

Implementation Plan

The Gillen Review into the law and procedures
in serious sexual offences in Northern Ireland

June 2020



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Background

Sexual crime is one of the worst violations of human dignity. Serious sexual offences are unique in the way they strike at the victim and can deeply traumatise them, their family and even whole communities. All genders, children and people of all ages, classes and ethnicities can be impacted by sexual crime. It happens across all cultures and in some cases, including here in Northern Ireland, shame and social pressures will prevent it from being reported. These crimes have profound consequences for victims and for society.

Following the publication of recommendations in Sir John Gillen's Report into the law and procedures in serious sexual cases in Northern Ireland last year, it is clear that we need to transform how the justice system deals with these cases. Sir John's report contained 253 recommendations and 16 key recommendations, cutting across the criminal justice system and into wider areas, including cultural and societal attitudes to sexual crime.

The report envisages complex and wholesale reform, which will only be possible if a wide range of organisations work together. The Department of Justice's (DoJ) core mission is working in partnership to create a fair, just and safe community where we respect the law and each other. In line with this, the DoJ is committed to implementation of this report and has established the multi-agency Strategic Justice Group on Sexual Harm, to oversee work in this area and ensure it is conducted in a coherent and co-ordinated way, and to promote connectivity on the issue of sexual harm across the Justice System, both where it relates to the Gillen recommendations and more generally. The Strategic Justice Group on Sexual Harm reports to the Criminal Justice Board - the main strategic oversight group for the criminal justice system in Northern Ireland, chaired by the Minister of Justice - which provides overall governance to implementation. This is a high level version of more detailed programme management plans owned by the DoJ's Gillen Review Implementation Team (GRIT). We will review this high level plan annually and provide regular thematic updates to the Justice Committee and the Criminal Justice Board.

Progress

This review must be implemented in a way which respects the inter-dependencies within the justice system and phases action to ensure sustainable and transformative change. As such, we have not focused on each recommendation in isolation, but as part of wider thematic change.

To date 11% of the 253 recommendations have been fully implemented, all of which will improve the complainants' experiences and/or the way these cases are progressed. These include:

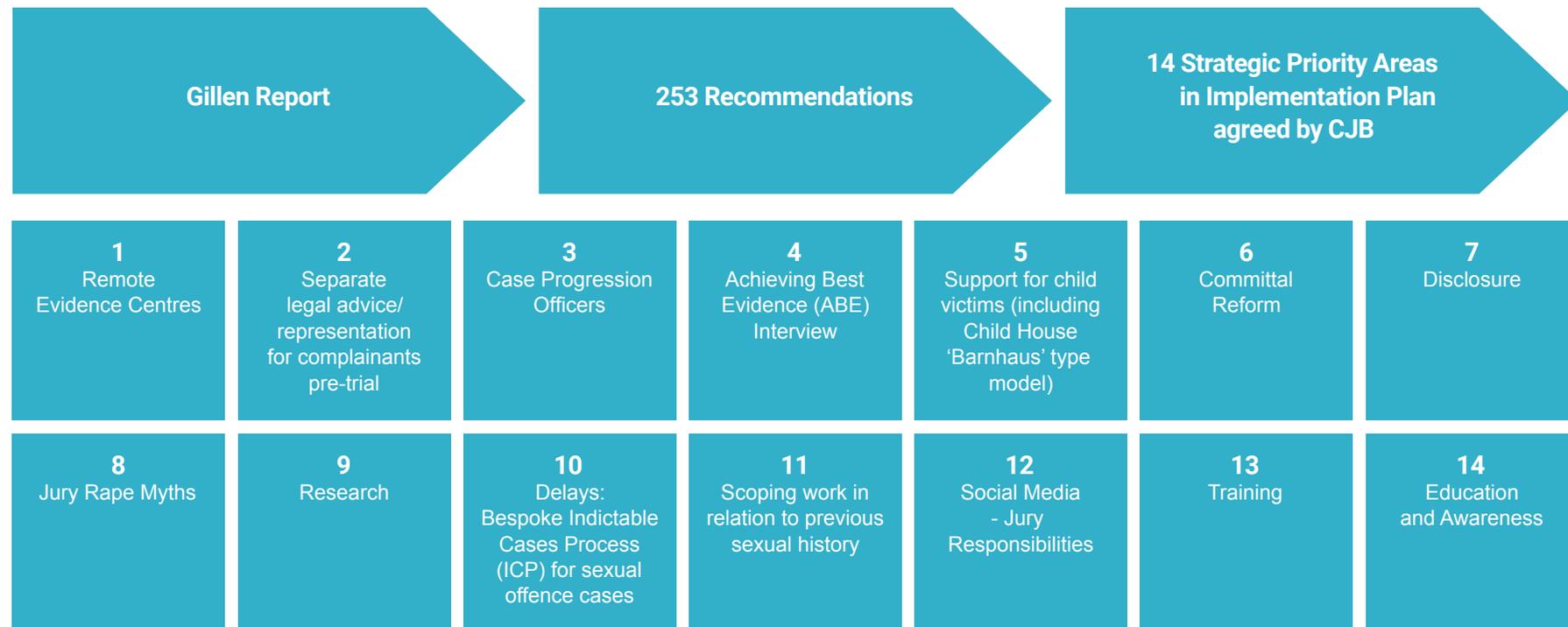
- A voluntary protocol led by Judge Smyth in Belfast to expedite sexual offences cases involving children under 13 commenced in September 2019;
- PSNI's operational re-structure to have two separate teams dedicated to cases involving children – one for current cases and one for historic cases to allow more focus on current, acute cases involving children, ensuring they are dealt with sensitively and speedily;
- the Crown Court Liaison Committee issued a Practice Direction and Protocols in November 2019 for Vulnerable Witnesses in the Crown Court reinforcing best practice in case management in trials involving vulnerable witnesses in serious sexual offence cases, such as directing that Case Management and Review Hearings are held to ensure all issues are expedited, and delay in securing trial hearings is minimised;
- the Public Prosecution Service (PPS) and PSNI working jointly to improve the disclosure process;
- the appointment of Case Progression Officers in NI Courts and Tribunals Service (NICTS) and PPS to manage cases and reduce delay in Laganside, Newry and Craigavon;
- work on raising education and awareness in relation to consent, including an advertising campaign funded by DoJ in March 2020 in relation to 'consent', focussing on the key message "without consent it is sexual crime".

As workstreams progress, there may be some recommendations which are not taken forward, or those which are implemented in a different way, while respecting the spirit of the Review. Some of the priority areas fall under existing criminal justice reforms and will be subject to that governance, such as Speeding up Justice, Victims and Witnesses work and Disclosure processes. We will ensure there is a cross-cutting approach taken to these governance models, which ultimately feeds up to the Criminal Justice Board.

Strategic Priority Areas

While some of Sir John's recommendations fall to the Department for Justice, a significant number are for others. The Department of Justice has worked with key partners, including PSNI, PPS, the Office of the Lord Chief Justice, Victim Support NI and NICTS, to finalise this first Gillen Implementation Plan, which outlines the following Strategic Priority Areas for action during the current mandate and thereafter. The Criminal Justice Board (CJB) has approved these strategic priorities, all of which focus efforts around achieving outcomes that will have the greatest impact on complainants going through the criminal justice system.

Summary of Strategic Priority Areas



Implementation Plan

Strategic Priority Area	Impact on complainant experience	Delivery date (calendar year)	Key partners involved in delivery
1. Remote Evidence Centres	<ul style="list-style-type: none"> Reduce the re-traumatisation of complainants. Improve the experience of the complainant by ensuring they do not meet the accused when attending court. 	2020 - Q4	DoJ (lead) All criminal justice partners
2. Separate legal advice/representation for complainants pre-trial	<ul style="list-style-type: none"> Provision of agreed legal advice pre-trial to ensure complainants have advice in relation to their privacy. Provision of representation to ensure complainants are in a position to make informed decisions and understand their rights. 	2021 - Q2	DoJ (lead) All criminal justice partners
3. Case Progression Officers	<ul style="list-style-type: none"> To ensure that all procedural or administrative matters in relation to Crown court cases are being progressed by the relevant agencies and that, as far as possible, any blockages or impediments to effective case progression are addressed. 	Pilot extended to 2021	DoJ NICTS PPS
4. Achieving Best Evidence (ABE) Interview	<ul style="list-style-type: none"> Improve and standardise the quality of recordings and the environment where witnesses provide their evidence. Reduction in disruption/delay in trials caused by incompatible IT systems and poor quality footage. 	2021 - Q3	PSNI (lead) NICTS PPS
5. Support for child victims (including Child House "Barnahus" type Model)	<ul style="list-style-type: none"> Improve the experience of child complainants by providing a child-friendly, interdisciplinary and multi-agency approach for child victims and witnesses. Reduce re-traumatisation or re-victimisation of the child. Child victims feel fully supported throughout their criminal justice journey. 	TBC as dependent on other initiatives, but working group by Summer 2020	DOJ (lead) All criminal justice partners
6. Committal Reform	<ul style="list-style-type: none"> To remove the use of oral evidence as part of the committal process, and to introduce new arrangements whereby relevant cases can bypass the committal process entirely thus ensuring that those cases are transferred to the Crown Court at an earlier stage. 	2022 – Q1 (Dependant on the passage of legislation)	DoJ
7. Disclosure	<ul style="list-style-type: none"> Reduce delay in serious sexual offences cases. Improve public confidence which will in turn increase reporting and reduce attrition rates. 	2021 – Q2	PPS and PSNI (joint lead)

Strategic Priority Area	Impact on complainant experience	Delivery date (calendar year)	Key partners involved in delivery
8. Jury Rape Myths	<ul style="list-style-type: none"> To dispel prejudicial rape myths and increase awareness amongst jurors and the public, leading to wider cultural and societal change and better justice outcomes. 	2021 – Q2	DoJ
9. Research	<ul style="list-style-type: none"> To ensure better informed implementation of a range of Gillen issues, including understanding the implications of article 28 applications, issues around marginalised communities and international developments. 	2022	DOJ (lead) All those involved in the Criminal Justice System
10. Delay: Bespoke Indictable Cases Process (ICP) for Sexual offence cases	<ul style="list-style-type: none"> To reduce delay in serious sexual offences. Develop and introduce a bespoke Indictable Cases Process (ICP) that takes account of the unique nature of sexual offences cases (subject to agreement being reached with PPS). 	2021 – Q2	DOJ (Lead) OLCJ PPS PSNI NICTS Bar Law Society
11. Scoping work in relation to previous sexual history	<ul style="list-style-type: none"> Improved experience of the complainant in the Criminal Justice System where sensitive personal information is only used where necessary. 	2020 – Q4	DoJ NICTS PPS
12. Social Media – Jury Responsibilities	<ul style="list-style-type: none"> Increased juror awareness in relation to their responsibilities in relation to social media. NICTS amending juror leaflets and notices in jury rooms. Reduce breaches/contempt of court prosecutions. Improved experience of the complainant, defendant and witnesses in the Criminal Justice System. 	2021 – Q3	DoJ NICTS Attorney General NI
13. Training	<ul style="list-style-type: none"> The Gillen Strategic Training Group to develop a training strategy/plan to support increased awareness, sensitivity and handling of serious sexual offences cases. Co-ordinated multi-agency response to learning. 	2020 – Q4	Victim Support NI DoJ Bar of NI Law Society PPS PSNI
14. Education and Awareness	<ul style="list-style-type: none"> To effect cultural change in society using education/awareness raising campaigns, research and training. Provide a publicly funded campaign to promote appreciation of the problems social media throws up for the rule of law. 	2022 – Q2	DoJ Dept of Health Dept Education

Resources

Following consultation with key stakeholders, a strategic outline case has been approved, which commits £1.6m of funding this year to take forward implementation of the recommendations. This demonstrates a commitment to take forward the recommendations in full, subject to the funding. Some partner organisations have already appointed dedicated teams, which reflects the significance of this work programme.

The programme was originally envisaged to be phased over three years, from 2020/21 through to 2022/23. However, after further consideration of the recommendations and engagement with partners in light of the impact of COVID-19, the programme will be delivered over a five year period, from 2020/21 until 2024/25.

Despite the challenges that COVID-19 presents, all criminal justice partners remain committed to implementing Sir John's review. There has been an impact on resourcing in specific areas and in some cases, original plans have had to be adapted in light of social distancing requirements or other COVID-19 impacts. There remains much to do in this space, however DoJ is working alongside colleagues leading wider work on recovery of the justice system and will ensure that any opportunities to expedite plans or to improve experiences of the system are taken.

Timeline of Key Deliverables

The following table gives an indication of what will be achieved in the coming years:

2020 - Q3	2020 - Q4	2021 - Q1	2021 - Q2	2021 - Q3
Remote evidence centre (Belfast) - task and finish group established Barnahus working group established by July 2020 ABE Interviews - improved and standardised quality of recordings and environment	Remote evidence centre (Belfast) available to use		Pilot launched: separate legal advice and representation (April 2021)	
Case Progression Officer pilot extended				
	Committal Reform - Bill introduced Scoping work on previous sexual history			Measures in place to counter/ dispel rape myths amongst juries/wider public
			Improvements to Disclosure regime	
	Multi-agency training plan		Addressing delay: bespoke ICP for sexual offence cases (subject to agreement being reached with PPS)	
Research programme Education and Awareness raising campaigns				

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