an inter-agency approach to community safety, and intends to consult closely with the Executive on the way ahead. Proposals will be set out in the draft Community Safety strategy (see recommendation 193), which will take account of a number of developments since the Criminal Justice Review was completed, including the establishment of Local Strategic Partnerships (see below).

Accordingly, the Government believes that it would be premature to make firm decisions now on the future shape of local community safety arrangements. The Review recommended that CSPPs should be established with the same composition as District Policing Partnerships (DPPs), which have not yet been set up. It is not clear that this model would produce the effective co-operation and partnership with those agencies with responsibilities relevant to community safety (such as housing, social services, probation, policing, education and the environment) which are required to deliver actual services, and which are provided for in the community safety arrangements for England and Wales set out in the Crime and Disorder Act 1998, which the Review strongly endorsed (para. 11.57).

It is also relevant that the Northern Ireland Executive announced in the Programme for Government that it will establish a Review of Public Administration, which is likely to result in significant changes to existing roles and responsibilities across organisations that could be expected to contribute to community safety. In view of this important development, which the Criminal Justice Review was not able to take into account, it would not be sensible to fix long-term arrangements now before the future shape of public administration in Northern Ireland becomes clearer.

The Government agrees that community safety partnerships should in the longer term be placed on a statutory basis. This will be considered further as the Review of Public Administration progresses. The draft Bill accordingly contains an enabling power to permit the Secretary of State

to establish statutory community safety partnerships, following consultation with the Northern Ireland Executive.

In the interim, community safety will be supported from the centre, in particular by the proposed Community Safety Unit (see response to recommendations below). Detailed proposals will be set out in the draft Community Safety strategy. A key element will be to encourage the early formation of non-statutory community safety partnerships, building on current best practice, to tackle the relevant issues at local levels. In developing these arrangements, the NIO will consult closely with Northern Ireland Departments on the scope for aligning the community safety partnerships with the new structure of Local Strategic Partnerships (LSPs) established by the Executive. (The LSP system has replaced the District Partnership model mentioned in the recommendation.)

Timescale: Draft Community Safety strategy will be published shortly. Progress towards the creation of statutory structures dependent on legislation, consultation with the Executive and progress on the Review of Public Administration

RECOMMENDATION 197**ESTABLISH COMMUNITY SAFETY UNIT**

We recommend that there should be a central Community Safety Unit responsible for:

- developing a community safety strategy for Northern Ireland;
- providing a focus for the promotion and co-ordination of community safety throughout government, the voluntary and the private sectors;
- developing effective and innovative public consultation mechanisms in developing community safety policy, including the development of mechanisms to engage the Civic Forum;
- encouraging initiatives, by funding and evaluating pilot projects, at the local level, and by making crime mapping information available to local partnership bodies;
- setting the monitoring and funding requirements for centrally-funded projects;
- spreading good practice and mainstreaming successful demonstration projects;
- advising Ministers on community safety policy;
- publishing an annual report setting out progress against strategic objectives, funding activity and the contributions of departments and agencies towards community safety objectives. [para. 11.64]

RECOMMENDATION 198**GUIDANCE PACKS TO BE DEVELOPED**

We recommend that the Community Safety Unit should develop guidance packs, covering such issues as:

- advice for developing local schemes;
- training manuals;
- publicity and "how to consult" guides;
- crime audit guides and assistance;
- help and guidance in relation to monitoring and evaluation;
- advice on preparing bids for funding. [para. 11.65]

RECOMMENDATION 199**STAFFING OF COMMUNITY SAFETY UNIT**

We recommend that a central Community Safety Unit be staffed by a team of people who bring a range of knowledge and experience to bear, including knowledge of community safety, wider government social and economic policy, finance, research and evaluation, and training issues. There would be merit in some staff working in the team on a secondment basis, from the police and probation for example, and at least one research officer should be included. It should be headed by someone of sufficient stature to command respect and confidence within and beyond government in Northern Ireland. In addition, given the acknowledged expertise developed within the Community Safety Centre, we recommend that it and its staff be integrated into the team. [para. 11.68]

RECOMMENDATION 200**UNIT LOCATION PRE-DEVOLUTION**

We recommend that, until such time as responsibility for criminal justice issues is devolved to the Northern Ireland Assembly, the Community Safety Unit should be located within the Northern Ireland Office. [para. 11.69]

Accepted

Lead Responsibility: NIO

The Community Safety Unit will be established on the lines indicated in these recommendations. Work has already begun to establish the Unit and to integrate the staff from the Community Safety Centre into it.

Timescale: Implementation by October 2002

RECOMMENDATION 201**UNIT LOCATION POST-DEVOLUTION**

On devolution, we recommend that the Community Safety Unit be located within the Office of the First Minister and Deputy First Minister. If that proves impracticable then it should be located within a justice department; but steps should be taken through central machinery to ensure that community safety is addressed on a co-ordinated, inter-departmental basis. Committing departments and agencies to contributing to an annual report on community safety would be one way of encouraging such an approach. [para. 11.70]

Accepted in Principle

Lead Responsibility: Northern Ireland Executive

The arrangements for the Community Safety Unit following the devolution of criminal justice will be a matter for the Northern Ireland Executive. The Executive's review of public administration may lead to structures which would make bodies and organisations within the devolved field more accountable for their community safety role. (See also recommendation 203.)

Timescale: Subject to devolution

RECOMMENDATION 202**COMMUNITY SAFETY COUNCIL**

We recommend the creation of a non-statutory and advisory Community Safety Council, which should comprise representatives from local partnership bodies together with representatives of the relevant departments and statutory agencies, and should be supported by the Community Safety Unit. [para. 11.71]

Accepted in Principle

Lead Responsibility: NIO

The Government accepts the need for a body broadly on the lines described, subject to further research on the optimum model.

Timescale: Subject to further research

RECOMMENDATION 203**STATUTORY RESPONSIBILITY FOR COMMUNITY SAFETY**

We also recommend that relevant agencies should have a clear statutory responsibility for helping to prevent crime and reduce the fear of crime and to contribute to community safety. Relevant agencies might include the Probation Service, social services, education and health authorities, and the Public Prosecution Service. [para. 11.72]

Accepted in Principle

Lead Responsibility: NIO

The Government will discuss with the Northern Ireland Executive the scope for new responsibilities to be given to devolved agencies. The Review of Public Administration may result in significant changes to the existing roles and responsibilities across organisations that could be expected to contribute to community safety.

The Secretary of State will take an enabling power to provide the necessary statutory basis to give other agencies a statutory power to prevent crime, reduce the fear of crime and to contribute to community safety. These powers would only be used following consultation with the Executive.

Timescale: Dependent on legislation and discussions with the Executive

RECOMMENDATION 204**ADEQUATE FUNDING**

Based on what we have seen elsewhere, we recommend that the Community Safety Unit should have a budget to fund demonstration projects, to fund projects which are of a scale or geographic extent beyond the capabilities of local partnership arrangements, for the production and dissemination of good practice guides, and to provide seed-corn funding for the administration and implementation of local partnership projects and arrangements. We further recommend that the arrangements for funding new initiatives should include a requirement that a percentage of the funds allocated be devoted to evaluation of the project. [para 11.73]

RECOMMENDATION 206**FUNDING**

We recommend that the Community Safety Unit should draw up funding guidelines as a matter of priority. [para 11.76]

Accepted

Lead Responsibility: NIO

Additional resources for community safety have been made available under the Government's Spending Review 2000 (SR2000).

Timescale: Preliminary guidelines and other arrangements for funding of community safety projects on the lines indicated will be put in place by the end of 2001

RECOMMENDATION 205**POTENTIAL SOURCES OF FUNDING**

We make the following recommendations:

- That district councils be given the power to contribute an amount initially up to the equivalent of a rate of 3p in the pound, for the purpose of funding community safety initiatives.
- The legislation containing the power to raise such funds and authorising expenditure on community safety matters should on its face, or through regulations, contain clear guidelines about the raising of such funds and the use to which they might be put. For example, expenditure should be based on a clearly established analysis of local crime as defined in the local community safety strategy.
- CSPPs should be encouraged to seek funds from other sources, including the private sector.
- CSPPs should be able to seek a limited amount of funding from the central Community Safety Unit. Such funding might be provided on a matching basis, thus providing the CSPPs with an incentive to seek alternative sources of funds, whether from district council funds, the private sector or elsewhere. [para. 11.75]

Accepted in principle

Lead Responsibility: Northern Ireland Executive and NIO

The Government accepts that district councils should be given the power to support community safety initiatives by contributing a rate of up to 3p in the pound, in accordance with an agreed local strategy. However, while community safety is a reserved matter and therefore for the Secretary of State to take forward, the recommendation also impacts on the Northern Ireland Executive, since the rating system is a devolved matter. The Government will therefore discuss with the Executive the best way to take this forward.

In addition, the central Community Safety Unit will be given a budget to fund local initiatives in accordance with funding criteria which may include inter alia a requirement to secure matching funding.

Timescale: Subject to discussion with the Executive.

SENTENCES, PRISONS AND PROBATION

RECOMMENDATIONS 207**REVIEW OF SENTENCING**

We recommend that the current sentencing framework for adults be reviewed to establish whether it could adequately accommodate restorative interventions where appropriate and, if not, to consider what changes might be made in order for it to do so. [para. 12.52]

Accepted

Lead responsibility: NIO

A review will be carried out to ascertain whether restorative interventions for adults could be adequately accommodated within the existing sentencing framework and, if not, to consider how the framework might be changed in order to make that possible.

Timescale: Review to start in July 2002 and end in July 2003

RECOMMENDATION 208**AFTERCARE AND SUPPORT**

We recommend that it should be a recognised function of the Probation Service to provide aftercare and support, including supervision, to discharged prisoners and that the service should be adequately resourced to this end. Our expectation is that the Prison and Probation Services should work together to prepare release packages for prisoners. These arrangements should be evaluated with a view to considering whether compulsory supervision should be introduced. [para. 12.56]

Accepted

Lead responsibility: NIO

A working party comprising representatives from the NIO, the Probation Board for Northern Ireland, the Northern Ireland Prison Service and the Social Services Inspectorate will be set up to consider how best to give effect to this recommendation.

Timescale: Working party to be established by spring 2002.

RECOMMENDATIONS 209**EXPLANATION OF SENTENCES**

We recommend that judges when sentencing should explain in greater detail and in simple language the impact of the sentence, including the fact that, with remission, the offender may be eligible for release having served half the sentence and that time spent in prison awaiting trial may count towards the period served. [para. 12.60]

Accepted

Lead responsibility: The judiciary

The Northern Ireland Court Service will draw this recommendation to the attention of the Judicial Studies Board who will provide appropriate training for judges (see also Recommendation 136 which recommends that language in courts should be simplified).

Timescale: Ongoing

RECOMMENDATION 210**INDEPENDENT LIFE SENTENCE REVIEW BODY**

We recommend that the current Life Sentence Review Board be replaced by an independent body that is not part of the Northern Ireland Prison Service or the proposed Department of Justice. Its membership should include individuals with an expertise in psychiatry or psychology and it should have a judicial input that would enable it to act as a tribunal for dealing with discretionary and Secretary of State's pleasure cases. Its membership might also include individuals with expertise in criminology. [para. 12.64]

RECOMMENDATION 211**JUDGES TO SET A PERIOD FOR RETRIBUTION AND DETERRENCE**

In relation to all indeterminate sentence cases, including mandatory life sentence cases, we recommend that judges when sentencing should be required to set a period for retribution and deterrence (equivalent to the tariff set in England and Wales). In most cases the period would be a fixed term of years, although it must be envisaged that some offences might be so serious that a whole life period would be appropriate. The period would be announced in open court and would be appealable. Once this period had been served, it would be the responsibility of the independent body to determine, primarily on grounds of risk, when the prisoner should be released. [para. 12.65]

Accepted

Lead responsibility: Northern Ireland Prison Service

The Life Sentences (Northern Ireland) Order 2001 provided for the introduction of a system of tariffs to be set by the judiciary for life sentence prisoners and those detained at the Secretary of State's Pleasure (SOSPs). It also makes provisions for the establishment of an independent body of Life Sentence Review Commissioners, with a suitably qualified membership, who will have powers to direct the release of prisoners from custody. The Review recommended that such arrangements should be introduced for discretionary life sentence cases and SOSPs but the legislative proposals extend the provision to include mandatory life sentence cases.

Timescale: The Order came into force in October 2001

RECOMMENDATION 212**BOARD OF VISITORS ADJUDICATION**

We recommend that the practice of Board of Visitors adjudication should end. [para. 12.69]

Accepted

Lead responsibility: Northern Ireland Prison Service

Board of Visitors adjudication powers were removed with effect from 2 October 2000.

Timescale: Already implemented

RECOMMENDATION 213**PROTOCOL FOR PRISON OFFENCES**

We understand that the Prison Service, RUC and DPP (NI) are currently considering a protocol that would guide the prison authorities on the circumstances in which the RUC and DPP (NI) should be brought in to deal with prison offences, and we recommend that this protocol be speedily completed and published. [para. 12.75]

Accepted

Lead responsibility: Northern Ireland Prison Service

The Northern Ireland Prison Service, the DPP (NI) and the police have agreed a protocol which provides guidance on how crimes in prison should be handled by the governor. The guidance is based on the seriousness of offence and determines whether matters are investigated by the governor or by the police. It recommends actions to be taken when an offence has occurred and provides guidance on specific types of offence, for example, assault or use of drugs.

Timescale: The protocol will be available on the Northern Ireland Prison Service website in December 2001.

RECOMMENDATION 214**PENALTIES AVAILABLE TO GOVERNORS**

We recommend some increase in the penalty available to governors, which would need to be consistent with European Court findings (including in relation to cases currently before the European Commission). [para. 12.75]

For Further Consideration

Lead responsibility: Northern Ireland Prison Service

Board of Visitors adjudication powers were removed with effect from 2 October 2000, as recommended (see recommendation 212). The governors' powers have been sufficient to keep good order and there has not been any noticeable deterioration in prison discipline since the removal of adjudication powers. The Northern Ireland Prison Service sees no immediate need, therefore, to increase governors' powers to keep good order, however, it will continue to keep the matter under review.

Timescale: To be kept under review

RECOMMENDATION 215**PRISON AND PROBATION PROGRAMMES**

We recommend that a mechanism be set up to oversee programmes in both prisons and the community with a view to ensuring continuity and consistency, and also ensuring that evaluations are published and, where appropriate, form the basis for the roll-out of successful schemes. [para. 12.80]

RECOMMENDATION 227**ORGANISATIONAL INTERACTION**

We recommend that particular consideration be given to the following:

- staff exchanges between the organisations;
- joint training programmes; and
- joint approaches to the development of offending behaviour programmes that can be delivered in the custodial and community settings, together with arrangements for accrediting, monitoring and evaluating them (with evaluations being published). [para. 12.106]

Accepted

Lead responsibility: Northern Ireland Prison Service and Probation Board for Northern Ireland

The Northern Ireland Prison Service is working closely with the Probation Board for Northern Ireland, Social Services Inspectorate and others to oversee programme delivery. This includes the development of internal approval and external accreditation arrangements.

A joint meeting of Probation Board and Prison Service Management Board staff took place in spring 2001. This will be repeated every 6 months and will focus on opportunities for joint working, staff exchanges etc. Accreditation arrangements are well advanced.

Timescale: Ongoing.

RECOMMENDATION 216

ELECTRONIC MONITORING

We conclude that electronic monitoring is a technique that should be kept under review in the light of developing experience elsewhere, including in England and Wales. It is an issue which could be remitted to the Criminal Justice Issues Group. [para. 12.83]

Accepted

Lead responsibility: NIO

This issue will be put forward for consideration by the Criminal Justice Issues Group, when it is reconstituted (see recommendations 130 and 266).

Timescale: Ongoing

RECOMMENDATION 217**NON-EXECUTIVE MEMBERS TO THE
MANAGEMENT BOARD**

We suggest that consideration be given to recruiting a small number of non-executive members to the management board of the Service. They might be selected on the basis of the particular managerial skills that they would bring to the board. [para. 12.91]

Accepted

Lead responsibility: Northern Ireland Prison Service

The Northern Ireland Prison Service is progressing arrangements for the appointment of a Non-Executive Director.

Timescale: It is intended that an appointment will be made by spring 2002.

RECOMMENDATION 218**OUTREACH PROGRAMMES**

We recommend that prison governors should be expected to consider programmes of outreach into nearby communities. [para. 12.92]

Accepted

Lead responsibility: Northern Ireland Prison Service

The Northern Ireland Prison Service already delivers outreach programmes to schools, youth groups and community organisations. One example of this is the "Prison Me! No Way" project designed to educate people on the realities of prison life. Other initiatives include:

- Wheelchair repair programme;
- Braille Unit producing literature for those with impaired vision; and
- Charitable work through prison industries.

Links with the community are continuing to be developed.

Timescale: Ongoing

RECOMMENDATION 219**DIVERSITY TRAINING**

We attach great importance to the training of prison staff in cultural awareness; furthermore, given the extent of change being experienced by the Service, we endorse the view that particular emphasis should be given to training in new roles and skills to enhance the ability of prison officers to work effectively with prisoners. [para. 12.93]

Accepted

Lead responsibility: Northern Ireland Prison Service

In terms of cultural awareness, all senior managers have received training in human rights and equality legislation including the Human Rights Act 1998 and the Northern Ireland Act 1998. Equality training has been cascaded to all levels of staff. In addition, induction programmes for new recruits include awareness of the importance of human rights and equality.

Programmes have also been provided to broaden the skills base of staff. All staff have attended or will attend a two-day "Future Positive" programme. 600 ex-Maze staff received 15 days of "re-skilling" training before being allocated to duties in other prisons. Senior managers are participating in a new Development Programme.

Timescale: Already achieved

RECOMMENDATION 220**UNIFORM REQUIREMENTS**

We consider that this would be an opportune time for the Northern Ireland Prison Service to look at its uniform requirements. [para. 12.94]

Accepted

Lead responsibility: Northern Ireland Prison Service

The Northern Ireland Prison Service fully supports this recommendation and a steering group has been set up to progress the matter.

Timescale: The steering group has been established and is now working towards the introduction of a new uniform in 2002.

RECOMMENDATION 221**PROBATION SERVICE RESOURCING**

The Probation Service must, on the basis of it being able to demonstrate value for money and efficient working, be properly resourced to reflect its workload and its continuing need to support voluntary organisations working alongside it. [para. 12.102]

Accepted

Lead responsibility: NIO

The Government will continue to encourage and work with the Probation Board to help it demonstrate value for money and efficient working using recognised tools, including, for example, developing a system of unit costing and benchmarking core services with other probation services.

Timescale: Ongoing

RECOMMENDATION 222**PROBATION SERVICE AS A NEXT STEPS AGENCY**

We recommend that, on devolution of criminal justice matters, the Probation Service be reconstituted as a next steps agency. This would mean that responsibility for probation services would lie directly with the relevant Minister, on the same basis as the Prison Service. Both agencies would be supported by small management boards comprising senior staff. [para. 12.103]

RECOMMENDATION 224**ADVISORY BOARD**

We recommend that the responsible Minister be supported by an advisory board which would advise on all matters to do with probation, prisons and juvenile justice. It would comprise the heads of the three organisations and members with an interest in correctional and related matters, drawn from the voluntary and community sector, children's organisations and social and related services. [para. 12.104]

RECOMMENDATION 225**ROLE OF ADVISORY BOARD**

The advisory board would assist the Minister in considering strategic and policy issues, determining priorities, setting standards and monitoring service delivery. The board would have a special interest in ensuring co-ordination and co-operation on the delivery of services where appropriate. [para. 12.104]

RECOMMENDATION 226**OPERATIONAL DECISIONS**

The framework document determining the relationships between the Probation Agency and the core department should make clear that operational decisions in relation to individual cases are entirely a matter for the professional staff. It should also make clear that, although these decisions may be scrutinised in the course of inspection, neither administrative civil servants in the core department nor the Minister would play a part in them, unless consulted by the professionals. [para. 12.105]

RECOMMENDATION 187**PROBATION, PRISONS AND JUVENILE JUSTICE
ADVISORY BOARD**

We recommend that an overarching Probation, Prisons and Juvenile Justice Advisory Board be adopted. [para. 10.103]

For Further Consideration

Lead responsibility: Northern Ireland Executive and NIO

The Government considers that a decision on the Review recommendation to reconstitute the Probation Board for Northern Ireland as a Next Steps Agency is best left to the Northern Ireland Executive to consider after the devolution of criminal justice matters. The Executive can legislate to change the status of the Probation Board if it decides that Agency status is an appropriate means of delivering probation services. Meanwhile the Government will continue to work with the Board to ensure that:

- the principles underpinning the management of Non-Departmental Public Bodies and best practice guidelines are applied consistently to the Probation Board; and
- the Board continues its efforts towards greater openness, improved public accountability, effectiveness and value for money.

The scope for creating the overarching Probation, Prisons and Juvenile Justice Advisory Board advocated in recommendation 187 will be affected by the decision reached by the Executive on recommendation 222.

Timescale: Subject to devolution

RECOMMENDATION 223**MANAGEMENT BOARDS**

A senior officer of the Probation Service should sit on the prisons management board and a senior prisons official should sit on the probation management board. [para. 12.103]

Accepted

Lead responsibility: Northern Ireland Prison Service

A member of the Probation Board for Northern Ireland will sit on the Northern Ireland Prison Service Management Board and a member of the Northern Ireland Prison Service will sit on the probation management board when there are issues of mutual benefit to discuss.

Timescale: Already implemented

VICTIMS AND WITNESSES

RECOMMENDATION 228**VICTIMS' INTERESTS**

The interests of victims should feature in the codes of practice and plans of all criminal justice organisations that interface with them, and in the criminal justice plan that we advocate for the system as a whole. [para. 13.38]

Accepted

Lead responsibility: Implementation is for each criminal justice agency.

Each criminal justice agency will take this forward as it develops codes of practice and plans.

Timescale: Ongoing.

RECOMMENDATION 229**CRIMINAL JUSTICE ISSUES GROUP SUB-GROUP ON VICTIMS**

We recommend that a sub-group of the Criminal Justice Issues Group should maintain a specific focus on victims issues, should monitor and evaluate the new arrangements and should report regularly. It should include both statutory and voluntary agencies that are concerned with the provision of criminal justice services to victims. [para. 13.40]

RECOMMENDATION 230**VICTIMS' ADVOCATE**

The possibility of a victims' advocate should be considered again in the future if new arrangements on behalf of victims are seen not to be working effectively. [para. 13.40]

Accepted

Lead responsibility: Criminal Justice Board

The Government agrees that it would be valuable for there to be a specific focus on victims issues, in a way which complements other central machinery on these issues, and will bring together the relevant agencies in an appropriate forum.

Timescale: Ongoing.

RECOMMENDATION 231**LEAD RESPONSIBILITY FOR WORKING WITH VICTIMS**

We recommend that the agency which has lead responsibility for working with victims at particular points in the criminal justice process should be clearly delineated. [para. 13.41]

RECOMMENDATION 232**INFORMATION FOR VICTIMS**

We recommend that the lead role in ensuring the provision of information and explanation to victims and seeking their views be taken by the police until such time as the case is passed to the prosecutor, that is until a suspect is charged or a summons issued (although as a matter of practicality it is recognised that the police will have a significant role until the file is received in the prosecutor's office). The lead role (including notifying the victim of the outcome of the case in the courts) would subsequently be taken by the prosecutor until the case is finished in the courts. The prosecutor would also lead on any issues arising out of an appeal. [para. 13.42]

RECOMMENDATION 233**PROVISION OF INFORMATION**

Where a custodial sentence was imposed, the Prison Service would then take the lead. Where a non-custodial sentence was imposed, and the victim had an interest in being kept informed, the Probation Service would take the lead. [para. 13.42]

RECOMMENDATION 234**PROVISION OF INFORMATION BY RELEVANT BODY**

In the case of a diversionary measure which involves victims, the agency or body responsible for implementation would have responsibility for informing victims about the progress and, where contact between victim and offender is envisaged, for taking steps to ensure the safety of victims. [para. 13.42]

RECOMMENDATION 235**ADVERTISED POINT OF CONTACT**

Each lead agency should have a clearly advertised point of contact. [para. 13.42]

RECOMMENDATION 236**BUILDING ON EXISTING CODE OF PRACTICE FOR VICTIMS**

We recommend that the criminal justice agencies in Northern Ireland should build on their existing commitments in the Code of Practice for victims, in which they undertake to provide information at various stages in the criminal justice process (although not if it is against the wishes of the victim). The provision of information should not be limited to cases that the criminal justice system might classify as "serious". [para. 13.45]

RECOMMENDATION 237**LEAD AGENCY TO ENSURE INFORMATION IS AVAILABLE**

We recommend that it should be for the lead agency to ensure the necessary information is made available, although it may be appropriate for the information to be passed through or provided by a third party. [para. 13.45]

Accepted in principle

Lead responsibility: Criminal Justice Agencies

Criminal justice agencies accept the Review recommendations, noting particularly the need for the clear delineation of responsibilities. The agencies will build on existing practice, modified as necessary to take account of new structures.

Timescale: Successful and workable systems should be in place to coincide with new operational structures. Provision of information about prisoners is dependent on legislation.

RECOMMENDATION 238 **INFORM AND CONSULT VICTIMS WHEN POSSIBLE**

We recommend that wherever possible victims should be informed and consulted about the development of their cases. But when and how to consult them, particularly those who are witnesses, must be a matter for the professional judgement of the prosecutor. [para. 13.47]

RECOMMENDATION 239 **CONSULTATION REGARDING IMPORTANT CHANGES IN THE CASE**

On balance and subject to our overriding recommendation that when and how to consult must be a matter for the professional judgement of the prosecutor, we recommend that the general rule, building on the Director of Public Prosecutions' current practice, should be for victims to be consulted about important changes in the way that "their" case is being handled. We also recommend that information about such changes should be actively offered rather than the victim having to request it, although we accept that it might not be possible to consult victims in certain circumstances, for example, if they are not at court when decisions have to be taken. [para. 13.51]

RECOMMENDATION 240 **INFORMATION TO BE BROUGHT TO THE ATTENTION OF THE COURT**

We recommend that practice be reviewed to ensure that the prosecutor who will be responsible for a wider range of cases than hitherto considers the effect of the crime on the victim and makes certain that those acting on behalf of the prosecution, including independent practitioners, bring all relevant information to the attention of the court and up-date it regularly. This would include not only information from the victim but also information from others, for example medical professionals, who would be able to advise on the effect on the victim or on similar cases. We consider it important that the responsibilities of the prosecutor in this regard be given due prominence in relevant publications of principles and codes of practice. [para. 13.55]

RECOMMENDATION 241 **IMPORTANCE OF CHALLENGING ALLEGATIONS MADE BY THE DEFENCE**

We draw attention to the importance of maintaining the duty of prosecuting advocates to challenge allegations about victims made by the defence in absence of supporting evidence. [para. 13.56]

Accepted in principle

Lead responsibility: DPP(NI)

Further work will be taken forward by the DPP(NI) in consultation with police to determine the precise point at which responsibility for liaising with victims passes from the police to the prosecutor and also the circumstances in which consultation with victims should be held; what can properly be discussed at consultations; and what information may be provided to the victims.

Timescale: Existing practice will continue to be developed

RECOMMENDATION 242**INFORMATION ABOUT RELEASE OF PRISONERS**

We recommend three changes in practice relating to the giving of information about the release, or likely release date, of prisoners:

- Where an offender is sentenced to custody and where the victim wishes, the Prison Service should be responsible for explaining the impact of the sentence including the likely release date and the likely arrangements for temporary release. It should be the responsibility of the prosecutor to check whether the victim wishes to use this service and if so to put the victim in touch with the Prison Service.
- Where information about release is requested by the victim, the Prison Service should be required to give it, provided the prisoner is not put at risk.
- The Prison Service should put in place formal mechanisms to deal with concerns expressed by victims about safety, particularly in relation to temporary release. [para. 13.59]

Accepted

Lead responsibility: Northern Ireland Prison Service

The Northern Ireland Prison Service will introduce formal mechanisms to deal with concerns expressed by victims relating to relevant offenders. This will include information on release or likely release date of prisoners, providing this will not put the prisoner at risk.

Timescale: Dependent on legislation.

RECOMMENDATION 243**WITNESS SUPPORT SCHEMES**

We recommend that publicly funded witness support schemes should be made available at all Crown Court and magistrates' courts venues. Children should be included in such arrangements on a basis determined in the light of the outcome of evaluation of the current pilot scheme. [para. 13.62]

Accepted

Lead responsibility: NIO

Discussions with voluntary sector providers regarding publicly funded witness support schemes are under way. Evaluation of pilot the Child Witness Scheme has been completed. The recommendation is that the child witness service is rolled-out to Crown Court venues but that further work is required to establish the level of need in Magistrates' and Youth Courts.

Timescale: Discussions with voluntary sector providers are under way. Roll-out to Crown Court venues to be completed by summer 2002, further work on the level of need in the Magistrates' and Youth Courts is ongoing.

LAW REFORM

RECOMMENDATION 244**LAW COMMISSION**

We recommend that a Law Commission for Northern Ireland be established by statute to keep under review criminal and civil law, including procedure and practice, and to make recommendations to the Government on whatever changes it considers necessary or desirable. The establishment of such a Commission should not be dependent upon responsibility for criminal justice matters being devolved. [para. 14.51]

RECOMMENDATION 245**FUNCTIONS**

We believe the functions of the Law Commission for Northern Ireland should include:

- reviewing the current state of the law and coming forward with recommendations for reform;
- modernising and, where appropriate, simplifying and consolidating legislation;
- providing advice to Government as to the most suitable topics for law reform and the most appropriate agencies to make a study of the options or reform;
- keeping abreast of developments in other jurisdictions, including in particular England and Wales, Scotland and the Republic of Ireland;
- working closely with Law Commissions in England and Wales, Scotland and the Republic of Ireland with a view to assessing the scope for harmonisation of the criminal law and procedure in all four jurisdictions;
- commissioning research; and
- inviting suggestions for reform and consulting as widely as possible. [para. 14.53]

RECOMMENDATION 246**REMIT**

The Law Commission should consider both substantive law and procedural matters, taking account of current practice and implications for criminal and civil justice. [para. 14.54]

RECOMMENDATION 248**MEMBERSHIP**

We recommend that membership of the Law Commission should include a senior barrister, a senior solicitor, a legal academic, and one lay person. Members should be remunerated. [para. 14.55]

RECOMMENDATION 249**DEVOLUTION**

If a Law Commission were to be established in advance of responsibility for criminal justice being devolved, then its members should be appointed by the Secretary of State for Northern Ireland, consulting the First Minister and Deputy First Minister. In this event, the Commission should agree its programme of work with the Secretary of State and First Minister and Deputy First Ministers. It should submit its reports jointly to the Secretary of State and relevant members of the Northern Ireland Executive Committee. Its reports should be tabled before the Northern Ireland Assembly and Westminster Parliament, and should be published. [para. 14.56]

Accepted

Lead responsibility: NIO

The Bill will make provision for the establishment of a Northern Ireland Law Commission as a statutory corporation and provide for its composition, scope, functions, funding, staffing and tabling of its reports in accordance with the recommendations of the Review. The Law Commission is not dependent on devolution of criminal justice functions.

Timescale: Dependent on legislation

RECOMMENDATION 247**CHAIRPERSON**

We recommend that the Commission be chaired by a High Court Judge on a part-time basis. [para. 14.55]

Accepted

Lead responsibility: NIO

The Bill will provide that the Commission be chaired by a High Court Judge.

Timescale: Dependent on legislation

RECOMMENDATION 250**APPOINTMENT OF MEMBERS**

Once responsibility for criminal law matters is devolved, responsibility for appointing members to the Commission could pass to the Attorney General for Northern Ireland who would consult with departmental Ministers, as appropriate, and consider government remits for the programme. [para. 14.57]

RECOMMENDATION 251**POLICY RESPONSIBILITY**

Policy responsibility for law reform matters would be assumed by the Minister responsible for justice matters. [para. 14.57]

Accepted

Lead responsibility: Northern Ireland Executive and Attorney General for Northern Ireland

The Bill will make new provision for the post of Attorney General for Northern Ireland. After devolution, the allocation of Ministerial responsibility for law reform will be a matter for the Executive. Responsibility for appointments to the Law Commission and associated powers will transfer to the Attorney General for Northern Ireland with whom the Commission will agree its programme of work.

Timescale: Subject to devolution

RECOMMENDATION 252**PROGRAMME OF WORK**

We recommend that in developing its programme of work, the Commission should make its own suggestions and receive remits from government. In drawing up its programme of work it should also take account of views of others through a consultation process. [para. 14.59]

RECOMMENDATION 253**FUNDING RESEARCH**

We recommend that the Law Commission should receive a sufficient budget for books and materials and to facilitate the commissioning of research and project work. We further recommend that the Law Commission be required to make all publications publicly accessible. [para. 14.60]

RECOMMENDATION 254**INITIAL WORK PROGRAMME**

We have identified a number of matters that were raised with us in the course of consultation, some of which are reflected elsewhere in the report, which we believe it would be appropriate for the Law Commission for Northern Ireland to consider as part of its early programme of work:

- The disclosure procedures under the provisions of the Criminal Procedure and Investigations Act 1996.
- Plea bargaining, focusing on issues concerning formalisation, transparency and human rights.
- Domestic violence, in particular how current law, policy and practice helps or hinders prevention, protection and service provision in relation to domestic violence. Such a review should not be confined to criminal procedures, but encompass family and civil remedies as well.
- Producing, for use by practitioners, a simple, clear and concise comparative guide to criminal law and procedure in Northern Ireland and the Republic of Ireland. [para. 14.62]

RECOMMENDATION 255**POST-DEVOLUTION ARRANGEMENTS**

In the event of criminal justice responsibilities being devolved, we recommend that responsibility for criminal law and procedure and those aspects of civil law which are currently the responsibility of the Office of Law Reform should be brought together within a new Department of Justice. [para. 14.63]

Accepted

Lead responsibility: NIO and Northern Ireland Law Commission

The Secretary of State will approve the Commission's programme of work taking account of the areas identified by the Review as priorities. The Commission will undertake a consultation process and receive funding to commission research to help it carry out its functions.

Criminal law and law reform will be brought together when justice functions are devolved (see recommendation 256). The Assembly will have responsibility for establishing new ministerial offices and assigning relevant functions (see recommendation 257).

Timescale: Dependent on legislation and subject to devolution.

ORGANISATION AND STRUCTURE

RECOMMENDATION 256**DEVOLUTION OF CRIMINAL JUSTICE FUNCTIONS**

We recommend that responsibility for the same range of criminal justice functions as are devolved to the Scottish Parliament should be devolved to the Northern Ireland Assembly. Our preference is that they should all be devolved at the same time. [para. 15.56]

Accepted

Lead responsibility: NIO

Once the devolved institutions are working effectively, the Government intend to devolve responsibility for policing and justice functions, as set out in the Belfast Agreement. We need first to take some major steps to implement the Criminal Justice Review and to make some more progress on detailed implementation of the Patten report. A final decision to devolve these functions can only be taken at the time taking account of security and other relevant considerations. But the Government's target is to devolve policing and justice after the Assembly elections scheduled for May 2003.

Timescale: As soon as practicable

RECOMMENDATION 257**DEPARTMENT OF JUSTICE**

We recommend the creation on devolution of a single Department of Justice, headed by a Minister for Justice, bringing together all justice functions other than prosecution, responsibility for the Law Commission and judicial matters. [para. 15.62]

Accepted in principle

Lead responsibility: NIO and Northern Ireland Executive

The precise structural arrangements for the delivery of justice functions within the devolved administration will be a matter for the Northern Ireland Executive and the Assembly. The Government will work closely with the Northern Ireland Executive in drawing up the legislation necessary under the Northern Ireland Act 1998 to put agreed structural arrangements in place on the devolution of justice and policing functions.

Timescale: Subject to devolution

RECOMMENDATION 258**FORENSIC SCIENCE AGENCY**

We recommend that as peace and political stability become embedded efforts should be made to find an alternative site for the Forensic Science Agency that would not be shared with the police. [para. 15.64]

Accepted

Lead responsibility: Forensic Science Agency Northern Ireland and NIO

The Government agrees that new dedicated accommodation would be desirable to assist the Forensic Science Agency in further developing and meeting its objectives. The Forensic Science Agency is undergoing a Quinquennial Review which will help to shape a clear picture of future accommodation requirements. This recommendation will be taken forward when the Quinquennial Review is completed, and in line with the availability of resources.

Timescale: The Quinquennial Review of the Forensic Science Agency is ongoing and an implementation plan will be drawn up by summer 2002 to take forward its recommendations

RECOMMENDATION 259**ADVISORY BOARD**

There is scope for enhancing the management arrangements for the Agency and we recommend that a forensic science professional or academic from another jurisdiction in the United Kingdom should be invited to join the Agency's advisory board. We recommend secondments to and from other forensic science organisations to encourage professional development and discourage the development of a police or prosecution-focused culture. [para. 15.65]

Accepted

Lead responsibility: NIO

It is accepted that there is scope to enhance the management arrangements for the Forensic Science Agency. This area is being examined as part of the current Quinquennial Review and implementation is dependent on the outcome of that Review. Action to enhance the Advisory Board will be pursued when the Review is available and subject to its agreed conclusions. Action to encourage secondments is under way.

Timescale: The Quinquennial Review is ongoing and an implementation plan will be drawn up by summer 2002 to take forward its recommendations

RECOMMENDATION 260**STATE PATHOLOGIST'S DEPARTMENT**

As regards the State Pathology Department, we note its particularly heavy workload and recommend that it be reviewed to ensure that the expertise of its staff is properly deployed. We also note the limited administrative support arrangements for the State Pathology Department, and recommend that it should be strengthened to ensure that the professional staff are able to devote their time to professional tasks. [para. 15.66]

Accepted

Lead responsibility: NIO

The review into the workload and deployment of staff in the State Pathology Department was concluded in September 2001. Proposals for the way forward are under consideration.

Timescale: An action plan to take forward the recommendations will be agreed by December 2001.

RECOMMENDATION 261**CRIMINAL CASES REVIEW COMMISSION**

We recommend that the existing Criminal Cases Review Commission should continue to consider cases that involve alleged miscarriages of justice emanating from Northern Ireland. [para. 15.67]

Accepted

Lead responsibility: NIO

As noted by the Review, the Criminal Cases Review Commission already considers cases of alleged miscarriages of justice in Northern Ireland.

Timescale: Already in place

RECOMMENDATION 262**ANNUAL REPORTS**

We recommend that agency annual reports should, as a matter of course, be laid before the relevant departmental committee. In addition, if the Assembly constitutes a standing committee for the criminal justice system as a whole, we recommend that it and any departmental committees should receive and consider an annual report on the system in its entirety, prepared by the Criminal Justice Board. [para. 15.70]

Accepted

Lead responsibility: Northern Ireland Executive and the Assembly

This is a matter for the Northern Ireland Executive and the Assembly to take forward following the devolution of justice functions (see recommendation 256).

Timescale: Subject to devolution

RECOMMENDATION 263**CRIMINAL JUSTICE INSPECTORATE**

We recommend the creation of a statute-based, independent Criminal Justice Inspectorate which should:

- be responsible for ensuring the inspection of all aspects of the criminal justice system other than the courts;
- be funded by the Minister for Justice, and that the Chief Criminal Justice Inspector should be appointed by that Minister;
- present its inspection reports to the Minister for Justice, the responsible Minister (if the agency inspected is the responsibility of another Minister) and the relevant departmental committee or standing committee;
- publish its reports and make them widely and readily available;
- publish an annual report of its activities, present that report to the Minister for Justice, and lay it before the relevant departmental and standing committees;
- be responsible for advising Ministers on standards within criminal justice agencies (standard setting should remain the prerogative of Ministers);
- employ a range of full and part-time inspectors and buy in expertise, including that from other inspection agencies in England and Wales and Scotland, as appropriate (such as HM Inspectorate of Prisons and HM Inspectorate of Constabulary);
- be responsible for determining its own programme of inspections, in consultation with the relevant Ministers;
- carry out a range of inspections, including; periodic, cyclical and surprise inspections of systems and structures; thematic, issues-based inspections; and special inspections which might require special skills (e.g. medical expertise); and
- work closely with other inspectorates (e.g. on Health and Safety, Mental Health, and Social Services) and with professional bodies such as the Royal College of Pathologists and the Policy Advisory Board for Forensic Pathology. [para. 15.72]

Accepted

Lead responsibility: NIO

The Bill will implement this recommendation in full. The Chief Inspector of Criminal Justice in Northern Ireland will be appointed by the Secretary of State, and will be responsible for inspecting or ensuring the inspection of all aspects of the criminal justice system, other than the courts. The Chief Inspector will be responsible for drawing up his own programme of work, in consultation with the Secretary of State and the Attorney General for Northern Ireland, and will publish an annual report.

On devolution of justice matters, the functions of the Secretary of State in relation to the Chief Inspector will transfer to the relevant Minister in the Executive.

Timescale: Dependent on legislation

RECOMMENDATION 264**MINISTERIAL MEETINGS**

We recommend that Ministers in the Northern Ireland Executive responsible for criminal justice functions, together with the Attorney General for Northern Ireland, should meet regularly to oversee the criminal justice system as a whole. They should, in particular, agree and publish a common set of aims for the criminal justice system. [para. 15.74]

RECOMMENDATION 265**CRIMINAL JUSTICE BOARD**

We recommend that support to the ministerial group should continue to be provided by the Criminal Justice Board. The Criminal Justice Board should comprise, as at present, the heads of the main statutory agencies within the criminal justice system and senior policy-makers from within the relevant departments. It should comprise:

- The head of the Public Prosecution Service.
- The Chief Constable of the Police Service of Northern Ireland.
- A senior representative from the Attorney General's Office.
- The head of the Department of Justice and of any other department with criminal justice functions.
- The heads of the Prisons, Probation, Courts and Juvenile Justice Agencies.
- The head of the central Community Safety Unit. [para. 15.75]

RECOMMENDATION 267**COMMON SECRETARIAT**

We recommend that the ministerial group, the Criminal Justice Board, and the Criminal Justice Issues Group should continue to be supported by a common secretariat, which should be located within the Department of Justice. [para. 15.77]

Accepted in principle

Lead responsibility: Northern Ireland Executive and the Attorney General for Northern Ireland

These recommendations (which relate to the period after devolution of criminal justice functions) build on current arrangements. Ministers from the NIO, Lord Chancellor's Department and Attorney General's Office meet regularly to discuss criminal justice issues. They intend to publish an updated Statement of Purpose and Aims for the criminal justice system by the end of 2001. This Ministerial Tri-lateral is supported by the Criminal Justice Board, which is made up of chief executives or senior representatives from the six main statutory criminal justice organisations in Northern Ireland. The Ministerial Tri-lateral and Criminal Justice Board are currently serviced by a common secretariat located in the Criminal Justice Directorate of the NIO. As noted above, see response to recommendations 130 & 266, active consideration is being given to future arrangements for the Issues Group.

Arrangements post-devolution will be a matter for Ministers in the Northern Ireland Executive responsible for criminal justice matters and the Attorney General for Northern Ireland.

Timescale: Subject to devolution

RECOMMENDATION 268**TIME-LIMITS**

We recommend the introduction of legislation that will enable statutory time-limits to be introduced in Northern Ireland, should that be judged to be necessary. [para. 15.83]

Accepted

Lead responsibility: NIO

Enabling powers to allow time limits will be taken in the forthcoming Criminal Justice Order.

Timescale: Draft proposal for an Order in Council to be published by early 2002.

RECOMMENDATION 269**AVERAGE PROCESSING TIME**

We recommend that in addition to setting target time-limits within which cases should be completed, attention should be paid to the average time taken to process cases at the relevant stages. [para. 15.83]

Accepted

Lead responsibility: Criminal Justice Board

The Board has introduced arrangements to consider the average time taken to process cases, in addition to considering the number of cases which achieve the target times.

Timescale: Ongoing

RECOMMENDATION 270**ORGANISED CRIME**

We recommend the establishment of an inter-agency group in Northern Ireland tasked with developing a strategic and co-operative framework for countering organised crime. The core of such a group might be the Department of Justice, the police, Customs and Excise, the Public Prosecution Service and the central Community Safety Unit. [para. 15.84]

Accepted

Lead responsibility: NIO

An inter-agency Organised Crime Task Force has been established and has published a threat assessment and a strategy for countering the threat for the year 2001/2. The Task Force is chaired by the Northern Ireland Security Minister and the police, Customs and National Criminal Intelligence Service are represented.

Timescale: Already implemented

RESEARCH AND EVALUATION

RECOMMENDATION 271**HARMONISATION AND INFORMATION SHARING**

We recommend that the Criminal Justice Board should be tasked with taking forward further work on the harmonisation of statistical categories across the criminal justice system and ensuring co-operation between agencies in sharing information. [para. 16.20]

RECOMMENDATION 274**RESPONSIBILITY FOR COLLATING INFORMATION**

We recommend that the Statistics and Research Branch of the Northern Ireland Office should have responsibility for the collation of statistical information across the criminal justice system. [para. 16.24]

Accepted

Lead responsibility: Criminal Justice Board

The Criminal Justice Board recognises the importance of these issues and has set up a Research and Statistics Sub-Group to take forward work in this area. The Sub-Group has already begun work to develop better methods of sharing information, and will continue work on harmonising statistical categories.

Timescale: Ongoing

RECOMMENDATION 272**INFORMATION SHARING**

In all planning and framework documents, a duty should be placed on agencies to share information, provided that protocols are in place to ensure that this does not harm the interests of justice or enable individuals to be publicly identified. [para. 16.20]

Accepted in principle

Lead responsibility: Criminal Justice Agencies

The Government fully accepts the importance of sharing information and endorses the use of protocols to ensure information is used where it is needed and in a manner which does not infringe privacy or other human rights principles. The Criminal Justice Board will encourage the development of appropriate protocols.

Timescale: Ongoing

RECOMMENDATION 273**EVALUATION IN BUSINESS PLANNING**

We recommend that evaluation should be an integral part of business planning for the development of new policies and programmes and that provision for evaluation should be included in the funding of crime reduction projects. Such evaluation will need to be addressed in a proportionate manner and, especially where small sums are involved, it might not necessarily always involve the use of academic researchers or consultants. However, we have no doubt that if evaluation and the other drivers for research identified above are to be taken seriously, then there will be a need to increase the criminal justice research capacity in Northern Ireland. [para. 16.23]

Accepted

Lead responsibility: Criminal Justice Agencies

The Government accepts that evaluation should be an integral part of the planning process. The evaluation framework for this plan will mirror the timetable for the implementation of relevant recommendations.

Timescale: Ongoing

RECOMMENDATION 275**SECONDMENTS AND STAFF EXCHANGES**

In order to enhance the critical mass of criminal justice research expertise within government and to build on links with outside research institutions, we recommend the use of secondments and staff exchanges between government and outside research institutions. Further, we recommend that government and outside researchers should work together to build up the pool of research capabilities, and work collaboratively on such matters as research projects, seminars, conferences and training. [para. 16.25]

RECOMMENDATION 276**FUNDING FOR CO-OPERATION**

We recommend that some funding be targeted towards fostering co-operation between researchers through joint conferences and seminars, and suggest that specific research projects might be undertaken on an all-island basis. [para. 16.25]

RECOMMENDATION 277**RESEARCH STRATEGY**

We recommend that discussions take place between those in government responsible for justice matters, NISRA, the Department of Higher and Further Education, Training and Employment and the universities with a view to developing a costed research strategy. [para. 16.27]

Accepted

Lead responsibility: NIO

The Government recognises the importance of having a sufficient body of research expertise available within the area of criminal justice. In discussion with relevant criminal justice organisations, Northern Ireland Statistics Research Agency (NISRA), the Queen's University of Belfast, the University of Ulster and voluntary organisations working within the area of criminal justice a programme of work will be agreed and taken forward.

Timescale: Ongoing

STRUCTURED CO-OPERATION

RECOMMENDATION 278**OPPORTUNITIES FOR CO-OPERATION**

We suggest that a group of criminal justice policymakers from the two jurisdictions be established. The purpose of such a group would be to identify and advise on the opportunities for co-operation at government level and between the criminal justice agencies North and South, taking account also of the need for effective co-operation with other parts of these islands. It would also take forward consideration of the recommendations of this review on structured co-operation. In its work, the group would take account of the impact of developments at the European Union level and the opportunities these afford for enhancing bilateral co-ordination and co-operation. [para. 17.30]

RECOMMENDATION 279**EXCHANGE OF GOOD PRACTICE**

We recommend that the scope for the joint delivery of training, education (including continuing professional development) and the exchange of good practice on criminal justice issues should be examined. [para. 17.34]

RECOMMENDATION 280**EXCHANGE OF PERSONNEL**

We recommend that consideration be given to the scope for regular personnel exchange between agencies such as probation, prosecution, prisons, courts and criminal justice policymakers. [para. 17.35]

RECOMMENDATION 281**STANDARDS AND QUALIFICATIONS**

We recommend that consideration be given to recognition of qualifications and the possibility of harmonising standards between the two jurisdictions, while recognising the importance of compatibility between Northern Ireland and other parts of the United Kingdom. [para. 17.36]

RECOMMENDATION 282**INFORMATION SHARING**

We recommend fostering co-operation between researchers through joint conferences and seminars, and suggest that specific research projects might be undertaken on an all-island basis. [para. 17.38]

RECOMMENDATION 284**CLOSE LIAISON ON THE MISUSE OF DRUGS**

We endorse close liaison between the two jurisdictions in sharing information about trends and what works in education and prevention in relation to the misuse of drugs. [para. 17.40]

RECOMMENDATION 285**CROSS-BORDER ARRANGEMENTS FOR VICTIM AND WITNESS SUPPORT**

We recommend that both jurisdictions consider the cross-border dimension with a view to developing reciprocal arrangements for victim and witness support, particularly in relation to providing information, protection, and counselling. [para. 17.42]

RECOMMENDATION 286**MUTUAL ARRANGEMENTS FOR MONITORING OFFENDERS AND ASSESSING PROGRAMMES**

We recommend that the issue of developing mutual arrangements for continued enforcement of non-custodial sentences and post-custodial supervision should be addressed. Arrangements for accessing programmes available in the other jurisdiction should also be considered. [para. 17.46]

RECOMMENDATION 287**CROSS BORDER FACILITIES**

Specifically in the context of the new juvenile justice arrangements we suggest that there should be flexibility to allow the use of cross-border facilities for youth conference orders. [para. 17.47]

RECOMMENDATION 288**TRANSFER OF PRISONERS**

We recommend that consideration be given to facilitating the temporary transfer of prisoners between Northern Ireland and the Republic of Ireland. [para. 17.49]

RECOMMENDATION 289**FORENSIC SCIENCE DATABASES AND INFORMATION EXCHANGES**

We suggest that discussion of the development of relevant forensic science databases and the scope for exchanges of information should take place under the structures for co-operation. [para. 17.51]

RECOMMENDATION 290**WIDENING ACCESS TO SERVICES**

We recommend that the possibility of widening access to services such as forensic science and pathology across jurisdictional boundaries be investigated. [para. 17.52]

RECOMMENDATION 291**DANGEROUS OFFENDERS REGISTERS**

With a view to sharing information between the authorities in the two jurisdictions, we recommend that the possibility of co-ordinating an approach to dangerous offender registers be given consideration. [para. 17.53]

RECOMMENDATION 294**REPORTING RESTRICTIONS**

We recommend that there should be discussion within the structures for co-operation on how reciprocal arrangements might be developed to ensure the effectiveness of reporting restrictions. [para. 17.60]

Accepted in principle

Lead responsibility: NIO and Department of Justice, Equality and Law Reform

The Review called for a group of policy makers from both jurisdictions to be set up to identify and advise on the opportunities for co-operation at Government level and between agencies. Agreement has been reached between the two Governments to establish such a group, which prior to devolution will operate under the auspices of the British-Irish Intergovernmental Conference, with an agenda which will include the areas noted in the recommendations.

This group will build on progress already being made. For example, current working practices between agencies in Northern Ireland and the Republic assist in monitoring the movements of sex offenders on both sides of the border, and statutory improvements to the registration requirements are being considered. Co-operation also takes place regularly between a variety of criminal justice agencies, both at an operational level and to exchange information and best practice. Joint research conferences have already been held on a number of subjects and more are planned. Victims' issues have also been addressed and consideration is being given to a joint approach to claims for criminal injuries compensation which have a cross-border dimension.

Following devolution of criminal justice it would be for the Northern Ireland Assembly to consider how to take forward co-operative arrangements. The Belfast Agreement allows new matters to be taken forward by the North/South Ministerial Council by agreement in the Council and with the specific endorsement of the Northern Ireland Assembly and the Oireachtas.

Timescale: Ongoing

RECOMMENDATION 283**LINKS WITH CENTRAL COMMUNITY SAFETY UNIT**

We recommend that the central Community Safety Unit should develop close links with its counterparts in the Republic of Ireland, Scotland, England and Wales, and more widely. [para. 17.39]

Accepted

Lead responsibility: NIO

Work has already begun to establish a central Community Safety Unit (see recommendation 197). The Unit will be expected to develop close links with its counterparts in the other jurisdictions recommended by the Review.

Timescale: Ongoing

RECOMMENDATION 292**CO-OPERATION BETWEEN LAW COMMISSIONS**

We recommend that consideration be given to inviting the Law Commission, which we have recommended for Northern Ireland, to co-operate closely with the Commissions in the other three jurisdictions in these islands with a view to promoting the harmonisation of aspects of criminal law and procedure in all four jurisdictions. [para. 17.57]

RECOMMENDATION 293**GUIDE TO CRIMINAL LAW AND PROCEDURE**

We recommend that consideration be given to producing, for use by practitioners, a simple, clear and concise comparative guide to criminal law and procedure, North and South. [para. 17.58]

Accepted in principle

Lead responsibility: NIO and Northern Ireland Law Commission

Legislative provision for the Law Commission is included in the Bill (see recommendation 244). Once it is established, Ministers and the Law Commission will agree a programme of work, taking into account the recommendations of the Review (see recommendation 254).

Timescale: Dependent on legislation

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