



Northern Ireland  
Assembly

Committee for Justice

# OFFICIAL REPORT (Hansard)

Victim and Witness Strategy and Victims of  
Crime Commissioner for Northern Ireland:  
Department of Justice

16 September 2021

# NORTHERN IRELAND ASSEMBLY

## Committee for Justice

Victim and Witness Strategy and Victims of Crime Commissioner for Northern  
Ireland: Department of Justice

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**Members present for all or part of the proceedings:**

Mr Mervyn Storey (Chairperson)  
Ms Sinéad Ennis (Deputy Chairperson)  
Mr Doug Beattie  
Ms Sinéad Bradley  
Ms Jemma Dolan  
Mr Robin Newton  
Mr Peter Weir  
Miss Rachel Woods

**Witnesses:**

Ms Debbie Corry	Department of Justice
Ms Lesley Cowan	Department of Justice
Ms Amanda Logan	Department of Justice
Ms Julie Wilson	Department of Justice

**The Chairperson (Mr Storey):** I welcome deputy director Julie Wilson, grade 7 Amanda Logan and deputy principal Debbie Corry, all from the victim support and judiciary division of the Department of Justice. I advise members of the Department that the session will be reported by Hansard and that a transcript will be published on the Committee's web page. Thank you for giving your time to be with us. I invite Julie to briefly outline the key issues arising from the consultation and the Department's proposed way forward. After that, we will have questions from Committee members. Julie and your colleagues, you are very welcome.

**Ms Julie Wilson (Department of Justice):** Thank you, Chair. We are grateful for this opportunity to brief the Committee on the outcome of our consultation. As we previously indicated to the Committee, the Minister recognises the importance of improving the experiences of victims and witnesses in the criminal justice system, and she has made that one of her priorities.

We know that, for some, the criminal justice system can be almost as daunting as the impact of the crime itself. These proposals are intended to help us, as a system, to improve our understanding of the needs of victims and witnesses; to build on and improve how we meet those needs and support victims and witnesses, emotionally and practically, in the criminal justice system; and to improve our performance in consistently delivering the focus, services and information to which victims and witnesses are entitled.

We briefed the Committee on 29 April. Since then, we have consulted, and we are happy to answer any questions on that consultation and its impact on our initial proposals. We launched a 12-week

consultation on 6 May. It was mainly hosted online and was publicised via a press release and social media. We also distributed it widely: to our stakeholders, directly, through the departmental consultation list, to the victim and witness steering group and to the reference group that the Minister established to advise her on the victims of crime commissioner.

COVID restrictions meant that we were not able to hold public engagement events. However, we worked through key stakeholders to reach out to and engage with specific groups of victims. For example, Victim Support NI engaged with victims through focus groups, semi-structured interviews, surveys of witness service clients and a wider survey of members of the public who had been victims. Women's Aid engaged with its clients similarly. In both cases, the written responses reflected the views expressed through the engagement.

We also shared the consultation with a number of organisations that work directly with older people or people who may experience a language barrier, in order to ensure that they, too, were able to participate. The organisations included Hourglass, Age NI, the Commissioner for Older People, the Northern Ireland Council for Ethnic Minorities, the Chinese Welfare Association, Migrant Centre NI and others. The reference group on the victims of crime commissioner included representatives from some of those organisations, who had an opportunity to discuss their views on the consultation proposals directly with the Minister in June.

We sought support and advice from organisations working directly with children and young people on how best to engage them. We spoke directly to the Children's Commissioner's office, the Children's Law Centre, the NSPCC and Barnardo's. We know that a number of responses from those organisations reflect the views of children and young people and of the professionals who work with them. We were advised by some of the organisations, however, that children and young people would be more interested in, and therefore more likely to engage with, the implementation of specific work streams rather than high-level strategic proposals. We therefore want to take steps to ensure that children and young people are appropriately engaged as we progress work under the strategy.

We have provided you with a briefing paper and a consultation report that includes a detailed summary of the points raised in the consultation and our responses to them. I will not rehearse that detail here, but it is worth drawing out a few points for the Committee.

There were 35 responses to the proposals for a new strategy and 30 responses to the proposals for the commissioner. They included responses from individual victims, victims' family members or professionals working directly with victims and detailed written responses from a range of organisations. On both sets of proposals, there was strong support for what the consultation set out.

I will start with the victim and witness strategy. Consultees were invited to comment on the proposed content and to highlight any perceived gaps. There were recurring themes across most of the responses. The themes included the need for appropriate resourcing; better, clearer, sufficient and consistent information for victims; provision for restorative practice for victims; concerns about the handling of complaints; calls for participatory rights for victims; the importance of addressing delay and sentencing issues; clarity on definitions; and calls for the charters to go further. In most cases, the themes reinforced issues that had already been identified and that we were already seeking to address through the strategy. In many cases, therefore, no further revisions were needed.

Whilst the strategy does not include any specific actions, some of the issues are already being met under separate work programmes. Where that is the case, for example with such things as hate crime, reducing delay or sentencing policy, we have revised the introductory narrative to reflect that fact explicitly in the context of the wider strategic framework, to recognise that those issues are important to victims and witnesses and to explain that they are being dealt with elsewhere. We also revised the mission statement, the strategic aim and some of the objectives and actions under the strategic priorities. We have highlighted the changes in the consultation report.

Members will be aware that the victims of crime commissioner is intended to help to drive improved outcomes for victims by providing a voice for victims; identifying and promoting good practice; reviewing the adequacy and effectiveness of the law and practice, including the operation and delivery of charter entitlements; directing complaints and monitoring outcomes; undertaking or commissioning research; and advising and making recommendations to government and statutory authorities. The Minister has asked that the commissioner considers those functions through the specific lens of victims of hate crime and domestic abuse.

Our consultation sought views on the principle of establishing the post, as well as the detail of the role and its functions and delivery. We have included detailed responses in the consultation report. The broad emerging themes in general related to the independence of the commissioner; legislative powers; resourcing; the view that the commissioner should be informed by victims' needs; the view that the commissioner's remit should go beyond criminal justice; their ability to hold statutory authorities to account; and their ability to work with other commissioners. We carefully considered and analysed the responses that were received, and we have concluded that the role and functions as set out in the consultation are appropriate and that, for the most part, they already address the broad themes that were raised.

Members will be aware that there remain some further calls for the establishment of a dedicated domestic abuse commissioner. Although the Minister is clear that we should do all in our power to provide for those who are affected by such abuse, she does not consider that a separate domestic abuse commissioner or a separate hate crime commissioner would make the best use of resources. Having considered the consultation, she remains of the view that the best approach is to establish a general victims of crime commissioner, with, again, a particular focus on certain vulnerable groups of victims.

I mentioned that resourcing is a key theme that has been raised across both sets of proposals. Clearly, it is an important issue. Affordability and value for money have been key factors in developing the strategy and the proposals for the commissioner. Resourcing will continue to inform how we take forward implementation. However, future year departmental budgets have not yet been set, and we have a duty to live within our budget allocations. As such, funding for the financial year 2022-23 onwards will need to be considered as part of the future year budget process. That means that the scale and pace of delivery against the strategy needs to be informed by the funding that is available under those future budget allocations. Likewise, although we are able to proceed to appoint a commissioner designate, the level of policy and administrative support that we will be able to provide to the commissioner will be subject to available funding through the future departmental budget allocations. Where budgets are constrained, the Minister has indicated that the commissioner's role in helping to scope and inform the role and powers of a statutory commissioner should be prioritised.

After analysing the responses, and subject to any views that are raised here today, we are now in a position to finalise the strategy and our proposals for the commissioner. Subject to your views, we hope to publish the strategy as revised shortly after today's session and then to move to an implementation phase. Again, subject to any views that are raised today, we hope to initiate the public appointment recruitment process for the commissioner within the coming weeks, on the basis of the role and functions that are set out in the consultation proposals. The aim is for the appointment to be made before the end of the current Assembly mandate.

I am conscious that I have dealt with the issues at only a high level. If there are any questions on the detail, we will try our best to answer them. Thank you.

**The Chairperson (Mr Storey):** Thank you very much, Julie, for that and for the information that has been provided to us. I have a number of initial questions, and then, if any members have questions, they should indicate.

Will you give us some sense of how the reference group was established? I am not a cynic in any of these things, but I always have a suspicion about how we get a reference group that is reflective of Northern Ireland. Sometimes, when you look at who is on reference groups, you see that it can be a list of the same organisations regurgitated. When you look at the reference group in this case, you see, for example, that no faith-based organisations are represented on it, yet there is a large number of victims who come from faith-based organisations, after attacks on churches and so on. I am glad to see that Age Northern Ireland was there, but — correct me if I am wrong — I do not see anything from the Older People's Commissioner on that sector, which is obviously very vulnerable. In identifying other "vulnerable groups", we sometimes use that broad descriptor, but there are groups out there that are not always reflected in decisions or strategies. Maybe you could just say how the reference group was brought together.

**Ms Wilson:** The reference group was established about a year ago; that was when we first took steps to set it up. It met a number of times during the autumn of last year and reported to the Minister in December. I do not have the full details of membership of the group in front of me, but you are right that faith-based groups were not included. I do not believe that that was by design. We focused primarily on organisations that had experience of working directly with victims, and we looked at third sector organisations, statutory bodies and a number of our key stakeholders.

The office of the Commissioner for Older People was represented and took part in the reference group along with Age NI and other organisations that support older people, people from different ethnic minorities and people from LGBTQ communities. Advocates for victims of hate crime were represented, which was in the spirit of the Department working with organisations and individuals who work directly with and support victims and witnesses and who are able to speak from experience of the issues that have been raised with them about the criminal justice system.

**The Chairperson (Mr Storey):** I accept the point that it was not done deliberately, but what action can be taken to ensure that any organisations or groups that have not been included until now are at least given the opportunity to be involved in the weeks ahead?

Secondly, there has always been a concern about the issue of duplication between the Criminal Justice Inspection Northern Ireland (CJINI), other bodies and the victims of crime commissioner and about how that can practically be addressed. Who will be responsible for implementation of the recommendations? Are we happy that we are drawing lines of demarcation, albeit there can be crossover with some of those organisations, for the work and the operation of the crime commissioner?

**Ms Wilson:** I will take your second point first. The difference between CJINI and the victims of crime commissioner is that CJINI will always have the role of looking across the criminal justice system at the various responsibilities of the system but not only or specifically through the lens of victims and witnesses. CJINI looks at our delivery of our responsibilities across the whole system. The commissioner will be there specifically to give a voice to victims, which is not the role of CJINI, and to look at best practice and work proactively on that. Yes, there is a role in holding government and statutory authorities to account, making recommendations and looking at best practice, and there may be some overlap. However, the commissioner will have a specific focus on victims, their needs and giving them a voice, so there is a distinct difference.

As for engaging with faith-based groups, we reached out to the organisations on the Department's consultation list. We targeted a much wider range of organisations in our consultation. I do not believe that we received any responses directly from faith-based groups, but we did reach out much more broadly in the consultation. The time frame for appointing a commissioner is quite tight. We have built in things such as asking the commissioner to establish an advisory group. We have set out that we anticipate that the commissioner will need to consult and engage widely with victims and the organisations that represent them. Again, there is an opportunity there for faith-based groups to engage directly with the commissioner in order to ensure that the needs and issues of the victims whom they work with and represent are highlighted.

**The Chairperson (Mr Storey):** On a practical point — I note the reference to the fact that legal advice has been sought on this issue, and you will remember that the Committee raised it previously — can you provide an update on the current considerations regarding whether the non-statutory commissioner designate will be excluded from applying for the statutory position? Where are we with that?

**Ms Wilson:** We are taking legal advice on that. We still need to agree a final position with the Minister. In doing that, we will want to look at whether a commissioner designate would potentially have an unfair advantage. Those are the issues that we still need to discuss with the Minister.

**The Chairperson (Mr Storey):** Another point aligned to that is the proposed three-year appointment of the non-statutory commissioner:

*"with the possibility of an extension for a further year."*

Is that normal for such an appointment? What was the rationale behind making the appointment for three years, with a possible extension for a further year?

**Ms Wilson:** On the rationale, one of the things that came out from our discussions with the reference group was that it would be really important to have a commissioner designate to scope out the role of the statutory commissioner and to help to inform not just the powers etc but the breadth of the work. A three-year appointment allows the commissioner designate to properly engage with victims and to properly scope out that work. Time will also need to be built in to bring forward legislation. We want that legislation to be informed. We do not want to introduce it without having the benefit of the insights that the commissioner designate would be able to glean from doing the job. We therefore set three

years as a reasonable time frame for that. An additional year is provided for because we cannot predict things like the legislative programme. The intention behind the initial three-year appointment is to allow the commissioner designate to get to grips with the role, to begin to do the scoping work, to look at the priorities and issues and to inform the development of proposals for legislation, which we would then consult on and bring to the Assembly. Obviously, the commissioner designate would need to be in post throughout that process.

**The Chairperson (Mr Storey):** OK. Thank you, Julie.

**Mr Weir:** Thank you. That presentation was very useful. I appreciate that the focus is on the establishment of the commissioner. Everybody would probably be content with that general direction of travel. Looking at the victim strategy, what consideration has been given in that strategy and in scoping out what people are looking for to the issue of judicial delay? I suspect that one of the major complaints that victims will at times have — it is probably not confined to this jurisdiction — is the ongoing trauma of having been a victim of crime and the point at which that comes to a conclusion with a court case. There can be quite a lengthy delay between the two. On the strategy side, what exploration has gone into the issue of delay and the centrality of that in a broader strategy?

**Ms Wilson:** We absolutely recognise, and it is one of the consistent pieces of information, that delay in the criminal justice system has a real impact on victims and witnesses. We have not included specific actions in the strategy to tackle delay other than the roll-out of an under-13s protocol to expedite cases of serious sexual offences involving children.

The actions and objectives in the strategy are not aimed specifically at delay. That is not about us not recognising the issue. We know that it is an issue, but a significant programme of work is already in place to tackle delay. In recognising that delay is such a big issue for victims and witnesses, we revised the opening section of the strategy and put in more detail about what is being done across the criminal justice system under the speeding up justice programme.

This strategy needs to be seen within that wider context. It exists not in a vacuum but in the wider framework of other strategies, all of which will have some impact on victims. The programme of work that is specifically about tackling delay sits outside this strategy, but we have referenced it. That includes the introduction of case progression officers, the Criminal Justice (Committal Reform) Bill, initiatives such as the disclosure improvement plan for Northern Ireland, and the review of the indictable cases process for sexual offences.

There is a huge programme of work. One of the priorities of the Department and the criminal justice system is speeding up justice. We recognise also that COVID has had an impact on the speed of cases going through the courts system. However, measures are in place to tackle that. We have not duplicated those in this strategy, but we have referenced them and have done so more explicitly as a result of the consultation.

**Mr Weir:** We mentioned budget uncertainty.

**Ms Wilson:** Yes.

**Mr Weir:** Taking this step by step: somebody is going to be in an interim position doing scoping as to the final position. To what extent do you envisage or have you worked out that budgets and resources will be able to keep in step with the work? For example, I can appreciate somebody getting that position hoping that they are going to have a certain number of staff but it is only half that number or waiting six months before getting certainty on that. With the best will in the world, there is always the risk that you can get an interim commissioner who simply wants to put down what they feel needs to happen against a blank canvas. Maybe rightly, they show ambition in saying that they want x, y and z to happen, but they may be pitching that at an unrealistic level or, on the other side, they may underestimate what can be done and provided. To what extent has it been 'worked out so that the certainty around resources and those type of things mirrors the timeline for progress on appointments and the work lines of any interim commissioner?

**Ms Wilson:** We are some way off certainty around resources, and I think that we need to move faster than getting that certainty. We have set out our initial estimates, which, I think, we have provided to the Committee. A commissioner's office, if it were being fully staffed up, would cost around £650,000 per annum, and that would cover staffing, accommodation, IT and all those things. That was to deliver the full office. Obviously, we have highlighted the fact that there are uncertainties here, and I said that

we hope to go out and launch the appointments process in the next few weeks. In doing that, we will make clear that there is uncertainty around the level of policy and administrative support that will be available. We may need to start with a scaled-back model. The intent will be that the office will subsequently be reinforced as funding becomes available, but, because we do not have sight of what the budget allocations are at this point, we cannot make any assumptions. We will make clear that this is the aspiration and the direction of travel but that we may need to start with a scaled-back office and build incrementally. We still believe that, even on a scaled-back model, the commissioner will not only be able to do meaningful work and help to drive improvements for victims but be able to help to scope that statutory role.

**Mr Weir:** I understand. At the very least, will the interim commissioner be able to go in knowing what the start position will be? At the time that they are applying for the job as an interim commissioner, will they have at least a level of knowledge that they are guaranteed that there will be x amount to start with and that that can be built up? I am conscious of the fact that somebody who is applying for the post who does not have certainty may find that they are going in and working with one part-time assistant initially. I appreciate that that will probably not be the case. They may go in and initially work with eight or 10 staff. Is the intention that, when people are applying for the post, they will at least know where they will stand in their first year, albeit this could build towards different trajectories, depending on where we get to in the longer run?

**Ms Wilson:** Our intention is that we will be able to provide a sliding scale where we can say what the minimum will be but that we hope to be able to provide more than that but need to wait for greater certainty around the budget allocations to see whether we can provide more than that minimum. We will want to establish clarity around the minimum.

**Mr Weir:** Anybody will at least go in with their eyes open on the minimum with which they are being provided, albeit with aspirations towards more.

I appreciate that the Minister and the Department are in a difficult position. You mentioned having separate commissioners where there are pressures on hate crime and domestic abuse, and I suppose that there could be a tendency in Northern Ireland for commissioner to be built on commissioner and so on. It seems that an approach will be taken of a compromise position and saying that there will be a single commissioner for victims but, effectively, with a special focus on domestic abuse and hate crime. Without necessarily arguing either way, is there a danger that that approach falls between two stools and that, on the one hand, it does not allow the scope for those particular crimes and that, on the other hand, it creates a feeling that there is a hierarchy of victims of crime and that some crimes are seen as being of greater significance than others? Can you tease out the thinking on that? It may be that there is no answer that is absolutely right.

**Ms Wilson:** You are probably correct that there is not an answer that is absolutely right, but the Minister has determined that this is the best way forward for a number of reasons. She thinks that it is the best use of limited resources and believes that a general victims of crime commissioner who is asked to look specifically at certain cohorts of victims — we have specified victims of hate crime and victims of domestic abuse, partly because there have been really strong calls for dedicated commissioners to be set up in those areas — and who will not only be able to deliver benefits to all victims but be able to look specifically at the particular needs of those groups of victims, making sure that their issues are raised and looking at the consistency of the services that are delivered to them. In establishing a general victims of crime commissioner, the Minister does not want to limit the commissioner to looking at victims of hate crime and domestic abuse.

In respect of your comment about creating a hierarchy of victims, the reference group felt strongly about that issue and did not want to create a hierarchy of victims. In our proposals, we set out that the victims of crime commissioner will be able to set their own priorities. They will be able to do that only by reaching out and engaging with victims generally and by looking at which other groups have particular needs or are particularly vulnerable. That vulnerability might be because of the nature of the crime or of the demographic, but it will be for the commissioner to look at how they set their priorities. It is very much not about having a hierarchy of victims but about looking at the needs of particular victims and responding to those needs according to the priorities as the commissioner sees them.

**Ms Dolan:** Thank for your presentation. What is your view on the proposed commissioner being able to scrutinise and advise other Departments and Ministers? If it is decided that the commissioner should be able to scrutinise and advise other Departments, will those Departments have to be consulted or give approval to the proposals of the commissioner?

**Ms Wilson:** The first thing that I will say is that the commissioner will not be a statutory commissioner, so they will not have powers to compel or to scrutinise as such. However, the fact that they will be in public office will give them a huge amount of influence. We have set out that the commissioner's focus needs to be on the criminal justice system. That is our priority, but we recognise that the needs of victims will often go beyond the criminal justice system. We recognise that there is a big read-across to the work of the Department of Health in particular. The Minister has spoken to the Health Minister, who acknowledged that a victims of crime commissioner would be able to look at the needs of victims in the context of health. He has accepted that his Department will want to engage with, listen to and cooperate with the commissioner. In the consultation report, we also set out that, while we absolutely do not want to duplicate the work of other commissioners, we recognise that there may be benefits to the commissioner working with other commissioners or with, for example, the mental health champion on areas in which there is a common interest. We anticipate that that in particular might be one way in which they can look at the role of other Departments.

When we establish the statutory role, we will want to engage further and consult on scrutiny powers in much more detail. Obviously, it will become a cross-cutting issue at that point, and we will need to go to the Executive and engage with them.

**Ms Dolan:** OK. Thank you. Working with other commissioners on communication will be key, but you do not want to step on toes or anything like that. I appreciate that answer.

**Miss Woods:** Thank you for your presentation and the answers that you have given so far. I want to pick up on something that Peter discussed: the funding and resourcing of the commissioner designate. The idea or plan is to hire a commissioner designate who would begin work before the end of the mandate. Does that mean that the funding is there in this year's budget for that office to begin?

**Ms Wilson:** We are confident that we can make the appointment. We need to do some further work to establish the level of budget that will be available. There are current uncertainties, and we hope that we will have a bit more certainty. When we advertise the post, we will highlight those uncertainties. As I said, we want to indicate the minimum resource that will be available, but we will work to increase that where funding becomes available and there is more clarity. The Minister has prioritised the issue and said that she wants the appointment to go ahead in this mandate. We are confident that we will be able to do that.

**Miss Woods:** Thank you. Funding the office and having somebody in place before the end of this financial year means that money is available in this year's budget for that post.

**Ms Wilson:** Yes. The Minister is prioritising that. That minimum amount of funding will be a recurring commitment for the duration of the post and will need to be found in future years' budgets.

**Miss Woods:** Given that there will be a contract, it will certainly need to be ring-fenced, at a minimum.

OK. To clarify, it is intended that the commissioner designate and, in the long term, the statutory commissioner will report to the Minister of Justice. Why is it the Justice Department and not the Executive Office?

**Ms Wilson:** Particularly for the commissioner designate, we see the priority as victims of crime in the criminal justice system and striving to improve their experiences. Therefore, it is appropriate that the commissioner will primarily advise the Minister of Justice and that that sponsorship will sit with the Justice Department.

As I said, in the context of the statutory commissioner, we will want to look at the role of other Departments and will want to engage and consult further on that in more detail with other Departments. At this point, the focus is very much on improving the experiences of victims of crime in the criminal justice system, and it is very much aligned with the victim and witness strategy. Again, our focus there is on getting what we do in the criminal justice system right and making those improvements and enhancements so that the criminal justice system does not traumatise victims.

**Miss Woods:** Thank you. Writ large, given its adversarial nature, a massive amount of change will be needed in the criminal justice system to stop or to look at the impact on victims and witnesses, but that is a whole different matter.

I want to ask for a couple of other details. Is the Department of Health a member of the victim and witness steering group?

**Ms Wilson:** Not yet is the short answer. We discussed that at the steering group, and essentially we agreed that we wanted to do a bit of a mapping exercise to look at where the big touch points were with health, look at the longer victim journey and then use that so that we could invite the Department of Health to attend and say, "These are the issues that we have identified". We just have not been able to do that mapping exercise yet. We very much intend to do that, but we have not had the capacity to do so.

That said, we work closely with the Department of Health and work collaboratively with its related groups. We have a steering group that is looking at the Gillen recommendations on children, and the Health Department is represented on that. The Department of Justice is represented on the child protection senior officers' group, which is chaired by the Department of Health.

We work really closely. We intend to invite the Department of Health to the group, but we want to do that bit of mapping work first to inform us on where the key touch points are and how best we can engage. As I said, we have not been able to do that yet due to capacity issues.

**Miss Woods:** That is fine; thank you very much. Another issue that is in the strategy and is mentioned in the consultation responses is the roll-out of the remote evidence centres across Northern Ireland. The Committee was informed of work being done on that last year and early this year. Do you have any information on where those remote evidence centres are? Is there a strategy behind that, and will it be included in this strategy?

**Ms Wilson:** We have deliberately not given the exact locations except to victims and witnesses. We have not made that information publicly available purely because of the nature of what they do. They service the Craigavon and Belfast areas and are temporary facilities. We are also working on a longer-term facility for Belfast, and we want to do further work on a longer-term strategic roll-out but we need to be informed by the evaluation of the existing facilities to do that. I am afraid that we also need to be informed by the availability of resources. We will need to consider all those things, but, at this point, we have facilities in place and are working on a longer-term facility and an evaluation of that. Amanda, is there any more that you would like to say on remote evidence centres?

**Ms Amanda Logan (Department of Justice):** Just that we will be informed by the evaluation of the temporary remote evidence centres that are in place. We anticipate an increase in the numbers using those resources.

**Miss Woods:** Is there any timeline for that review? Is it ongoing, or will it be in a year or two?

**Ms Wilson:** It is an ongoing evaluation. We started with very tight criteria, which was partly about the confidence of testing the processes. We very quickly realised that the criteria were drawn too tightly, so they were reviewed and are now wider. There have been a number of operational issues that we have had to look at to get more cases going through in order to get meaningful data. For example, there have been cases that have not progressed either due to rescheduling or witness availability and certain witnesses have chosen to have their day in court rather than use a remote evidence centre. Given all those things, we want the evaluation to be ongoing. Ultimately, we have a steering group in place that will look at that data on an ongoing basis not only to respond to any emerging issues but to capture witness feedback and so on. One key piece of data that would ultimately inform that longer-term review is whether there are any operational implications depending on how close or far away the remote evidence centre is from the court. We need to see that information, but we can only see it as we get more and more cases through.

On the timeline for that longer-term facility for Belfast, quite an operation of capital works needs to be done to the facility that we are using, and we expect that to become operational in the middle of next year. That timeline is probably longer than we had hoped, but it has been impacted by supply chains, COVID and lots of things, which have made it slightly longer than we had hoped.

**Miss Woods:** Thank you. My final question is on the commissioner position. The document that we have states:

*"However, it is worth clarifying that it is not our policy intent that the Commissioner should have an advocacy role in individual cases."*

Is there a particular reason for that?

**Ms Wilson:** We think that some of that is already being done by other organisations, and we do not want to duplicate it. That is one of the reasons. Another reason will be around best use of resources and affordability. An advocacy role in individual cases would massively increase the cost of the role, particularly given that that advocacy role is being delivered elsewhere. Those are the two determining factors.

We see an important role for the commissioner, not in championing complaints, but any victim of crime would expect to be able to go to a commissioner and say, "I have a complaint" and have the commissioner direct them on how to make that complaint. We also see a role for the commissioner in almost having a helicopter view of those complaints. The commissioner will see them coming in and being dealt with, so the commissioner will be able to identify whether there is a system issue and see that it is not just an individual case but an issue that is coming up over and over again. That is one way in which a commissioner will add value to existing arrangements, because they will be able to see the complaints processes right across the system. While it is not for the commissioner to deal with those complaints, it is for the commissioner to draw out emerging issues, make recommendations about how the system responds to those issues and address the underlying issues that are leading to the complaints.

**Miss Woods:** Thank you. Chair, that is me.

**Ms Ennis:** Thank you so much for the information that has been provided to us so far. I have two questions — the first one is more of an observation. I am new to the Committee and am trying to get my head around all the information and the detail. There is a very strong response in the consultation for the commissioner to have autonomy and to be able to act independently. How will that be achieved if the commissioner is appointed by the Minister and funded by the Department and if the Minister can direct the commissioner to look at specific areas of work? Do not get me wrong: I am delighted that there is a focus on domestic and sexual violence and victims of that. It is not to say that that is not where I want the direction of travel to go; it is more a question of how you guarantee and maintain that impartiality. That is just an observation.

I will turn to my questions. First, there was a strong response in the consultation to the call for that restorative element to be a part of any strategy. Is there a view that restorative justice representatives need to be a part of the make-up of any advisory panel? You guys may be looking at that already, and, if so, that is great.

Secondly, I wanted to ask about funding, and this follows on from a comment that I made in an earlier session. The responses to the consultation consistently raised the issue of needing to adequately fund the strategy and the commissioner. You have already said that you have to work within the current budgetary framework. The Finance Minister, Conor Murphy, has been having conversations with the British Chancellor about introducing multi-year budgeting. Is DOJ doing any preparatory work in the event that we, hopefully, receive the multi-year Budgets that we have been asking for?

**Ms Wilson:** I will answer your question about impartiality first. I recognise that, within the functions and role of the commissioner, we are asking for a specific focus on victims of crime but also on those two particular groups. However, beyond that, we are saying that it is for the commissioner to set their own priorities, informed by their engagement with victims and an advisory group that will be representative of organisations that work with and represent victims.

We are not saying — this partly answers your second question — that the commissioner needs to set up an advisory group that looks at this or that; that is a matter for the commissioner. The commissioner has to set their own priorities. There is a level of accountability, which is normal in all public offices. When it comes to accountability, we are saying that it is for the commissioner to set their own priorities, and we expect the commissioner to publish a strategic plan that is informed by those priorities. We also expect the commissioner to publish an annual report that sets out how they have been delivering. That report will be transparent. The commissioner will set priorities and report on them.

On the commissioner's personal performance, there will be a performance management role for the Department's director of access to justice. However, that is really about the management of the office, the management of public money and other things like that to which they need to adhere — existing policies around governance that apply to all organisations, including CJINI etc. We are confident that the commissioner can be independent in the same way as the chief inspector is independent. However, there is a dotted line of sponsorship between the Department and CJINI or, say, the Department and the Prisoner Ombudsman.

You raised the issue of restorative practices. It will be for the commissioner to determine where those sit within their priorities and how or whether to reflect them in the advisory group. In the strategy, there are two things to mention in relation to restorative practice. The first is, again, that wider strategic framework. Our strategy on victims and witnesses sits within a much broader framework that includes the adult restorative practice strategy. We also have a specific commitment to look at further exploring victim-led restorative practices. Victim Support is very keen for us to work collaboratively on that. There is an intention to look at the role of restorative practices, particularly in relation to victims.

Finally, on funding, I come back to the fact that discussions about budgets are ongoing. We do not know what we will receive as a Department. Obviously, the Department has a lot of financial commitments that need to be taken into consideration and statutory obligations that need to be funded. Once the budgetary allocations are known, there will be a process to prioritise and divide up our budget.

In our teams, we are looking at the costs for individual work streams. Essentially, we are looking at options to see what, if budgets were constrained, we would do slightly more slowly or on a smaller scale and what we would roll out less quickly. We need to establish costs for some work streams that are still in the scoping period. However, we are working against a range of priorities. For some, we know what the cost will be; for others, we are doing the work to scope that. We are also looking at what preparatory work can be done against those work streams so that, even if we are not able to press go on a particular pilot, we can still do the preparatory work. Then, at the point when funding becomes available, potentially in the second or third year of a multi-year budget, we will have done the preparatory work and be able to press go. We are still doing that work, and we are looking at priorities. When we were here previously, you asked for a quarterly breakdown of targets against the strategy. I think that we reflect in our paper to the Committee that, once we have greater clarity on our budget allocations, we will be in a better position to provide that breakdown. We are looking at that work and engaging with others on that process of prioritisation.

**Ms Ennis:** That is fine. That is good to know. That is perfect, Chair. Thank you so much.

**The Chairperson (Mr Storey):** Thank you, Sinéad.

Julie, on that point about the budget, given that we have the June monitoring round, did the Department make any bid on your behalf to increase the security of the money that will be available? The more I hear, the more concerned I become that we are racing towards a line but will end up with an interim commissioner who has no statutory power to compel witnesses, papers or persons; an office that has no real teeth; and that, even though we do not have a final position on whether the interim designate commissioner will be able to take up the substantive post, we will advertise it. There are lots of bits and pieces, ifs, maybes, whats and hopes in there. Is it not all a bit disjointed? Does it not need a bit more clarity on the appointment, power and process?

**Ms Wilson:** There will not be statutory powers within this Assembly mandate. We have been clear on that in the consultation. The appointment and whether the commissioner will be able to apply for the statutory post is an issue that we need to discuss with the Minister. We will have those discussions. It is not that we have not considered it, but we need to have those final discussions before we advertise the post. We intend to have those discussions with the Minister after this briefing. It is not that it has not been considered; we just need to finalise it before we advertise.

On June monitoring, the issue is not this year's funding but committing to future years' funding, which we cannot do as things stand. We need to be mindful of that at this point. We do not know what future years' funding will be, and there is a duty on us to live within our departmental budget. Therefore, we have to be more cautious about what we commit to spending in future years. We are satisfied that we have funding that will allow us to appoint and allow the role to continue in future years, though it might be scaled back. June monitoring gives us only in-year funding. That funding will not be carried forward into future years, and it is the future years that we are being cautious about at this stage.

**Mr Beattie:** Thank you very much for the briefing. I have two points. First, the draft victim and witness strategy is a bit operational and gets a bit lost in the weeds. One of its recommended objectives and actions is:

*"Victims and witnesses receive practical support to give best evidence in a manner that minimises trauma."*

That sounds perfectly laudable. I have no issue with that at all, but what does it mean in real terms? How do you stop that from looking like coaching witnesses and victims? How do you stop that interfering with the rights that they have with their solicitor, if they are employing a solicitor? What does that look like?

**Ms Wilson:** Practical support looks like the remote evidence centres or the development of a pilot for pre-recorded cross-examination. We have said that we want to do those things under the strategy. There are things that we are doing under the Gillen review. One of the things that comes through in a number of reviews is that giving evidence in a court building can be traumatic and daunting. It can hamper someone's ability to feel that they are giving the best account of themselves. It is not about coaching; it is about providing a practical environment that removes the possibility or trauma of bumping into the defendant in public areas of a court building. Although live links are already in court buildings, you could still conceivably bump into the defendant. It is about removing those kinds of possibilities for vulnerable witnesses. Those are some of the practical things that we are talking about. We want to work towards the pre-recorded cross-examination pilot as well. That was a Gillen recommendation, and we are beginning to scope out how to do that, starting with a small cohort of victims and, eventually, building that up. It is those kinds of practical, tangible things, which are separate to the emotional support provided by witness support services.

**Mr Beattie:** OK. That makes sense, and thank you for that. As an add-on to that, and this leads me to my second, slightly wider point, I want to get your thoughts about witnesses. We talk about best practice for victims, but witnesses need to be looked at as well. In many cases, witnesses and what they have to go through leading up to giving evidence are forgotten, albeit not deliberately. It is traumatic for them to have to give evidence, which is why so many fall out of the system.

My next point is also about witnesses. I am an absolute advocate for the victims of crime commissioner; I strongly support it. However, we are talking about a commissioner for the victims of crime; not the witnesses of crime, who, in some cases are also victims. I am dealing with a witness who watched an attempted kidnapping, for example. She might be quite traumatised by that. Will the victims of crime commissioner help to look at witness issues as well as victim issues?

What will the victims of crime commissioner do re legacy cases? I am not talking about Troubles-related stuff. I am talking about legacy cases such as sexual crimes from 20 years ago. Is there a starting point for the commissioner, or will the commissioner look at crimes such as rapes that happened 20 or 30 years ago?

**Ms Wilson:** I will take the legacy point first. For us, the priority for the victims of crime commissioner is what we can do in the criminal justice system now. I said at the start that our focus is on improving outcomes for victims in the criminal justice system. That is about general victims as well as specific cohorts of victims. It is about how we do things now. What is the best practice that we can put in place now? What issues in the criminal justice system that have a negative impact on victims now do we need to address? That, as we see it, is very much the focus. I have said that it will be for the commissioner, within the role and functions that we have set out, to set their priorities, but this is very much about driving improvements across the criminal justice system. It is not about advocating for individual victims because of what may have happened. It is about identifying things that need to be changed around the system. It is about driving improvements and consistent services for victims. It is about providing a voice for victims, but I think that there will be scope for the commissioner to look at how they prioritise that. They will be independent in that respect; we will not try to fetter them in any way.

I take your point about witnesses. Potential benefits for witnesses will flow from there being a commissioner, but, when setting up the commissioner, our focus was very much on victims of crime. That is what the Minister has engaged on, and that is what people told her that they wanted to see. That is what she has been called on to establish, so the focus really will be on victims of crime. Benefits will flow from that and from improvements across the system. Look at, for example — I know that this is a bit of a digression — some of the initiatives that we are setting up, such as remote

evidence, under the strategy. They are intended to be there for the benefit of both victims and vulnerable witnesses. We are doing other things to pick up on witness needs as well. We provide and fund support services for witnesses as well as victims, and we recognise that there is an impact on witnesses as well as victims as they go through the justice system. Other initiatives that we are doing will also deliver benefits for witnesses, but, in terms of the commissioner, the Minister's focus is on victims of crime.

**Mr Beattie:** Thank you for that. Again, that makes perfect sense. One of the points that you made was that the victims of crime commissioner is about creating the best outcomes for the victim. Sometimes, the best outcome for the victim is to make sure that the witness gives the right evidence. That is why I extrapolated that a little.

**The Chairperson (Mr Storey):** In the response paper, when one of the questions is answered, the comment is made:

*"Fundamentally, one of the proposed functions of the Victims of Crime Commissioner is to review the effectiveness of the adequacy and effectiveness of our laws and practices - including the Victims Charter - and to make recommendations for improvement."*

You outlined that the role is not on a statutory basis and that the consultation reflected that. Is there not a risk that, given that it does not have the weight of a statutory provision, any recommendations made will not carry the same weight as they might have done under a more legal construct?

**Ms Wilson:** Obviously, things that are set in statute are set in statute and carry that weight. However, we are establishing a public office and a very public-facing commissioner. The Minister has said, "This a priority for me. It is a priority that victims are represented, that they get the best services that we can deliver and that we consistently meet our obligations". Even though we are saying that we want to take time before we make the office statutory, to make sure that we have thought it through and that we have the benefit of the commissioner designate's experience, setting up a public office makes it very difficult, if not impossible, for a Department to ignore the findings of a commissioner, regardless of whether they are a designate or statutory commissioner. If we have established a commissioner and said, "We want you to advise us on what needs to change. We are setting you up as a public, independent body", there is an obligation on us to listen when that body highlights things and makes recommendations for change. We are obliged to listen and respond. I take your point that having a statutory commissioner locks that into statute, but we do not intend to create a toothless commissioner designate. Yes, they will not have statutory powers, but they will wield a lot of influence.

**The Chairperson (Mr Storey):** OK. Members, there are no other questions, so I thank Julie and her colleagues for the information that they have provided to the Committee and for today's presentation.

Julie, on behalf of the Committee, may I ask you to keep us up to date with your future discussions with the Minister on what will be in the advertisement and on how we will square the circle in relation to the position of the interim commissioner designate on the back of whatever legal advice you receive and act on?

**Ms Wilson:** Absolutely. We will do that.

**The Chairperson (Mr Storey):** OK. Thank you very much, and thank you for your time.