

DEPARTMENT OF JUSTICE

FIRST DAY BRIEF

February 2024



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

www.justice-ni.gov.uk

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PURPOSE

This document is in two parts. Part 1 provides an overview of the structure of the Department of Justice with details on the current budget position.

Part 2 of the document sets out key issues that are likely to require Ministerial consideration within the next 4-6 weeks.

This document does not cover the full range of the Department's functions and ongoing activities. Further briefings will follow on key issues, as necessary. It is also the intention to arrange meetings with each Director and their senior staff for more detailed discussion on current issues and challenges. A separate briefing session will also be arranged regarding the Department's financial position.

PART 1

OVERVIEW OF THE DEPARTMENT OF JUSTICE

The Department of Justice (DoJ) was established in April 2010, following the devolution of justice powers to the Northern Ireland Assembly. It is responsible for the resourcing, legislative and policy framework of the justice system.

The Permanent Secretary is Richard Pengelly and the Department has four Directorates:

- Access to Justice;
- Safer Communities;
- Justice Delivery; and,
- Reducing Offending.

The Department also has five Agencies:

- Northern Ireland Prison Service;
- Northern Ireland Courts and Tribunals Service;
- Youth Justice Agency;
- Forensic Science Northern Ireland; and,
- Legal Services Agency Northern Ireland.

Further detail is provided below on each Directorate and Agency. The Department also has a number of associated arm's length bodies and further detail is provided later in the document.

In addition, the Department hosts the Executive's Programme on Paramilitarism and Organised Crime (EPPOC) (*Programme Director – Adele Brown*). The EPPOC is an ambitious, innovative cross-Departmental and multi-disciplinary initiative designed to address the complex problem of paramilitarism. EPPOC's strategic goal is **to create safer communities, resilient to paramilitarism, criminality and coercive control**. While EPPOC is a cross-Executive programme, the DoJ is in the lead and the programme team sits within the Department.

In total, there are approximately 3,200 staff within the Department with a breakdown across the business as follows (as at 31 December 2023):

	Staff in Post		Agency staff	
	FTE	HC	FTE	HC
Justice Delivery Directorate	324.0	335	32.0	32
<i>Legal Services Agency NI</i>	<i>119.5</i>	<i>129</i>	<i>5.0</i>	<i>5</i>
Safer Communities Directorate	120.8	130	1.0	1
<i>Forensic Science NI</i>	<i>163.5</i>	<i>171</i>	<i>6.0</i>	<i>6</i>
Reducing Offending Directorate (inc. non Operational Grades)	250.9	267	0	0
<i>NI Prison Service (Operational Grades)</i>	<i>1321.8</i>	<i>1351</i>	<i>6.6</i>	<i>7</i>
<i>Youth Justice Agency</i>	<i>195.1</i>	<i>203</i>	<i>6.6</i>	<i>8</i>
Access to Justice Directorate	58.1	62	0	0
<i>NI Courts and Tribunals Service</i>	<i>672.2</i>	<i>718</i>	<i>210.0</i>	<i>210</i>
Total	3225.8	3366	267.2	269

Department of Justice Organisation Chart



JUSTICE DELIVERY DIRECTORATE

Director **Deborah Brown** deborah.brown@justice-ni.gov.uk

Ext. 23721

Justice Delivery Directorate provides a range of corporate support services including support to the DoJ Departmental Management Board, Private Office, Press Office and support to the Minister. The Directorate is responsible for policy and strategy for legal aid and access to civil and family justice. Legal Services Agency is part of the Justice Delivery Directorate and has responsibility for administering the legal aid fund. The Directorate also includes Compensation Services which administer four statutory compensation schemes in Northern Ireland for criminal injuries and criminal damage. It also provides administrative support for delivery of the Troubles Permanent Disablement Payment Scheme.

Justice Delivery Directorate has four Divisions and oversight of one Agency:

- Financial Services Division
- Information Services Division
- Enabling Access to Justice Division
- Corporate Engagement and Communications Division
- Legal Services Agency

Financial Services Division (*Deputy Director - Richard Logan*)

Financial Services Division has responsibility for Departmental finance including planning and management of the Department's budget and preparation of the Departmental Resource Accounts. Finance also provides guidance on economic appraisals, procurement policies and strategic asset management plans. It supports and maintains financial systems for the Departmental elements of the Account NI system, provides compliance and assurance checks and carries out a financial/budget management support function across the Department on a business partnering basis.

Information Services Division (*Deputy Director - John Napier*)

Information Services Division is responsible for providing effective, secure and reliable services that deliver best value in the fields of information management; ICT; programme and project management; health & safety advice; and fit-for-purpose accommodation. ISD is also responsible for running an efficient and effective criminal record check service for Northern Ireland (Access NI) that meets its published targets for timeliness and quality. The division also leads on the Department's Sustainability Strategy.

Enabling Access to Justice (*Deputy Director - Steven Allison*)

Enabling Access to Justice Division is responsible for ensuring appropriate options and supports are in place to support citizen's access to justice. That includes ensuring disputes are resolved using tools appropriate to complexity and in a way which minimises acrimony and stress, ensuring the right supports are in place to give effective access to justice to vulnerable citizens and setting the strategic framework for legal aid. For criminal cases, legal aid helps to secure the right to a fair trial. In civil cases, it helps disputes to be resolved and the work of the Division encompasses the issues for which legal aid is available; tests on eligibility and merits; remuneration arrangements for publicly funded work; and ensuring those who can afford to, meet their own legal costs, whilst ensuring support remains available for the most vulnerable. It is currently leading a five pillar programme covering Civil Justice Modernisation, Civil Legal Aid Review, Criminal Legal Aid Review, Taxation Reform and a Statutory Registration Scheme.

Corporate Engagement and Communications Division (*Deputy Director - David Lennox*)

Corporate Engagement and Communications Division is responsible for a number of corporate support functions for the Department including the Press Office and Minister's Office (Private Office and Assembly Business Section). In addition, the Division delivers governance support functions including Business Planning, the Departmental Management Board and Audit & Risk Committee as well responsibilities for honours, equality and learning & development. The division also delivers a number of compensation schemes within Compensation Services and

administers the Troubles Permanent Disablement Payment Scheme on behalf of the Victims' Payments Board.

Legal Services Agency Northern Ireland (*Chief Executive - Paul Andrews*)

The Legal Services Agency NI (LSANI) supports the justice system and enables access to justice by administering publicly funded legal services impartially, effectively and efficiently within the established governing legislative and policy framework. The Agency works to ensure that legal services are available to those who meet the statutory eligibility tests, which support those in greatest need. It also ensures that publicly funded services reflect overall budgetary constraints and value for money.

The Agency decides on applications for civil legal services against the statutory financial and legal tests to determine whether an individual should receive support. The Courts are responsible for granting criminal legal aid for defendants in criminal cases. The Agency also makes payments to the legal profession for services provided under both the criminal legal aid and civil legal aid services schemes while ensuring value for money.

ACCESS TO JUSTICE DIRECTORATE

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Access to Justice has responsibility for much of the Department's policy and legislation work and oversees the Department's primary legislation programme. This covers criminal justice, aspects of civil justice in conjunction with Enabling Access to Justice Division which sits within Justice Delivery Directorate (although some aspects of civil law remain with other NI Departments), the implementation of the recommendations from the Gillen review into serious sexual offences in Northern Ireland and the performance of the justice system.

The Directorate has four divisions.

- Criminal Justice Policy and Legislation Division
- Civil Justice and Judicial Policy Division
- Justice Performance Team
- Victims Support Division

Criminal Justice Policy and Legislation Division (*Deputy Director - Maura Campbell*)

Criminal Justice Policy and Legislation Division is responsible for policy and legislation relating to a range of criminal justice matters and for the strategic direction for justice in dealing with the legacy of the past. The Division manages the passage of some of the Department's criminal justice primary legislation through the Assembly, maintains oversight of the wider primary legislative programme, and has policy responsibility for a number of discrete policy areas including sentencing, 'Charlotte's Law', enforcement of fines, juries, live links in courts and tribunals, the law on sexual offences, non-fatal strangulation, stalking, the Pardons and Disregards Scheme, vagrancy, the offender levy, reasonable chastisement, certain aspects of bail law and rehabilitation of offenders law.

The Division is also responsible for managing the finance and governance aspects of the Coroners Legacy Inquests Project; the DOJ's interests in a range of litigation issues including legacy matters; cases of historical institutional abuse, alleged miscarriages of justice and the Royal Prerogative of Mercy cases; sponsorship of Criminal Justice Inspection Northern Ireland; and secretariat support for the Intergovernmental Agreement on cross-border criminal justice co-operation.

Civil Justice and Judicial Policy Division (*Deputy Director - Andrew Dawson*)

Civil Justice and Judicial Policy Division is responsible for policy and legislation concerning:

- the structure and jurisdiction of the civil courts and those tribunals sponsored by the DoJ;
- private international law i.e. the policy implications of international conventions concerning access to justice or mutual judicial support;
- pay and pensions for the devolved judiciary (responsibility for the pay and pensions of court judiciary is not devolved); and.
- certain matters with regard to the legal system in NI, such as King's Counsel appointments and sponsorship of the Law Commission (although this is currently not functioning).

Justice Performance Team (*Deputy Director - Lisa Rocks*)

Justice Performance Team works across 4 areas:

- **Speeding Up Justice** - This programme of work seeks to reduce avoidable delay in the justice system through efficiencies in areas including digital, early engagement, reform of the committal process, remit of courts and out of court disposals. A key focus is increasing efficiency and reducing demand and builds on Covid recovery work which increased throughput of cases to help reduce backlogs.
- **Causeway** – This is an IT system which is strategically important to the justice system as it enables electronic information sharing between the five main NI Criminal Justice Organisations (CJOs) and provides access to the NI Criminal History database across CJOs, judiciary and others for justice purposes.

- **Criminal Justice Board** - The Justice Performance Team provides secretariat support to the Criminal Justice Board, the main strategic oversight group for the criminal justice system in Northern Ireland. Members include the Minister, the Permanent Secretary, the Lady Chief Justice, the Chief Constable, the Director of Public Prosecutions, the Director of the NI Courts and Tribunals Service (NICTS) and the Director of Access to Justice Directorate in the Department.
- The **Directorate Hub** which supports the Director and coordinates work across the Directorate. It also monitors progress against Criminal Justice Inspection NI recommendations in line with the New Decade New Approach agreement.

Victims Support Division (*Deputy Director (Julie Wilson)*)

The Victims Support Division covers three broad policy areas focused on:

- improving outcomes for **victims and witnesses** in the criminal justice system;
- tackling **violence against the person** (with a specific focus on **domestic and sexual abuse**); and
- programme management and implementation of recommendations under the **Gillen Review into serious sexual offences**.

The division also funds the delivery of victim and witness support services by Victim Support NI and NSPCC as well as advocacy services for victims of domestic and sexual abuse. It is also responsible for governance arrangements with the Commissioner for Victims of Crime's office. Key policy areas include the development of a new Domestic and Sexual Abuse Strategy and Action Plan, oversight of the Domestic Homicide Review Process and development of legislative proposals to support victims of crime.

SAFER COMMUNITIES DIRECTORATE

Director **Mark Goodfellow** mark.goodfellow@justice-ni.gov.uk

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Safer Communities Directorate has responsibility for the resourcing, policy and legislative framework for policing and community safety and for leading on security within the Northern Ireland Executive in addition to oversight responsibilities for 9 Arm's Length bodies. The Directorate also leads on International Criminal Justice Co-operation issues.

The directorate has three divisions and oversight of one agency:

- Policing Policy and Strategy Division
- Protection and Organised Crime Division
- Community Safety Division
- Forensic Science Northern Ireland

Policing Policy and Strategy Division (*Deputy Director - Jeff McGuinness*)

The role of Policing Policy and Strategy Division (PPSD) is to promote public confidence in policing and in the tripartite accountability arrangements (DoJ, PSNI and the NI Policing Board). The division oversees arrangements for policing HR Policy and provides policy support for the Parole Commissioners for NI. PPSD also has responsibilities to ensure robust oversight and governance of a wide range of arm's length bodies including: the PSNI; the NI Policing Board; the Office of the Police Ombudsman for NI; the Police Rehabilitation and Retraining Trust; the Northern Ireland Police Fund; the Royal Ulster Constabulary George Cross Foundation; the Probation Board for NI; the Prisoner Ombudsman; and the Independent Monitoring Boards for Magilligan and Maghaberry Prisons and Hydebank Wood College.

Protection and Organised Crime Division (*Interim Deputy Director-Albert Kirkwood*)

Protection and Organised Crime Division (POCD) is responsible for a wide range of policy, strategy and legislation relating to key organised crime threats and provides secretariat to the Organised Crime Task Force (OCTF). It also leads on the development of policy and legislation in relation to firearms and civil explosives and has responsibility for statutory functions relating to the control of firearms and

explosives in NI. POCD leads on the provision of information on security issues in NI, including the management of the Department's 24 hour information flow in relation to security incidents and leads the DoJ's central civil contingencies and emergency planning arrangements. The division further acts as sponsor to the State Pathologist's Department which operates at arm's length from the DoJ.

Community Safety Division (CSD) (*Interim Deputy Director - Michael McAvoy*)

Community Safety Division is responsible through partnership working with maintaining the policy and legislative framework aimed at improving community safety, tackling Anti-Social Behaviour, reducing hate crime and increasing confidence in policing. The Division also has oversight of Policing and Community Safety Partnerships (PCSPs) and Public Protection Arrangements focused on assessing and managing the risks from terrorist-risk offenders, and violent or sexual offenders. The division also under the auspices of the Executive's 'Together: building a united community (T:buc)' Strategy - works to reduce or remove interface barriers (peace walls) cross NI.

International Criminal Justice Cooperation Unit (*Head of Unit - Graham Walker*)

The International Criminal Justice Cooperation Unit (ICJCU) is responsible for leading on the implementation of the security and justice aspects of the Trade and Cooperation Agreement (TCA) agreed between the UK and the EU. It works collaboratively to enhance and further develop law enforcement and criminal justice cooperation tools and to drive the development of international criminal justice cooperation policy. The unit is further responsible for the development of measures to tackle modern slavery and child criminal exploitation and the implementation of actions.

Forensic Science Northern Ireland (*Acting Chief Executive - Alison McIlveen*)

Forensic Science NI (FSNI) provides a range for forensic services to the PSNI, PPS, Police Ombudsman, Her Majesty's Revenue and Customs (HMRC), National Crime Agency (NCA), State Pathologist, Defence, etc. There are 15 forensic disciplines on one site and the sole duty of FSNI is to provide unbiased scientific fact and opinion in criminal cases and inquests. Approximately 90% of the work submitted to FSNI

originates from the PSNI and the mix therefore reflects trends in local crime, especially violence and other serious offences, as well as the investigative priorities of the PSNI.

REDUCING OFFENDING DIRECTORATE

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Beverley Wall has the dual role of Reducing Offending Director and Director General of the Northern Ireland Prison Service.

The Reducing Offending Directorate has responsibility for two Agencies - the Northern Ireland Prison Service and the Youth Justice Agency and is focused on supporting and challenging those who offend to change their behaviours through early intervention, diversion and rehabilitation. In addition to the two Agencies there are two policy divisions:

- Northern Ireland Prison Service
- Youth Justice Agency
- Rehabilitation Division
- Reducing Offending Division

Northern Ireland Prison Service (*Director General - Beverley Wall*)

The Northern Ireland Prison Service (NIPS) is responsible for providing prison services in Northern Ireland. The overall aim of the NIPS is to improve public safety by reducing the risk of re-offending through the management and rehabilitation of offenders in custody.

The Prison Service, through its staff, serves the community by keeping in secure, safe and humane custody those committed by the courts and, by working with prisoners and with other organisations, seeks to reduce the risk of re-offending and in so doing aims to protect the public and to contribute to peace and stability in Northern Ireland.

The Prison Service HQ is located at Hillview Buildings in Stormont Estate. There are 3 prison establishments; Maghaberry (*male high security facility*), Hydebank Wood Secure College (*female prisoners and young men aged 18-21*) and Magilligan (*male sentenced prisoners*), supported by the Prisoner Escort and Court Custody Service and the Prison Service College.

Funding for the NIPS is currently £122m with 84% of staff in operational posts (31 December 2023).

Prisoner numbers (as at 24.1.2024) were **1,858**, broken down as follows:

	Maghaberry	Magilligan	Hydebank Wood	Total
Male sentenced	630	488	20	1,138
Male unsentenced	605	8	28	641
Male Total	1,235	496	48	1,779
Female sentenced			50	50
Female unsentenced			29	29
Female Total			79	79
Grand Total	1,235	496	127	1,858

Youth Justice Agency (*Chief Executive - Stephen Martin*)

The Youth Justice Agency (YJA) provides a range of support services to young people who offend between the ages of 10 to 17 years. Community-based services are delivered by Youth Justice Services Directorate (YJS) based in five Area Teams strategically located across Northern Ireland (Belfast; Foyle; Ballymena; Banbridge; and Newtownards). Custodial Services staff are based in Woodlands Juvenile Justice Centre (JJC), located in Bangor. It is the only custodial facility for children in Northern Ireland and provides a safe, secure and stimulating environment for 10 to 17 year old boys and girls.

The YJA has a baseline of 251 staff – all but 13 in front line operational teams (although the Agency is carrying a significant number of staff vacancies and current headcount is around 200).

The number of **individual young people involved with YJS** (through the formal criminal justice system) in 2022/23 was **774** (equates to 3.9 in every 1,000 young people in Northern Ireland). The number of **referrals to the YJS** (via the formal criminal justice system) in 2022/23 was **1,361**.

The number of individual young people in **custody** in 2022/23 was **110** (less than one in every 1,000 young people in Northern Ireland).

The average **daily population in Woodlands JJC in 2022/23 was 11 young people**. 3,844 days of custody were provided by the JJC in 2022/23 (5.4% were for PACE, 85.1% for remand and 9.4% for sentence)

Rehabilitation Division (NIPS) (*Interim Deputy Director - Steven McCourt*)

The aim of the Rehabilitation Division within NIPS is to support and challenge those in our care to change and address their offending behaviour while in custody. Rehabilitation Division supports the operational Prisoner Development Units to deliver the Prisoner Development Model, a person-centred approach delivering across nine resettlement pathways to address the socio-economic factors that are shown to have an impact on reoffending. Working with partners from the statutory, voluntary/community, pastoral and education sectors, the focus is on rebuilding rehabilitation across the prison estate by improving learning & skills and employability opportunities, delivering the commitments in our Strengthening Family Relations Strategy and enhancing resettlement provision for people in our care. The ultimate aim is to contribute to the Executive's Programme for Government (PfG) outcomes, in particular, reducing reoffending.

Reducing Offending Division (DOJ) (*Interim Deputy Director - Steven McCourt*)

Reducing Offending Division provides strategic direction, oversight and monitoring of the achievement of the former PfG Indicator on reducing reoffending. Strategic oversight is attained through the Reducing Reoffending Strategic Outcomes Group (RRSOG) comprising the key criminal justice agencies (NIPS, PBNI, YJA, PSNI and DoJ). RRSOG aims to work innovatively and in partnership to create opportunities for collaborative working in order to reduce reoffending. We work across the Executive to support the Department, our agencies and partners to align activities, support rehabilitation, improve outcomes for offenders and ultimately, build a safer NI through a long-term reduction in offending behaviour.

NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE (NICTS)

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The Northern Ireland Courts and Tribunals Service (NICTS) is responsible for supporting all Northern Ireland's courts and the majority of Northern Ireland's tribunals.

NICTS also supports the Coroners Service of Northern Ireland and the Legacy Inquest Unit; has responsibility for enforcing judgments of the civil courts through the Enforcement of Judgments Office; collects and enforces outstanding financial penalties imposed (or registered) by a criminal court through the Fine Collection and Enforcement Service; and has responsibility for funds held in court through the Court Funds Office.

In addition, NICTS provides administrative support to the Parole Commissioners for Northern Ireland and the Historical Institutional Abuse Redress Board, including processing awards on behalf of the Redress Board. NICTS also sponsors the Planning Appeals Commission and Water Appeals Commission.

The main NICTS business areas are:

- Court and Tribunal Operations
- Coroners Service and Legacy Inquest Unit
- Lady Chief Justice's Office and Official Solicitor's Office
- Modernisation, Digital and Estates

Court and Tribunal Operations (*Interim Chief Operating Officer Elaine Topping*)

Court Operations support criminal, civil and family court business. Court Operations consists of 14 regional courts and Laganside Courts and the Royal Courts of Justice in Belfast. An Operational Support Branch supports wider policy and reform initiatives and court operations and acts as the Central Authority in Northern Ireland.

There are 12 different **Tribunals** under the umbrella of NICTS. NICTS also provides administrative support, on behalf of HM Courts and Tribunals Service, to some UK tribunals sitting in Belfast. The Department for Communities is statutorily responsible for **The Appeals Service and Rent Assessment Panel** (TASRAP). However, in

advance of the transfer of functions to the DoJ, NICTS manages the administration of TASRAP under a service level agreement.

NICTS provides administrative support to the **Historical Institutional Abuse Redress Board** which is responsible for the receipt and processing of applications for compensation from persons who suffered abuse while a child and while resident in an institution in Northern Ireland between 1922 and 1995.

The **Enforcement of Judgments Office** recovers monies, land or goods for entitled parties in accordance with an order of the court. The **Fine Collection and Enforcement Service** provides advice to debtors and collects /enforces outstanding financial penalties imposed (or registered) by criminal court where a collection order has been made.

NICTS provides support to the **Parole Commissioners**. Independent Commissioners, under the guidance of a Chief commissioner, make decisions on the release and recall of all life sentence and public protection sentence prisoners in Northern Ireland. They also make decisions on the recall and further release of determinate custodial sentenced prisoners who have been sentenced to 12 months or more.

NICTS sponsors the **Planning Appeals Commission** and **Water Appeals Commission** which are independent appellant bodies and deal with a wide range of land use, planning, water and related issues.

Coroners Service and Legacy Inquest Unit (*Head of Coroners Service and Legacy Inquests: Paddy Butler*)

The Coroners Service for Northern Ireland (CSNI) carries out investigations into sudden, unexplained or suspicious deaths occurring within Northern Ireland. Coroners are independent judicial officers and their role is to enquire into deaths that appear to be unexpected or unexplained; as a result of violence, accident or negligence; or from any cause (other than natural illness or disease) which requires investigation.

The Legacy Inquest Unit (LIU) provides legal, administrative and investigative support to the Presiding Coroner and Coroners dealing with particular legacy inquests. Following the Legacy Act 2023, which established the Independent Commission for Reconciliation and Information Recovery (ICRIR), legacy inquests which have not

concluded / reached findings stage by 1 May 2024 will be halted (although some later legacy inquest cases are not affected by the Legacy Act).

Lady Chief Justice's Office and Official Solicitor's Office (*Principal Private Secretary to the Lady Chief Justice: Alison Houston*)

The **Lady Chief Justice's Office** (LCJO) plays a key role in upholding the independence of the judiciary by ensuring the role of the judiciary, as a separate arm of the state, distinct from the legislature and the Executive, is recognised. The primary role of the LCJO is to support the Lady Chief Justice in her role as Head of the Judiciary and President of the Courts. LCJO staff provide administrative, strategic, policy and legal support across a wide range of areas and across all judicial tiers.

The **Official Solicitor** has a statutory function to provide assistance and legal representation at High Court and County Court in certain circumstances for persons 'under a disability', when invited to do so by a Court. The Official Solicitor's Office also acts as financial Controller whereby the office manages the financial affairs of some people who lack capacity to manage their own property and financial affairs.

Modernisation, Digital and Estates (*Chief Modernisation Officer: Karen Ward*)

NICTS established the Vision 2030 Portfolio to modernise courts and tribunals services. This is delivered through two programmes: Estates Modernisation and Service Modernisation (which comprises business transformation, service design and modernisation of digital systems). An NICTS Estate Strategy, alongside supporting data analysis, will be used to establish strategic asset management plans and inform future investment requirements. In addition, the Programme is progressing three major capital projects. The Service Modernisation Programme has established a flagship project known as Themis. This is a key enabler for wholesale business transformation and will be critical to driving efficiencies and improved service outcomes across the Agency.

Digital Services Branch is responsible for the provision of IT across all 24 NICTS buildings, including courtrooms and hearing rooms. Estates and Security Branch is responsible for providing a safe and secure environment for NICTS staff, judiciary

and court users; maintaining the NICTS estate to ensure statutory compliance and value for money; and delivering environmental sustainability commitments.

ARM'S LENGTH BODIES

A number of Executive Non-Departmental Public Bodies (NDPBs) are linked to the Department and affiliated with policing and justice as follows:

Police Service of Northern Ireland (Budget £750.3m)

The Police (Northern Ireland) Act 2000 and subsequent amendments in the Police (Northern Ireland) Act 2003 made specific provision about policing in Northern Ireland. The purpose of the PSNI is to keep people safe and its vision is to help build a safe, confident and peaceful Northern Ireland.

Northern Ireland Policing Board (Budget £6.0m)

The Northern Ireland Policing Board (NIPB) was established under the Police (Northern Ireland) Act 2000, as amended by the Police (Northern Ireland) Act 2003. The NIPB's statutory duty is to ensure that the PSNI is effective and efficient and to hold the Chief Constable to account. The NIPB is also responsible for delivering independent policing oversight in Northern Ireland through ensuring an effective, efficient, impartial, representative and accountable police service for all its people.

Office of the Police Ombudsman for Northern Ireland (Budget £10.9m)

The Office of the Police Ombudsman for Northern Ireland was established under the Police (Northern Ireland) Act 1998. The Ombudsman is a corporation sole established to provide an independent, impartial system for the handling of complaints about the conduct of police officers. The Police Ombudsman is an Independent Statutory Office Holder.

Police Rehabilitation and Retraining Trust (Budget £1.7m)

The Police Rehabilitation and Retraining Trust (PRRT) operates under the Police Rehabilitation and Retraining Trust Regulations (Northern Ireland) 2014. The role of the PRRT is to assist clients in managing the transition from police to civilian life through the provision of personal development, careers advice and guidance, training and education, employment support and psychological and physical therapies. The PRRT also provides the same services to non-police bodies within or funded by the DOJ.

Northern Ireland Police Fund (Budget £1.5m)

The Northern Ireland Police Fund (NIPF) operates under the Northern Ireland Police Fund Regulations 2016. The role of the NIPF is to provide care and financial assistance to police officers and ex-officers who have been injured or disabled as a result of terrorism, and to the widows and families of police officers injured or killed through terrorism.

Royal Ulster Constabulary George Cross Foundation (Budget £0.13m)

The Royal Ulster Constabulary George Cross Foundation was established by virtue of the Police (Northern Ireland) Act 2000 for the purpose of marking the sacrifices and honouring the achievements of the Royal Ulster Constabulary. The statutory functions of the Foundation allow it to recognise a long, proud history of policing in Northern Ireland and to look forward to supporting the professional development of police officers and innovations in policing.

Probation Board for Northern Ireland (Budget £20.8m)

The Probation Board for Northern Ireland (PBNI) was established under the Probation Board (Northern Ireland) Order 1982. The role of the PBNI is to assess and supervise people subject to a community order or license and prepare reports for Courts, Parole Commissioners and others. PBNI works at all stages of the criminal justice system, in courts, in the community, in custody and with victims of crime.

Criminal Justice Inspection Northern Ireland (Budget £1.1m)

Criminal Justice Inspection Northern Ireland (CJINI) is an independent public body established under the Justice (NI) Act 2002. CJINI is a corporation sole, headed by the Chief Inspector, established to inspect all aspects of the criminal justice system in Northern Ireland apart from the judiciary. The Chief Inspector is an Independent Statutory Office Holder

In addition, there are a number of other organisations which operate at arm's length from the Department as follows:

Office of the Prisoner Ombudsman for Northern Ireland

The Office of the Prisoner Ombudsman for Northern Ireland was established in 2005 and operates under section 2(2) of the Prison Act (NI) 1953, as extended by section 2

of the Treatment of Offenders Act (NI) 1968. The role of the Office of the Prisoner Ombudsman is to provide independent, impartial and professional investigation of complaints made by prisoners or visitors to prisons, and Deaths in Prison Service custody. The Prisoner Ombudsman is an Independent Statutory Office Holder.

Independent Monitoring Boards for Northern Ireland

The Independent Monitoring Boards (IMBs) for Northern Ireland were established by the Prison Act (NI) 1953, with powers and duties outlined in the Prison and Young Offenders Centre Rules (with amendments). The IMB for each prison seeks to satisfy itself as to the treatment of prisoners including provision for their health care and other welfare while in prison; the facilities available to prisoners to allow them to make purposeful use of their time; and the cleanliness and adequacy of prison premises.

Independent Assessor of PSNI Recruitment Vetting

The Independent Assessor of PSNI Recruitment Vetting is established under the Police (Recruitment) (NI) Regulations 2001. The Independent Assessor provides an appeals mechanism for candidates who have been disqualified, on grounds of vetting, for appointment to the PSNI. The Independent Assessor is an Independent Statutory Office Holder.

State Pathologist's Department

The State Pathologist's Department (SPD) is funded by the DoJ and operates at arm's length to the Department providing an independent forensic pathology service for Northern Ireland, as well as providing advice and guidance in other areas of forensic medicine.

DEPARTMENTAL BUDGET

Context

The Department is facing pressures of an unprecedented nature due to increasing demand for services as well as significant pay and inflationary pressures. Compared to other departments, whilst the total NI Block Grant has increased by 43% in the last 12 years to 2023-24, i.e. approximately since the devolution of Justice to the Assembly, the DoJ has seen only a 3% growth in budget allocation - both Health and Education have seen their budget allocation grow by just over 70% and 45%, respectively, over this period. In real terms the DoJ's 2023-24 budget is around £423m below where it should have been if it had only kept pace with inflation.

Budget 2023-24

On 27 April 2023, the Secretary of State announced the 2023-24 Resource and Capital allocations for Northern Ireland departments. The 2023-24 opening budget for DoJ is as follows:

DoJ	Opening Budget £m	Examples of budget use
Non-ringfenced Resource DEL ("cash" Resource DEL)	1,156.7	Staff costs and other running costs (includes £31.2m HMT Additional Security Funding and £3.2m funding for NI Protocol for PSNI)
Ringfenced Resource DEL ("non cash" Resource DEL)	93.0	'Technical' budget for depreciation
Capital DEL	128.8	Investment in buildings, IT, equipment and modernisation

The Department's opening non-ringfenced Resource DEL budget included a budget cut of £19.4m (c. 1.7%). An additional in-year allocation of £11m for legal aid pressures was provided by the Secretary of State in November 2023.

The DoJ started 2023-24 with pressures of approximately £149m which reflected substantial pressures with, for example, the costs of policing, legal aid and prisons as well as pay and inflationary pressures across the Justice sector as a whole. DoJ

has worked pro-proactively to address these pressures and reduce spend where possible.

The latest Departmental position shows that the PSNI is on a trajectory to overspend in 2023-24 by some £34.6m. It is currently expected that the remaining business areas within the DoJ will report a breakeven or small underspend position at year end. This reflects the financial position, based on a number of pay assumptions, before any decision by the Executive regarding pay awards for 2023-24. Legal Services Agency NI has reported a potential pressure of £3m but, and whilst not without an impact that will cause some discomfort to the legal profession, it will seek to curtail payments to remain within its current budget allocation for 2023-24. This will leave legal aid with a backlog of £28m at 31 March 2024, equating to a 12 week payment time and is being challenged by the profession.

The main uncertainty impacting the overall Departmental financial position continues to be that no decision has been taken yet in terms of the level of pay awards for 2023-24 or the extent of any additional funding to be provided. **Estimated £19.2m non-contractual pay costs for PSNI are not included in its £34.6m pressure noted above.** It will now be for the Executive to determine the level of pay award and allocations for departments when setting the final Budget for 2023-24 at NI Block level.

The Department's opening Capital budget was £128.8m. The capital allocation contributes to a number of important projects including ongoing maintenance of the ageing prison estates, key projects within the PSNI and NICTS digitisation and estates projects.

£36.8m of the opening Capital allocation was subsequently returned to the Department of Finance (DoF) as part of in-year technical exercises – the majority of this (£30m) was in respect of the Police College. The easements identified are largely due to delays in commencing projects which means that the costs will now move into 2024-25 and future years.

Budget 2024-25

The DoF commissioned an information gathering exercise in December 2023 for Budget 2024-25 purposes. The starting assumption for all departments was a flat

cash settlement for Resource DEL against 2023-24 baselines. DoF also noted that there would be a significant reduction in Capital DEL for the NI Block.

Resource DEL pressures

The Department's initial analysis identified potential pressures of £429.1m - this represents 38% of our baseline (assuming a flat cash settlement for Resource DEL of £1,123m).

At an operational level, there are budgetary pressures of £202.4m due to factors including: a continually increasing prison population, increased legal aid requirements (demand led), additional demand on courts and police services, pay and pension increases and inflationary costs. In addition, there are budgetary pressures of £226.7m of an exceptional nature outside the direct control of the Department including estimated costs due to legal claims for the PSNI data breach, holiday pay and McCloud injury to feelings cases.

Capital DEL requirements

The Department received bids for capital projects from DoJ business areas with a value of £140.9m for the 2024-25 year as follows:

- £70.8m for inescapable projects where there are firm legal or contractual obligations; and
- £70.1m for high priority projects.

Examples of major projects include business transformation projects in respect of NICTS, work on upgrading the mechanical and engineering infrastructure within the NI Prison Service, a new building for science and administration for Forensic Science NI, as well as projects promoting greener vehicles and upgrading and modernising digital capacity.

It is expected that the DoJ Capital Budget allocation in 2024-25 will be significantly below the £140.9m requirements identified above and therefore will require prioritisation of the bids received.

There are also a number of high value building and IT projects identified over the next 10 years, particularly within NI Prison Service, NICTS, Forensic Science NI and PSNI. Given the constraints on Capital budgets outlined by DoF, it will be necessary

to take a strategic approach to allocating funding to these projects over the next 5-10 years in line with Ministerial priorities and within the limited budget available.

PSNI Budget

The PSNI accounts for approximately 65% of the DoJ budget. It was provided with an opening Resource DEL budget allocation in 2023-24 of £750.4m, which is inclusive of a £31.2m allocation from HMT for Additional Security Funding and £3.2m allocation for NI Protocol. The opening budget included a cut of 1.7% in line with all other business areas.

The PSNI is on a trajectory to overspend in 2023-24 with unfunded pressures of £34.6m, with a further estimated pressure of £19.2m in respect of non-contractual pay costs.

The PSNI has reported pressures of £307.5m for 2024-25 including £131.5m for pay and other operational pressures, and further pressures of £176m in relation to compensation claims and legal costs for a data breach and holiday pay. The 2024-25 pressures are based on police officer numbers in the region of 6,358 by March 2024 and it is the PSNI assessment that numbers should not fall below this level, which is the lowest since formation, and over 1,000 below the 7,500 aspiration in New Decade New Approach. We have sought, and yet to receive, an articulation from the Chief Constable of his view of required officer numbers.

The Police Remuneration Review Body (PRRB) provided the Department with its report and recommendations on the pay and allowances for PSNI officers for 2023-24 on 20 June 2023. The PRRB report included a recommendation for a consolidated increase of 7% to all police officer pay points for all ranks up to and including Assistant Chief Constable.

However, given the budgetary pressures, the PSNI is currently unable to confirm that the recommended uplift to pay and allowances is affordable. A final decision on the PRRB recommendations will be for the Justice Minister to take and an assessment of affordability will be central to that consideration.

PART 2 - ISSUES LIKELY TO REQUIRE CONSIDERATION IN THE NEXT 4 – 6 WEEKS

PAY RELATED ISSUES

Devolved judicial pay

A decision will be required on the pay remit for 2023/24 for the devolved judiciary for which the DoJ is responsible. This could potentially create a financial pressure.

2023-24 Police Pay

The Police Remuneration Review Body (PRRB) has provided the Department with its report and recommendations on the pay and allowances for PSNI officers for 2023/24. Any consideration of PRRB recommendations must take account of three principles which are affordability, the NI Public Sector Pay Policy and the principle of broad alignment with the pay and allowances for officers in England and Wales.

2024-25 Police Pay

The Department is due to engage with the PRRB and the Senior Salaries Review Body (SSRB) on pay and allowances for PSNI officers for 2024/25. Since its inception the PRRB has been asked to consider the pay and allowances of all ranks of the PSNI. However, in line with a Home Office decision for 2024/25 it is intended to remit the pay and allowances for chief officers to the SSRB.

PRRB Recommendations Review of Allowances

Five allowances payable to PSNI officers were the subject of a consultant led review as recommended by the PRRB:

- Northern Ireland Transitional Allowance (NITA);
- On-Call;
- Competence Related Threshold Payment (CRTP);
- Motor Vehicle Allowance (MVA); and
- Dog Handlers' Allowance (DHA).

On 19 October 2022, the then Minister agreed final proposals for the future of the five allowances incorporated within the review. The Competence Related Threshold

Payment (CRTP) and the enhanced rate of on-call allowance were to be revised. The Minister decided not to make any changes to the remaining three allowances.

In June 2023, it was agreed that a decision regarding the allowances would be paused, and that officials should present advice and proposals to an incoming Minister. The PRRB will expect the Department to provide a position with regards to the review, and as per their recommendations in their 2023/24 report, have requested that the DoJ submits a full proposal with a firm timeline for the removal of CRTP and convergence with allowances in England and Wales, in the context of parity.

NIPS

The Prison Service Pay Review Body (PSPRB) reports annually as an independent body on pay for operational prison grades, and makes recommendations regarding a pay settlement.

The 2023 pay award is due from 1 April 2023. Whilst incremental progression was paid in August 2023, the overall pay remit has not been settled. The PSPRB issued their report to the DOJ Permanent Secretary on 31 January 2024.

Recommendations within the report are broadly in line with recommendations for England and Wales

A full submission is being developed for your consideration on this issue. NIPS is keen to implement the recommendations as they meet a range of important priorities for the Service, including reducing equal pay and age discrimination vulnerabilities, and meeting the NI Executive commitment on paying the Voluntary Living Wage. While the final cost is still being worked through, the recommendations are not affordable within the NIPS current budget.

LEGISLATIVE ISSUES

Legislative Programme

Prior to leaving office, the outgoing Minister of Justice approved in principle a draft primary legislative programme for the Department for the 2022 - 2027 mandate. This allowed preparatory work to proceed with a view to having draft provisions available,

thereby maximising the time remaining in the mandate, while recognising these would be subject to the agreement of an incoming Minister.

The draft programme aimed to:

- improve the experiences of children, young people and victims drawn into the justice system;
- reform sentencing arrangements;
- tackle hate crime; and
- modernise the justice system.

The main focus of the draft programme was the development of three bills for planned introduction to the Assembly during Years 1 and 2 of the mandate. They include:

- a Children's Bail and Custody Bill;
- a Modernisation of Justice Bill; and
- a Sentencing Reform Bill.

A significant amount of work has already been undertaken in respect of these three Bills (the Children's Bill is essentially fully drafted; the Modernisation of Justice Bill is at an advanced stage of preparedness; and the preparation of drafting instructions for the Sentencing Bill is underway).

A number of other legislative needs were identified for potential inclusion in the legislative programme for Years 3 to 5 of the mandate, which included:

- a Hate Crime Bill
- a Victims and Gillen Review Bill; and
- an Administration of Justice Bill.

Taking account of the reduction in the time available for delivery during the remainder of the mandate, it will not be possible to deliver all of the Bills that were proposed for inclusion in the draft programme. You will wish to review and re-prioritise the proposed programme and confirm inclusions in the programme for the remainder of the mandate upon analysis of the state of readiness, resource availability and consideration of other, emerging priorities.

Personal Injury Discount Rate (PIDR)

The Personal Injury Discount Rate (PIDR) is a percentage adjustment applied in a personal injury case to a lump sum award of damages to take account of the return on investment of the sum and give effect to the legal principle that the injured party is entitled to be put in the same financial position they would have been in if the injury had not occurred. The rate is calculated by the Government Actuary's Department (GAD) according to the methodology set out in the Damages Act 1996 and the Department is required to keep this methodology under review.

The current rate, set in March 2022, is **negative 1.5%**. Under the 1996 Act, the next review of the PIDR must begin on 1 July 2024. GAD was commissioned to advise on the ongoing suitability of the various parameters in the statutory methodology (including the assumed investment portfolio and period of investment, and the allowance for the impact of inflation, tax, investment advice and management costs) for setting the rate. If regulations to change the parameters in the 1996 Act require to be made, they will need to be laid in draft in time to be affirmed by the Assembly before July.

Compensation Settlements for Minors

Any compensation settlement for a child for personal injuries agreed in the course of legal proceedings will usually be approved by the court and managed by the Court Funds Office until the child turns 18. Where compensation for a child is agreed without the issue of legal proceedings the onus is on the child's representative to voluntarily seek court approval. In a relatively small proportion of cases this does not happen, giving rise to concern that some cases could be settled for less than they are worth, and that the money is not protected and may not be used for the child, or in their best interests.

Under the common law, a settlement for a child that is not approved by a court is invalid i.e. not binding on the child. The Department consulted on introducing a legislative requirement for court approval of all minor settlements. However, the development of detailed proposals for legislation has highlighted a number of complex issues for consideration including upon whom any new duty to seek approval would be placed, enforcement, sanctions for non-compliance and the other consequences of money being paid out in contravention. It is therefore likely that any legislation will simply restate the common law position. If a legislative solution is

considered to be feasible, it could potentially be included in a Modernisation of Justice Bill.

Possible planning appeals fee increase

The Planning Appeals Commission (PAC) is an independent body, set up under the Planning Act (Northern Ireland) 2011, which deals with a wide range of land use planning issues and related matters. PAC makes decisions on appeals against Council decisions on a wide range of planning and environmental matters. The NICTS has responsibility for the administration of PAC, and the DoJ has the power to create Regulations that prescribe its procedure.

Regulations prescribe the fees to be charged for planning appeals and deemed planning applications from 1st April 2015. The Department consulted in late 2022 on amendments to these Regulations regarding the fees to be charged for planning appeals and deemed planning applications. It was considered that amended fees are required, as the planning fees charged by Councils and the Department for Infrastructure (DfI) have been increased and the fees that apply to PAC should be keeping pace with these fees, albeit that the projected annual income from an increase was in 2023 estimated at a modest £700.

The publication of the DoJ consultation preceded a surprise announcement by DfI on an increase in the level of planning fees charged by Councils from 6th April 2023. Therefore, the stated aim of the consultation on increasing appeals fees – to keep pace with planning fees charged by councils and DfI – could not be met, in that the appeals fee rates consulted upon by DoJ were already out of step with the fees for which DfI is responsible.

The DoJ did not proceed with Regulations to increase appeals fees amounts this financial year, and instead committed to take the opportunity to work collaboratively with DfI and introduce planning fees and appeals fees increases in tandem from 2024/25. The Departments of Infrastructure and Justice are working together on a coordinated consideration of planning fees and planning appeals fees for 2024/25.

Approval of draft Regulations providing for Domestic Abuse Protection Notices and Orders

During the passage of the Domestic Abuse and Family Proceedings Bill 2020,

stakeholders called for provision to be included to enable Domestic Abuse Protection Notices and Orders (DAPN/Os) to be introduced in NI. The Department recognised that there would be merit in exploring these protections but pushed for these to be considered in a future legislative vehicle, enabling time for complex policy decisions and operational out-workings to be properly considered, however, a Justice Committee amendment was supported and passed by the Assembly. Section 27 of the Domestic Abuse and Civil Proceedings (Northern Ireland) Act 2021 requires the Department to lay draft Regulations, providing for DAPN/Os, before the Assembly by 21 February 2024.

Work has been ongoing to develop the draft Regulations, largely informed by parallel work in England and Wales and overseen at a senior level by a multi-agency project board. An SL1 has been prepared which seeks the Justice Committee's agreement to the Department bringing forward the draft Regulations. Assuming the Committee is in agreement, a final version of the Regulations will be shared with you to seek your agreement to them being laid in draft by the statutory deadline of 21 February. However, if the Committee requests further briefing, it is likely that we would breach the statutory deadline.

We are still in the process of putting in place arrangements for operational delivery. Given their complexity we will not be in a position to make DAPN/Os operational until the end of 2024. Further advice will be provided on resourcing in due course.

UK Criminal Justice Bill

In October 2023, the Department was informed of the UK Government's intention to bring forward a Criminal Justice Bill, some provisions of which are proposed to extend to Northern Ireland. The Bill is due to complete all parliamentary stages by July 2024, with Northern Ireland related provisions on a mix of excepted, reserved and transferred matters. Measures which could apply to Northern Ireland, with some subject to a Legislative Consent Motion, include:

- offences relates to articles used in serious crime (some reserved elements);
- offences related to electronic devices for use in vehicle theft (some reserved elements);
- reform of confiscation powers used to strip convicted criminals of their proceeds of crime (devolved matter);

- strengthening Serious Crime Prevention Orders (devolved matter); and,
- changes related to spiking and police powers of entry.

The measures contained in the Bill would likely be welcomed, in terms of addressing criminality and organised crime. It has been made clear that on the return of the Executive and Assembly a Legislative Consent Motion would be required.

Making of Police Pension (Amendment) Regulations (Northern Ireland) 2024

The Public Service Pensions Act (Northern Ireland) 2014 provides the legislative basis for pension scheme regulations to be made. The specific provisions for the Police Pension Scheme in NI are contained in the Police Pensions Regulations (NI) 2015.

The Police (NI) Act 1998 provides the legislative basis for the legacy pension schemes to be made. The specific provisions for the legacy schemes are contained in the Royal Ulster Constabulary Pension Regulations 1988 (1988 scheme) and the Police Pensions (Northern Ireland) Regulations 2009 (2006 scheme).

The Police Pension (Amendment) Regulations (NI) 2024, will:

- provide the provisions in respect of determining the employer contribution rate in line with the 2020 valuation.
- the prospective element for removal of perceived disability discrimination in the Police Pension Scheme (Northern Ireland) 2015.
- alignment of forfeiture provisions for beneficiaries;
- align the scheme rules for beneficiary forfeiture within the 1988 and the 2006 legacy schemes with those currently in place with the 2015 scheme; and,
- undertake a number of technical amendments to the 2015 scheme to improve the application of the scheme for members.

Subject to Ministerial approval and DoF approval to make these regulations, officials plan attendance at the Justice Committee at the earliest opportunity at SL1 stage and subsequently to lay a report before the Assembly. The Department seeks to make these regulations in mid-late February to allow the scheme administrator time

to inform members affected by the regulations ahead of any change in employee contribution deduction being made.

Police Injury on Duty Awards - Placing guidance on a statutory basis

The Northern Ireland Policing Board issues medical guidance to Selected Medical Practitioners (SMP) and Independent Medical Referees (IMR) as to how Injury on Duty (IOD) award applications are assessed. This guidance was never placed on a statutory footing. The application of this guidance has at times been inconsistent.

The Department launched a targeted consultation between November 2023 and January 2024 on whether this guidance should be placed on a statutory footing. Generally, the responses supported placing the medical guidance on a statutory footing. Regulations have been drafted “Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) (Amendment) Regulations 2024”. It is anticipated these will be made in February 2024, subject to Ministerial agreement.

Vehicle Seizure Fees

In summer 2023, the PSNI approached the Department seeking an increase to fees charged for the seizure, storage and disposal of vehicles under Regulations made by DoJ. This followed a 28% uplift to equivalent fees charged in England and Wales early in 2023. Similar increases were made in Scotland in 2019.

Seizure, storage and disposal work is normally contracted out by the police to independent operators. The fees charged to vehicle owners pay the contractors. Fees had not previously been reviewed since 2008, and inflation together with increased operational costs were making it difficult for this work to remain economically viable. The level of fees in NI became an issue when the PSNI contract was due to end in October 2023, raising concerns no bids would be received for the new contract. The current contract was extended to end March 2024 in the hope that bids would be received once there was an indication that the fees would be reviewed by the Department.

Road safety is normally a matter for DfI, but the DoJ has responsibility for vehicle seizures in certain circumstances. The fees proposed for review relate to vehicles seized:

- for being driven uninsured;
- for being driven carelessly and causing alarm, distress or annoyance; and,
- where a vehicle seizure order is made by a court in relation to an unpaid fine.

Any increase is unlikely to have an impact on victims of crime as the Regulations include safeguards so that owners whose vehicles are driven without their knowledge or outside of their control do not have to pay the fees. Your agreement will be sought to consult on whether to increase the fees set in the DoJ Regulations to the same level as those set in England and Wales.

Post Office Horizon

Since the Prime Minister's announcement on 10 January on new laws to quash the convictions of those affected by the Post Office Horizon IT system, work has been ongoing at pace with colleagues in Whitehall and Scotland to explore how all those who were the victims of false allegations across the UK can have their convictions overturned as swiftly as possible. The relevant Whitehall Ministers are still considering whether the legislation announced for England & Wales should be extended to Scotland and/or NI. In order to inform their deliberations, the Department for Business and Trade and the Ministry of Justice have established an Overturned Convictions Devolution Working Group, on which the DoJ is represented.

In NI, cases relating to alleged wrongdoing by postmasters were submitted to the PPS by the PSNI. These files relied heavily on evidence provided by the Post Office Limited (POL), and in some cases POL investigators had conducted enquiries and forwarded evidence to PSNI. Following on from the group civil action and Court of Appeal rulings in England and Wales, POL wrote to the PPS in June 2020 identifying 23 cases in which they believed employees may have been prosecuted in Northern Ireland in cases that may have relied on Horizon evidence. PPS also identified a further five cases through their own systems.

Where contact details were available, PPS wrote to individuals to draw their attention to the civil case outcome and successful CCRC referrals in England and Wales, signposting them to the judgments. PPS also advised them on the process for

pursuing an appeal, identified a contact point within PPS for further information, and suggested they obtain independent legal advice.

To date, three individuals have brought appeals against their convictions, two of which were unopposed by PPS, and these convictions have been quashed. A further case is currently before the Court of Appeal.

If it is proposed that the legislation currently planned for England & Wales should be extended to NI, we will need to seek your views on whether you would wish to seek the agreement of the Justice Committee and the Executive to a Legislative Consent Motion.

Miscarriage of Justice Policy, Applications and Litigation

The Department has a statutory responsibility under section 133 of the Criminal Justice Act 1988 to pay compensation in respect of miscarriages of justice in cases where an applicant is able to conclusively demonstrate their innocence or where a new or newly discovered fact so undermines the evidence in a case that no reasonable jury would convict.

In August 2023, the Lord Chancellor and Minister of Justice, Alex Chalk MP, announced that, with immediate effect, references to deductions from miscarriage of justice compensation payments for “saved living expenses” would be removed from MoJ guidance. This change in policy applies to England & Wales and was prompted by the public reaction to the case of Andrew Malkinson, who had his conviction for rape overturned in July 2023 having spent 17 years in prison.

If the Department determines an applicant is eligible for compensation, the amount of compensation awarded is determined by an independent assessor appointed by the Department. At present, and in accordance with the NI guidance document, the independent assessor has discretion to make a deduction from the pecuniary loss element of compensation for “saved living expenses”.

There are currently challenges before the court relating to a decision by the previous Minister not to award compensation and the statutory ‘cap’ for such compensation payments. The Department is also an interested party in a legal challenge against the

Northern Ireland Office in respect of the provisions in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 relating to interim custody orders, given the outcome of the case could have implications for eligibility for compensation.

You will be invited to make a decision on whether the Northern Ireland guidance should be amended in light of the policy change applied in England & Wales in respect of 'saved living expenses'. Additionally, an application for compensation has been under consideration by the Department and you will shortly be invited to determine whether there is a right to compensation.

Live Links

The Department consulted on the future use of audio and video links (commonly referred to as 'live links') in courts and tribunals last year. In the interim, provisions in the Coronavirus Act 2020 (the 2020 Act) currently enable any court or tribunal in this jurisdiction to allow any hearing if satisfied it is in the "interests of justice" to proceed by way of live links.

The former Minister of Justice obtained agreement from Executive colleagues that the provisions of the 2020 Act would be extended beyond 24 March 2022 to support and facilitate the continuation of the work of the judiciary in the courts and tribunals, in particular, to address any impact on the progression of cases through the courts as a result of the pandemic. It was recognised that there would be a need for a public consultation on future use of live links within the courts and tribunals before there would be an opportunity to introduce any primary legislation within the Assembly. In October 2021, it was anticipated that at least three extensions of the live links provisions may be required.

In September 2022, the then Minister made a second Statutory Rule extending these 'live links' provisions to March 2023. The Department concluded there was a public interest in making a further statutory rule, which is due to expire in late March. This decision was informed by an engagement exercise to ascertain the need and support for the continued use of the powers.

Proposals will be put to you on the way forward following the public consultation and invite you to consider whether a further Statutory Rule should be made to extend the use of live links for another six-month period.

REVIEWS/CONSULTATIONS

Independent Reviews of Progress at Maghaberry and Magilligan Prisons

Independent Reviews of Progress (IRPs) take place at the discretion of the Chief Inspector of Criminal Justice Inspection Northern Ireland, His Majesty's Inspectorate of Prisons (HMIP), the Regulation and Quality Improvement Authority and the Education and Training Inspectorate for Northern Ireland. An IRP is initiated when a full inspection suggests the prison would benefit from additional scrutiny and focus on a limited number of the concerns raised at the inspection. IRPs of Maghaberry and Magilligan took place simultaneously between 31 October and 2 November 2023. Criminal Justice Inspection Northern Ireland, His Majesty's Inspectorate of Prisons, the Regulation and Quality Improvement Authority and the Education and Training Inspectorate for Northern Ireland conducted the reviews.

CJI intend to publish the reports from these IRPs on **Thursday 8 February**. NIPS is preparing a Press Release to issue in parallel with publication which will be shared with you in advance.

IRP - Maghaberry Prison

CJI followed up on five priority concerns and seven key concerns from their most recent inspection of Maghaberry in October 2022. The assessment is that there was reasonable progress for nine concerns, insufficient progress in two concerns and no meaningful progress in one concern. The inspectors also identified four examples of notable positive practice.

In their joint foreword to the Report, the CJI and HMIP Chief Inspectors draw particular attention to a need to improve adult safeguarding arrangements and concerns about the abuse of tradeable medication (following the introduction of body scanners, which have successfully reduced trafficking).

Inspectors note improvements in access to education, skills and work to meet rehabilitation and resettlement needs. The foreword also reflects the impact that a

rising population is having upon the operation of Prisoner Development Units as NIPS must staff these re-opened residential units from their current staffing complement.

The Inspectors encourage NIPS to continue to address staff shortfalls through an effective recruitment strategy, and to focus on developing more effective working relationships with the South Eastern Health and Social Care Trust (SEHSCT).

Magilligan Prison

CJI followed up on progress made against 14 (out of 30) of the recommendations from their most recent inspection of Magilligan in May-June 2021. The assessment is that there was good progress in three areas, and reasonable progress in four. However, the Report also notes the disappointing outcome in respect of the remaining seven areas – with either insufficient or no meaningful progress made.

In their joint foreword to the Report, the CJI and HMIP Chief Inspectors reflect their concerns that more progress is required to address access to illicit substances at the prison, and in common with the Maghaberry Report, the need to improve communication between NIPS and SEHSCT. Whilst the Report comments positively about cleanliness, positive staff/prisoner interactions and the regime and education and activities being offered, it is also clear that more work is required to improve arrangements for prisoner communication, consultation and complaint handling.

Again, the Report reflects the challenges that population pressures and staff shortfalls place upon the prison, but reinforces the need for senior leaders to vigorously engage with and address recommendations given the lack of progress in half of the areas that were assessed.

Northern Ireland Organised Crime Strategy 2021-24 - Addendum Work Plan

This NI Organised Crime Strategy 2021-24 was developed to consolidate and enhance the response to existing organised crime threats, developed in collaboration with Organised Crime Task Force (OCTF) partners. OCTF brings together agencies on a strategic basis to ensure they are collectively, as well as individually, alive to emerging threats. The Strategy, due to end in 2024 has, in its associated Work Plan, 40% of actions completed, 40% ongoing and 20% with an amber or red status.

OCTF partners agreed that the focus should be on completing the outstanding actions and that this could be best achieved by a one-year addendum Work Plan. A workshop will take place on 12 March to take this forward.

APPOINTMENTS

Appointment of Independent Members to the Northern Ireland Policing Board

The Secretary of State, under Section 6 of the Northern Ireland (Executive Formation etc.) Act 2022, approved competition material for launch of a competition for the appointment of three Independent Board Members to the Northern Ireland Policing Board. The closing date for applications was 25 January 2024. Appointment of the Board Members will fall to you as Minister. Briefing will be forwarded on the plans to progress the recruitment competition.

Appointment to the Board of the RUC George Cross Foundation.

The term of the Chief Constable's statutory nominee to the Board of the RUC George Cross Foundation ends on 29th February 2024. The Chief Constable has confirmed a nominee and advice will forward seeking your agreement to the appointment of the statutory nominee.

Approval for the public appointment of board members to the Northern Ireland Police Fund

Following a recruitment competition in 2023 vacancies remain on the Board of the Northern Ireland Police Fund. You will be invited to agree the appointment of a new Chair and agree an appointment process to fill two vacancies on the Board.

Increasing the retirement age of Parole Commissioners to 75, to bring them in line with judicial office holders.

Parole Commissioner terms and conditions of appointment stipulate that a Commissioner's appointment ceases on the day they reach the age of 70. In October 2020, a consultation was launched on the mandatory retirement age for devolved judicial office holders in Northern Ireland. In the DoJ consultation responses published on 29th March 2021, the Department concluded that the mandatory retirement age for judicial office holders should also align to the 75 years of age upper age ceiling.

Separately, on 9th March 2021, the Ministry of Justice announced that the mandatory retirement age for judicial office holders would increase to 75. Schedule 1 of the Public Service Pensions & Judicial Offices Act 2022 outlined the judicial office holders in Northern Ireland where the increase in the age ceiling applied. As a Parole Commissioner is not designated a judicial office holder, the increase in retirement age did not apply to them. You will be asked to consider whether the retirement age for Commissioners should be raised to 75. A change to legislation is not required as an amendment to the terms and conditions of appointment will be sufficient.

Reappointment of retired Lay Magistrates

Until recently, a Lay Magistrate was required to retire at 70. The retirement age was increased to 75. The Department consulted on allowing those Lay Magistrates obliged to retire at 70 to be reappointed until 75. This was supported in the consultation but will require secondary legislation subject to the affirmative procedure.

Since the affected Lay Magistrates have been waiting to be appointed since the previous Assembly dissolved, it is desirable that the secondary legislation is progressed as soon as possible to allow reappointments to be made.

Appointment of King's Counsel (KCs)

Appointment to King's Counsel in Northern Ireland is a prerogative power exercisable by you as Minister of Justice on behalf of the King (under section 23(2) of the Northern Ireland Act 1998). The Bar Council and Law Society launched a KC selection process in September 2023, facilitated and chaired by the Lady Chief Justice. Provision was included in subordinate legislation made under the Northern Ireland (Executive Formation Act etc) 2022 for the Lord Chancellor to exercise the Royal Prerogative power to appoint Northern Ireland KCs upon conclusion of the selection process.

The selection process concluded in January 2024. Names were submitted to the Lord Chancellor by the Lady Chief Justice, but the Lord Chancellor did not have sufficient time to consider and make the appointments prior to the start of your tenure. The names will be submitted to you for consideration within the next two weeks, with letters patent to follow if you are content to make the appointments.

Appointment of Chief Inspector of Criminal Justice

The current Chief Inspector was appointed for a period of three years with effect from 30 November 2019. In May 2022, the appointment was extended until 29 November 2024 (a two-year extension). The former Minister's policy was that there should be no automatic re-appointments and plans have been ongoing to run a fresh competition. The current Chief Inspector is eligible to apply for a second term.

The appointment provisions for a Chief Inspector are contained in the Justice (NI) Act 2002, which stipulates that a Chief inspector must not be appointed for more than five years at a time. This is a regulated public appointment, and so successful candidates can serve for up to ten years and for a maximum of two terms of appointment.

In line with the commitment in *New Decade, New Approach* that the status of all ALBs should be reviewed, a review of CJI's status and governance was completed in April 2023. The review did not propose any legislative, status or governance changes. However, it did suggest that the term of appointment for the Chief Inspector position and their terms & conditions should be considered by an incoming Minister.

Your views will be sought on the approach to the appointment of the Chief Inspector and the terms that should apply to the role.

EVENTS

Invitation to open Victim Support NI's conference

Victim Support NI arranges a conference each year to mark Victims of Crime Day. This year the conference is entitled: **What Price Justice? A Costs Conundrum** and will look at how justice can be made safer for victims and how justice is resourced. In addition to considering the financial costs of running the justice system, the conference will also examine costs to victims of seeking justice (these costs tend to be emotional /psychological or the time it takes for cases to be resolved). It is scheduled for [Redacted]

Victims' Champions from across the criminal justice system, including the Department, have agreed to participate in a panel session at the conference. It is anticipated that

you will be invited to the conference, possibly to make some opening remarks if agreeable.

Organised Crime Cross-Border Conference

An annual cross-border organised crime conference has previously been held, sponsored by the Departments of Justice on both sides of the Border. This year it is being sponsored by An Garda Síochána. Ministers from both Departments will be invited to speak at the conference due to be held on [Redacted].

GENERAL ISSUES

Approval for a public campaign to raise awareness of the Victim Charter and Witness Charter and seek agreement to make a statement

A CJINI report into the care and treatment of victims and witnesses (2020) highlighted a lack of public awareness of the Victim Charter and the Witness Charter. To address this, a communications plan was developed and over the past year, significant efforts have been made to increase awareness of the Charters, including:

- social media articles,
- presence (and promotion of the Charters) at festivals such as Mela and Pride, and,
- delivery of awareness sessions to voluntary and community organisations who engage with victims and witnesses.

Plans are also in place to launch an advertising campaign to promote the Charters and ensure that the public are aware that victims and witnesses of crime have rights, that support is available and to encourage engagement. The Commissioner Designate for Victims of Crime also has a role in promoting the Charters. To capitalise on resource and influence, we are running this as a joint campaign with the Commissioner Designate's office.

Funding of up to £40k was allocated from the Victims of Crime Fund and approval for the campaign was sought from the Permanent Secretary. We are in the process of confirming dates but it is anticipated that the campaign will launch on 22 February 2024 to coincide with Victims of Crime Day. The media plan includes advertising on UTV, targeted adverts on YouTube and social media, and advertisements in the three main local newspapers.

Your agreement will be sought for a supporting press release, to include a quote from you to promote the Charters and encourage victims to report crime and avail of the supports available. A submission with further details on the content of campaign and a draft Press Release for your approval will follow in due course.

Assets Recovery Community Scheme

Assets Recovery Community Scheme (ARCS) funding is aimed at preventing crime and reducing the fear of crime. The budget is from confiscation order receipts following criminal convictions and funds community projects across Northern Ireland. The current scheme, covering an 18-month period, ends in March 2024.

Applications for three financial years (2024-27) closed at the end of January. Applications were invited from eligible organisations to run projects during all or part of that three-year period, with an upper limit of £25k per project, per year. Each application will be scored against essential and desirable criteria. Following Ministerial agreement, the highest scoring projects will receive an offer of funding making use of an estimated available budget of between £400k and £500k.