Northern Ireland Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Criminal Justice (Committal Reform) Bill: Department of Justice

25 March 2021

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:
Mr Paul Givan (Chairperson)
Ms Linda Dillon (Deputy Chairperson)
Mr Doug Beattie
Ms Sinéad Bradley
Ms Jemma Dolan
Mr Paul Frew
Miss Rachel Woods

Witnesses:

Mr Glyn Capper	Department of Justice
Ms Laura Mallon	Department of Justice

The Chairperson (Mr Givan): I welcome to the meeting from the Department of Justice Glyn Capper, head of the justice performance team in the access to justice directorate, and Laura Mallon, who is from the same team. The session will be recorded by Hansard and published in due course.

Members, officials will take the clauses of the Bill in turn. Given the similarity in the issues raised in evidence received on clauses 1 and 2, we will group them for the purpose of a discussion. Officials will make remarks as we get to each clause, and I will take members' questions at the appropriate point. Glynn, I will hand over to you.

Mr Glyn Capper (Department of Justice): Thank you for the opportunity to support the Committee as it considers the Criminal Justice (Committal Reform) Bill. Chair, as you said, we thought that it would be helpful to give a brief overview of our comments on each clause. I will kick off by commenting on the general comments that were raised in the evidence sessions. Following that, we can pause and move through the clauses one by one. If it is any comfort, the comments on the general comments are longer than what the subsequent comments will be.

The Chairperson (Mr Givan): Great.

Mr Capper: It is important to note that powers to commit cases directly to the Crown Court have already been legislated for in the Justice Act 2015. As a reminder, the Bill has three main aims. First, it seeks to remove the need for oral evidence at the committal hearing, given that the impact on victims and witnesses from giving oral evidence at the committal hearing and at the Crown Court is sometimes traumatic. Secondly, the Bill seeks to get more cases more quickly to the Crown Court. Finally, the Bill deals with technical issues to smooth the direct committal process. It is pleasing to see that many positive and supportive comments were received from a range of organisations and stakeholders. I will touch on some issues that were raised.

Some organisations indicated that reforms to the committal process alone will not reduce delays. We absolutely accept that. Speeding up justice is a challenging and complex issue, and the Department is leading a wide-ranging programme of work to deliver improvements. The Bill is just one of many elements of work to speed up the system, but, as I have outlined, it is about more than just speed. It is about improving the experience of victims and witnesses on their journey through the system.

Responses also touched on the need for more-effective investigation and disclosure processes. It is important to highlight the point that the Bill will facilitate that happening. Cases to be directly committed will be brought under the supervision of a Crown Court judge at an earlier stage. That will allow earlier engagement, including engagement with the defence, and will allow resources to be focused on areas of contention. As part of our speeding up justice programme, we have already demonstrated the benefits of those principles through the indictable cases process, which is based on early engagement. Similarly, the disclosure forum, which was set up and jointly led by the police and the Public Prosecution Service (PPS), is delivering improvements in the area of disclosure of evidence.

In its comments, the Bar Council referred to the need to have a more robust method of sharing digital evidence. As the papers show — an annex focuses on this — the Department is coordinating some innovative work in that area through a project to share digital evidence. To date, almost 6,000 digital cases have been created by police and shared via the cloud. There are also references to the resources that are required to deliver the changes outlined. Recognising that that is a significant change to the justice system, we have established a multi-agency committal reform programme, with projects covering legislation, legal aid, IT and business change. We are also creating a stakeholder forum that will include the Bar Council, the Law Society and Victim Support.

I will move on to costs. The main aim of direct committal is to transfer cases to the Crown Court more quickly than is done at present, thereby shortening the overall length of time that it takes to complete them. It is intended that there will be a rebalancing of resources, and a business case is being prepared to capture that relative rebalancing among justice organisations.

I have hopefully touched on some of the key issues that were raised in comments from those who provided evidence. Chair, we are happy to answer questions as the Committee considers the clauses.

The Chairperson (Mr Givan): Thank you, Glyn. If you are happy, we will turn to clauses 1 and 2. One question relates to what the advantage would be of restricting oral evidence to technical or expert witnesses only at committal stage. In other words, if you did not have the victim, have you considered retaining the committal aspect but restricting it to technical or experts witnesses only?

Mr Capper: It is not. We have tried to stay true to the Fresh Start recommendation of no oral evidence pretrial. The notion of having just specialist evidence in some ways means that you have to retain the committal hearing, in whatever form, and, with that, you lose some of the efficiencies of removing that process from the overall process to get somebody to the Crown Court. It is therefore not something that we have looked at specifically.

The Chairperson (Mr Givan): Was Fresh Start, when it was published, the catalyst for not commencing the interests of justice test when it came to preliminary investigations (PIs) or mixed committals?

Mr Capper: Yes. Fresh Start reinforced the need to take a different approach to that outlined in the 2015 Act and to come back to the notion of removing oral evidence completely. A number of recommendations from other areas touch on that notion as well. It is not just about having to give oral evidence twice, at the committal hearing and again at the Crown Court, but about potentially having to give oral evidence at the committal hearing, which is traumatic for victims. Sir John Gillen refers to the fact that sometimes that potential is there but is then withdrawn at the last minute, and that is equally damaging to and traumatic for victims.

The Chairperson (Mr Givan): I get that argument. My perspective as an MLA is that the Assembly voted for something and never really got an opportunity to see whether it worked. That provision was brought through the Assembly in 2015 but never commenced, so there is a little bit of me that says, "What's the point of the Assembly voting for something if the Department won't then enact it?". It then took Fresh Start as a reason not to bring it forward. Fresh Start is just an agreement, not the law. We had passed law.

Mr Capper: We viewed Fresh Start, and its recommendations were accepted by the Executive, so we took that Executive recommendation and said, "Let's work on this to remove oral evidence altogether".

It is worth reminding ourselves that direct committal will remove the committal hearing. By removing the committal hearing, we are removing oral evidence, so, in some ways, the notion of there being oral evidence or not is arguably a time-bound argument. As we seek to apply direct committal to all cases, there will be no committal hearing and therefore no oral evidence. The long-term aim is to commit all cases directly.

The Chairperson (Mr Givan): I have one final question, after which, members, feel free to come in. Is consideration being given to having a case management handbook similar to that described by the PPS as being available in England and Wales?

Mr Capper: The concept of case management is something that we have considered as a justice system with our justice partners. There are different views on what case management should look like, be it statutory case management or judicial case management, and on how proportionate and extensive it should be. Sir John Gillen commented on case management, suggesting that he was not in favour of introducing statutory case management.

Given those different views, just prior to the outbreak of COVID, the Criminal Justice Board (CJB) decided that we should try it as a system and design something. We are calling it a "case management framework". Essentially, it tries to take the system as is and map on to it some of the new initiatives that are making a difference to the speed of the system and then have that overlaid with some of the existing times and targets. We think that that will help us design a better case management framework to which all the players in the justice system can sign up.

The Chairperson (Mr Givan): That is it from me. I am not seeing any indication to speak on clauses 1 and 2 from any members, so I am happy to move on to the next clause. I am not going to prolong this if I do not need to.

Mr Capper: If we follow the table that the Committee received, we can skip to clause 4, if you are content.

The Chairperson (Mr Givan): Yes. There were no issues with clause 3.

Mr Capper: Clause 4, in general, deals with the operation of direct committal, which is, as I have said, the process of going to the Crown Court without having a committal hearing in a Magistrates' Court. If I take each subsection of clause 4 in turn, that may help us navigate our way through things. Subsection (4) deals mainly with expanding the range of offences that will be included as part of the first-phase roll-out of direct committal. As I mentioned at the start, the Bill seeks to get more cases to the Crown Court more quickly, in line with a range of external recommendations. The Justice Act 2015 provided for only murder and manslaughter cases to be directly committed. The Bill seeks to allow for any offence:

"which, in the case of an adult, is triable only on indictment"

to be directly committed. Apologies for the clunky description, but it is how the Office of the Legislative Counsel (OLC) suggested we should best describe it. It is worth noting that that group of offences includes terrorism-related offences and serious sexual offences. To give you an indication, we estimate that those cases will make up around 25% to 30% of the Crown Court caseload, which was around 370 cases in 2019-2020.

In deciding which offences should be included in the first-phase roll-out, we sought to strike a good balance between the number of cases that would give a meaningful first-phase roll-out, thereby helping us evaluate it to inform future roll-outs, and ensuring that the roll-out could be managed successfully and not swamp the system, given the changes that it will bring.

At this stage, I will comment on how extra cases will be added. The issue was raised in the evidence. The 2015 Act provides for a small number of offences to be added by way of a draft affirmative resolution. We have confirmed that with the Office of the Legislative Counsel. The draft affirmative resolution procedure can be applied in only a limited number of offences, such as those that are linked to other legislative and policy developments. It is our intention to roll out direct committal fully over time

for all cases. As we do that, we will need further primary legislation. That will bring with it the associated Committee scrutiny.

The Chairperson (Mr Givan): Thank you. Have there been any conversations with the Crown Court judiciary regarding its involvement in case management and having a larger number of cases at an earlier stage?

Mr Capper: As part of the committal reform programme that I mentioned, stakeholders from across the system were represented. They included representatives from the Office of the Lord Chief Justice (OLCJ). Over recent weeks and months, Laura and the team have been working to design Crown Court rules that will put the detail on how direct committal will operate. Colleagues from the Office of the Lord Chief Justice are part of that process. They have very much had input into how judges will operate that in practice.

Ms Laura Mallon (Department of Justice): That group includes people from the PPS, the courts and the Office of the Lord Chief Justice. A wide variety of other organisations have also been involved. It is also useful that we now have the stakeholder forum, on which the Bar and the Law Society will also get a chance to have input into such things as the Crown Court handling arrangements.

The Chairperson (Mr Givan): Glyn, you mentioned rolling it out for all cases. Is there a time frame for when you want to assess whether the change has been made, for what adjustments need to be carried out to make it more effective and for getting to that full, 100% point?

Mr Capper: For context, we understand that implementing direct committal in England and Wales took about 10 years. It is not our intention that it will take that long. In some ways, I am reluctant to put a timeline on it, because one thing that we are very conscious of is that the first phase will be a pilot. What we have done is that we have made sure that we have set up plans to capture the benefits of the pilot and evaluate it. When direct committal has operated for 18 to 24 months, we will be in a position to evaluate it and to understand what has worked well and what needs to change. That is the appropriate point at which to plan the next phases of the roll-out, because we will get an indication from that about whether future roll-outs should be done using a sort of "Big Bang" approach, taking in all cases, or whether there should be two or three further roll-outs. I envisage that we will be talking about two or three phases of roll-out rather than a 10-year approach.

The Chairperson (Mr Givan): OK. Finally, for the Probation Board, there may be an increased burden, because of pre-sentencing reports and so on. Has what the resource implications could entail been thought through?

Mr Capper: Yes. I am conscious that, in its evidence, the Probation Board flagged a concern along those lines. We have since met the Probation Board to discuss that. By way of a bit of background, the ability to order pre-sentence reports is currently allowed for but happens very infrequently. We have some stats. Five reports were requested in 2019 and four in 2020. It is therefore a small number of reports. We anticipate, however, that there will be an increase in requests for those reports, but, in developing the Bill, we considered that and have factored an additional safeguard into the Bill. That safeguard requires the court to give an opportunity for both the prosecution and the defence to make representations to the court before making the request for the reports. In so doing, that should hopefully ensure that reports are ordered only when all parties have agreed that there is benefit in doing that. That stops an avalanche of reports. Our sense is that that is the best way in which to manage that resource issue, and hopefully that provides assurance to the Probation Board.

The Chairperson (Mr Givan): OK. Thank you. That is me finished on clause 4, which is the substantive part of the Bill. I still have a couple of general points to make after.

Mr Frew: My comments are all general, so if you want to go first, Chair, I do not mind.

The Chairperson (Mr Givan): I am seeking comments that are particular to clause 4.

Ms Dillon: My question is about the potential for the backlog moving to the Crown Court rather than stopping. You said that, rather than there being new resources, resources will be moved from one court to another. What other measures are being put in place to mitigate that?

Mr Capper: That is a really pertinent question. There are a number of angles to that. I will talk about resources and Crown Court rules first. One of the key things for making direct committal work well in practice will be to make sure that we design the right Crown Court rules, which are essentially the processes that will happen in practice to move cases through the system. All relevant organisations are involved in that specific piece of work through a work stream that Laura is leading through the business change element of her programme. We will involve all organisations in that and make sure that the rules are as effective as possible.

As I mentioned, we view this as being a rebalancing of resources. We are not at all saying that direct committal will save resources. We know that it will take resources and savings out of some areas. There will be less spend on committal hearings because we are removing committal hearings in a large number of cases, but we envisage that funding being reinvested in the Crown Court stage to help progress things as efficiently as possible there. That is a big piece of work, however. Once we have the final shape of the Bill, that will allow us to finalise the Crown Court rules and agree the operation of cases with our criminal justice partners.

Ms Dillon: Do you mind if I ask a couple of brief general questions, Chair?

The Chairperson (Mr Givan): Of course not, Linda.

Ms Dillon: Thank you. I appreciate the leeway. First, the Bar Council and others have raised some issues about where the facility will be to look at what is not relevant when you get to court. The intention is that that will be looked at in the Crown Court. Have you looked at the new piece of legislation in the Twenty-six Counties on preliminary hearings? Does that have potential to deal with the specific issue?

Mr Capper: We did indeed look at the Criminal Procedure Bill 2021. That Bill seems to suggest the introduction of, as you have said, preliminary trial hearings. We understand that those are not the equivalent of a committal hearing. Those preliminary trial hearings will be held in the court where the trial will be held, which is equivalent to our Crown Court. They are not, if you like, putting in a committal hearing that we are taking out.

To go back to the first part of your question, that early engagement, which, we think, will be one of the most fundamental pieces of direct committal, will help the right parties to get together more quickly to narrow issues and to progress a case in a more proportionate way. That will happen at the very beginning of the Crown Court hearing. I think that we can build into our Crown Court rules something akin to the preliminary trial hearing in the Criminal Procedure Bill 2021. We may not be able to reflect that exactly, but, through those rules, we will be able to build it into what we are doing. I assure you that our understanding is that that is not akin to having a committal hearing. Our experience of the committal hearing is that it is certainly not a forum for that narrowing of issues, led by a judge, that will help to get a case to the Crown Court sooner.

Ms Dillon: Chair, to clarify, I know that it is not akin to a committal hearing. I am probably more supportive of than against the committal reform in the Criminal Justice (Committal Reform) Bill. That is why I asked about the preliminary hearing. You have answered my question. The Crown Court is really the equivalent place for that to happen. Am I correctly hearing what you are saying?

Mr Capper: Yes, that is our understanding of Criminal Procedure Bill 2021.

Ms Dillon: That is helpful, Chair. If I have any further questions, I can ask them at a later stage. Thank you.

The Chairperson (Mr Givan): Thank you, Linda. Sinéad Bradley.

Ms S Bradley: Thank you, Chair. Can you hear me OK?

The Chairperson (Mr Givan): Yes, we can.

Ms S Bradley: Leading on from that, I am trying to better understand the rebalancing of resources. There is no extra resource to speak of. On the rebalancing piece, is it fair to assume that there may be a drive downwards to the PPS, which may have to pick up an extra role or additional work on this? If so, do you anticipate that it will have some rebalancing of resources?

I would like to understand the Criminal Justice (Committal Reform) Bill as it is presented now. I understand what you say about the court piece that will be established. Has there been a scoping exercise to follow through where that piece of work will go? Some of that committal work will happen, but it will be in a different place and done, hopefully, in a more speedy and effective way. Where will it be? Are there cost implications to it? Thank you.

Mr Capper: I will try to tackle that in two parts. On the PPS, let us take a step back. Direct committal will not add extra work to the overall process of hearing a case. Direct committal will remove work from the Magistrates' Court, but not all of that work will, in essence, transfer to the Crown Court. A lot of work that happens through a committal hearing will no longer need to happen at any stage, because that is a step that we are taking out. We are putting a case straight to the Crown Court. No doubt some of the work that happens in a committal hearing will need to be replicated in the Crown Court, but certainly not all. The sense is not that we are taking a block of work from the Magistrates' Court and moving that same block of work to the Crown Court. That work, in an awful lot of cases, will not need to happen, because we have demonstrated that the committal hearing, arguably, does not contribute to a more effective process.

If we take that notion and apply it to the PPS, the PPS will therefore have fewer committal hearings to service, because they will not happen. There are two aspects to that in the Bill. One is that we will not have oral evidence at the committal hearing for those cases that will not yet be directly committed. We know that committal hearings that proceed via oral evidence take three or four times more days and resource than a case that proceeds purely on paper at committal. Then, for a significant chunk of cases, there will not be a committal hearing at all, because those cases will be directly committed. The PPS, therefore, will not have that work to do at the Magistrates' Court.

The piece of work that we are focusing on now — as I have said, we cannot really finalise it until we know what the final Bill looks like — is how the court process will operate in the Crown Court. That is a very labour-intensive and detailed piece of work, which we are progressing with all our criminal justice partners. That will work through, therefore, what pieces of work and what additionality might be needed in the Crown Court. That will be captured as part of the ongoing work on Crown Court rules and then factored into a final business case that will seek to map out the rebalancing that I have spoken of.

I hope that that goes some way to addressing your question.

Ms S Bradley: It does. Thank you. I am just a little bit concerned that, without that piece being completed, there may be a danger that we are removing one process — there are good arguments for doing so — but are not prepared for how that will work out in the courts.

Mr Capper: I come back to my point that building that picture has a range of steps. Until we have the final Bill, it is difficult to complete those Crown Court rules and to know exactly how things will operate. At the minute, we seek to model the savings that would be generated from having no committal hearings and no oral evidence and then to look at how we best reinvest that funding in the Crown Court element of work.

Ms S Bradley: Thank you. I appreciate that. I will look into that further, because I do not feel fully informed of the connection between those two pieces of work. Certainly, the timeline of it concerns me. I imagine that they would almost have to have a handshake, if you like, but that does not appear to be the case. There could be a block of time where they do not meet each other. I will look into it further, but thank you. That has been helpful.

Mr Capper: Thank you.

Miss Woods: Thank you, Glyn and Laura, for your comments so far. I have a number of general points in relation to this. I want to pick up from where Sinéad asked about the costing and resourcing. How much does a committal cost at the moment? Do you have any idea?

Mr Capper: Yes, we do. Laura has some numbers. We are doing a modelling, so it is all approximations. I cannot give you the full cost of a committal, for example, the PPS cost, but we have been doing some modelling in relation to the legal aid elements of committal. If we do not have it now, we will come back to you in writing.

Miss Woods: That is fine. I appreciate it. When we are talking about costings, saving money and rebalancing resources, I would like to know what we are actually talking about and whether it will fill a gap. I appreciate that there is a legal aid element, and there is also the cost of the processes that we are looking to abolish. You said that a business case is being worked on, and I would appreciate it if the Committee could have a look at that in order to see what this actually looks like and what we are actually talking about.

You mentioned needing to know what the final Bill will look like. Is there any intention to change what is in the Bill at the moment, or is that up to the Assembly's scrutiny processes and what the Committee may or may not be looking to do?

Mr Capper: From the Department's point of view, it is hoping that there will be no changes to the Bill. I am simply referring to the right and proper process that the Bill will go through.

Miss Woods: OK. Therefore, there are no amendments that are being considered to come in at Consideration Stage that we are not aware of or anything like that.

Mr Capper: Not from Laura and I, no.

Ms Mallon: No, there are not.

Miss Woods: OK. That is fine. I just wanted to know.

I would appreciate more detail, if you have any, about the fees and legal aid issues and about how they are being resolved and looked at. Do we have any costing or model yet of how that is going to work?

Mr Capper: We will come back to you in writing on that.

Miss Woods: Great, thank you.

I know that I have spoken to you before, Glyn, about the appointment of barristers and counsel that would have taken place at the committal stage. Would the appointment of a barrister follow on from the first day by the PPS, which is at the same time as the PPS appoints counsel? Would the defence then appoint counsel at the same time, and would the legal aid certificates then be issued at that stage?

Ms Mallon: Yes, they would.

Miss Woods: Great.

Ms Mallon: It would be necessary for our ongoing plans, so that they could start those conversations about case management. Yes.

Miss Woods: Great. I appreciate that there are a few questions for you to come back on, but that is it from me for the moment.

The Chairperson (Mr Givan): Jemma Dolan.

Ms Dolan: Thank you, Chair. My questions have been answered.

Mr Frew: Glyn, I have a more general comment. We know that the Bill is supposed to help to smooth out a process and to help with delay. We are struggling to find proof that it will solve delay, which is one of the main planks and reasons for doing it in the first place. Is there any jurisdiction in the world where you know that the removal of PIs and the committal process has led to a speeding up of justice?

Mr Capper: I have a few comments on that. As I noted at the start, we are not saying that direct committal will solve delay. There are many elements to speeding up the justice system, and that is just one part of it. I also go back to my opening comments that the Bill is not necessarily about direct

committal. Direct committal was legislated for in 2015. This is about putting more cases through. What is as important, if not more important, is its seeking to remove oral evidence again.

It is very difficult to compare different systems. However, we know that — I may be able to find it — the National Audit Office for England and Wales stated, in a report on the complete abolition of committal proceedings there, that:

> *"the abolition of committal hearings has reduced waste in the system by getting rid of a hearing that added little value".*

That gives us an assurance that direct committal has added value where it has been applied elsewhere.

As for the specifics about the difference that it will make, an awful lot of that comes down to the court rules, which will follow the Bill, that will outline exactly how and when a case will move through the system.

Mr Frew: Yes, I get that. Again, if you were to look at this from a primitive view, you would come to a conclusion very quickly, without looking at any evidence, that it is bound to speed up a process, albeit with so many complicated working parts along that process. That is, of course, a very primitive view. The Committee is struggling to find any evidence that it will just speed up justice through a natural course. However, I get its merit because of the impact that it could well have on some people who would have to give oral evidence more than once. I get that, and I am quite supportive of the move in the Bill.

What I am getting at is this: are we sure that we are hitting this, with as much as we can at this stage, to do enough to help people who have that experience and also to quicken up the process? We have heard you say a couple of times today that the Bill in itself will not do it and that we need more things to happen and other things to be in place, one of those things being procedures and another case management. That cannot be determined until you get through this first step. Are we missing a trick by not adding something to the Bill that will help, assist and strengthen its advantages and the hope that it will speed up and smooth out the process? Have you, as a Department, looked at statutory time limits for custody or bail?

Mr Capper: To answer your first question on whether we have done enough in this Bill, seeking to completely abolish oral evidence is as much as we can do on that. On getting more cases committed directly and, therefore, more quickly to the Crown Court, the Bill will have an awful lot more cases going directly to the Crown Court than the 2015 Act had. I urge that we strike the right balance, as I said earlier, between putting too many cases through and swamping the system and getting enough cases there so that we can evaluate and properly learn for future phases. Our sense is that the Bill strikes the right balance.

In relation to things like statutory time limits, we have looked at the experience elsewhere. An awful lot of how we are going to speed up the system is about culture. One of the things that the Bill does is to make sure that we get a case to the Crown Court quicker. When it gets there, that is the place to have judicial oversight of the case and to bring the right people together early to narrow issues. That cannot happen in a Magistrates' Court.

We looked at statutory time limits and their operation in England, Wales and Scotland. England and Wales piloted them a few times and came to the conclusion that, for various reasons, they do not work. Scotland, I think, came to the same conclusion.

Ms Mallon: England and Wales piloted statutory time limits a few times and found that, administratively, they were an added burden. Often you have to put in a process for an exceptional case, almost, as an extension, and that was being overused. It reduced the value of the statutory time limits to a certain extent. In Scotland's case, it has been a bit more successful. I think that it would be difficult, however, to disaggregate improvements as a result of statutory time limits from those as a result of other things that they had done in the area of case management. The two coupled together has helped the Scottish situation.

There is legislation in place for statutory time limits in Northern Ireland. I think, it is the Criminal Justice Order 2003. I can get the specific piece of legislation. It allows statutory time limits to be put in place

between the charge or the decision made by the PPS and the point of trial. That is there already and could potentially be used. We do not need to add anything to the Bill.

Mr Frew: They have never been used.

Ms Mallon: No, not as far as I am aware, they have not.

Mr Capper: I think —.

Mr Frew: Is there a reason why they have not been used?

Mr Capper: I think for the —.

Ms Mallon: Sorry, Glyn. It is just because of the experience of other places and seeing that it has not been of huge benefit.

Mr Capper: You will also be familiar with Sir John Gillen's review of serious sexual offences. He commented on statutory time limits in that review. He found that evidence suggested that there was, to quote, "little or no impact". That was for a couple of reasons. One was requests for extensions, in that, if you reach your time limit, in an awful lot of cases, you request an extension. Another was, as Laura said, the extra work that is required to monitor and administer them. An awful lot of the solutions for the justice system are about culture change, and the Bill goes an awful long way towards that.

Mr Frew: How do you ever change culture without squeezing and pressurising to the point where you mould, shape and change it to a better system? We can all talk about culture, but it will remain the same unless there is pressure applied and it is forged in some way. Is this one instrument that could be used? I get that, even at the start, there will be not so much a repelling of it but a balking at it to the point that extension will be sought in most cases. Surely if, over a period of time — you did say that the culture had to change over 10 years, I think, in England?

Mr Capper: That is the length of time that it took England and Wales to implement direct committal fully.

Mr Frew: Yes. It took 10 years for direct committal to come in. If you were to include an instrument such as statutory time limits, surely you would be putting down a marker and setting a standard for what was acceptable or not acceptable. That would be the point whereby you could measure this. Ultimately, we will have to measure the success of the Bill one way or the other, and that may well be one way of pivoting and finally registering it.

Ms Mallon: The issue with statutory time limits is the fact that they are statutory. That process is very rigid, and it takes a great deal to change it once it is in place. Getting something meaningful, and getting it in place at the right time, is important.

What we are doing through direct committal is a huge change in how our courts process those types of cases. At this precise moment, putting in something around that would be an unknown factor, and it would be very difficult to estimate what a meaningful statutory time limit would look like in relation to those cases.

As Glyn said, this first phase feels very much like a pilot of the direct committal process, and there is a lot of learning to be taken from that. As I said, the legislation is there if we feel that cases are not progressing. It is another tool that we could use if it were needed.

Mr Frew: What is the average time for a Crown Court case? That is a probably an unfair question given that there are so many types of offences.

Mr Capper: It depends on two main things. The first is whether the case progresses via a charge route, which is when police charge you. That is quicker than the other route, which is when you are summonsed to court. A summons case takes longer.

I see that Laura has, helpfully, a page with some of those numbers.

Ms Mallon: I do, but not all the numbers, and we can provide more.

Importantly, in recent years, we have put in place performance stats, and those provide end-to-end performance data across the system, from the PSNI report to the end stage. A typical Crown Court case will take about 565 days from the start of the investigation to the very end.

Charge cases seem to go a bit more quickly. Summons cases are much longer, and they are the ones that we do need to look at a bit more. That is in our plan of work as an area to research more specifically.

I do not have the figures for the court stage at the very end. I am more than happy to share those with you, but it is not a lengthy period. It is quite a small chunk of those 565 days. The bulk of the 565 days will be the investigatory stages at the early part.

Mr Frew: Doers that time include sentencing?

Ms Mallon: It takes the case right up to sentencing, yes. The disposal at court is when the case is sentenced or discharged.

Mr Frew: There is bound to be a rights issue with people in custody.

Ms Mallon: On remand?

Mr Frew: Sorry. Yes, on remand. There is a time issue with people being incarcerated without bail and having to get speedy justice. That in itself should be enough motivation to try to speed up the justice system.

Mr Capper: Indeed.

Mr Frew: How will you measure the success of the Bill?

Mr Capper: As part of our programme of work, we have a benefits realisation mechanism in place. We have identified a range of benefits that we will manage and how we will evaluate those. If you are content, we will send you details of the things that we will evaluate. They include things such as speed and cost.

Mr Frew: OK. Thank you.

The Chairperson (Mr Givan): Linda, are you indicating that you want to come back in?

Ms Dillon: It was covered in some of the points that were made about the time limits. I see from the research in Scotland and Australia that extensions are quite prevalent. I appreciate some of the points that were highlighted. My question has been answered, Chair. Thank you.

The Chairperson (Mr Givan): I do not have any other points, and I do not see any members raising any other issues at this stage. On that basis, I thank Glyn and Laura for coming to the Committee. It is very much appreciated.

Mr Capper: We will be back after Easter to see you again.

The Chairperson (Mr Givan): Yes.