



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Commissioner Designate for
Victims of Crime

7 March 2024

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Ms Joanne Bunting (Chairperson)
Miss Deirdre Hargey (Deputy Chairperson)
Mr Doug Beattie
Mr Maurice Bradley
Mr Stewart Dickson
Mr Alex Easton
Mrs Sinéad Ennis
Mrs Ciara Ferguson
Mr Justin McNulty

Witnesses:

Ms Geraldine Hanna Commissioner Designate for Victims of Crime

The Chairperson (Ms Bunting): I welcome Geraldine Hanna, the Commissioner Designate for Victims of Crime, who is here to give us an introduction on her role and an overview of her findings, her strategic priorities and her suggested actions to improve the experience and confidence of complainants and victims of crime in Northern Ireland. Geraldine, thank you for taking the time to come today, and we look forward to hearing what you have to say. You will appreciate that we have three briefings today, so, if it is OK with you, I ask that you keep your opening remarks to 10 or 15 minutes, which will afford us plenty of time to have some discussion at the end.

Ms Geraldine Hanna (Commissioner Designate for Victims of Crime): Thank you, Chair, and good afternoon to you all. I am really pleased to be with you this afternoon. With your permission, Chair, before I begin my short introductory remarks, I would like to play a short video.

The Chairperson (Ms Bunting): Of course.

Video played to Committee.

Ms Hanna: Thank you for allowing me to play that video. There is no better way in which to understand how our criminal justice system treats victims of crime than by hearing the words of the victims themselves. What their experience shows us is that victims' rights and needs are not valued in our criminal justice system. Despite our numerous strategies and fine words, the sad reality is that, when the system is stretched and staff and budgets are under pressure, it is victim care that suffers.

It would be remiss of me not to acknowledge the sterling work that the many dedicated staff and volunteers who are working across our justice system undertake or the improvements that we have seen from the introduction of new initiatives, such as registered intermediaries, remote evidence

centres and legal advisers for sexual violence victims. In spite of those initiatives, however, we still too regularly hear feedback such as that from the voices that you have just heard. The experience of victims and a fulfilment of their rights is still all too reliant on the luck of whichever investigator, prosecutor, judge or other official they may encounter. If victims' rights are to be truly embedded at the centre of our system, we should see evidence of the consistent application of those rights at every stage for every victim.

I would like us to think of our system as a three-legged stool. Those three legs are the rights of the state, the rights of the defendant and the rights of the victim. Currently, the rights of the state and the rights of the defendant are rightly supported and enforced, but the rights of victims are not, which leads us to an imbalance and a criminal justice system that not only damages victims of crime but is ineffective.

It is not a zero-sum issue. Properly enforcing the rights of victims does not negatively impact on the rights of defendants or the state in the system in the same way that enforcing the rights of the accused or the state need not impact on the rights of victims. The state has powerful advocates in the system to ensure that its rights are enforced. Defendants, through legal representatives, have powerful advocates to ensure that their rights are enforced. Victims' rights, however, are not being enforced in the same way.

In the past decade, there have been moves to better support victims, including the Victim Charter and the appointment of victim champions, but there is still a huge imbalance. Part of the rationale in creating my office was to try to give victims a voice and to suggest improvements, but, unfortunately, that cannot be achieved by my office alone. It cannot simply be a tick-box exercise. It will require the hard work and commitment of the Department, criminal justice bodies, many organisations and government as a whole.

As the Justice Committee, you have an important role to play. I want to work closely with you all. For oversight and legislation, it is really positive that you are here. My door is always open if there is anything that you want to talk about. I am always happy to come to the Committee if there are any specific issues that you want to discuss in this forum.

I hope that you all have a copy of my briefing paper. In it, I have gone into a bit more detail about some of the key issues that I have identified since taking up this post and some of my suggestions on how we can improve the experience of victims of crime in this part of the world. All that should be seen beneath the overarching umbrella that the justice system simply does not enforce or support the rights of victims of crime consistently.

Unfortunately, there are no silver bullets. Dealing with those issues and safeguarding victims' rights is not just something that is good to do or right to do; it is, in fact, critical. The justice system relies on victims supporting prosecutions. We cannot have fair trials without that. A justice system that addresses the rights and needs of victims of crime is an effective justice system, and that is something that we all rely on. We cannot build a free, fair, prosperous society without it.

I know that, as a Committee, your focus will be on the Department and the criminal justice system. However, I want to note that victims' rights and needs are not just the preserve of the Justice Department. Many issues cut across government, especially Health, Education and Communities. Those issues go beyond government, too. I work with other agencies and non-governmental bodies to raise issues where they can be best addressed. This is everyone's business, because we all need an effective justice system to feel free and safe.

Finally, I know that there are significant funding pressures on the public purse. The current system is not built around victims, but supporting and resourcing initiatives that will help to protect and enforce victims' rights to protection, participation, support and redress should be seen as an investment. It helps to build a justice system that we can all rely on. Victims' rights are not valued in the criminal justice system, but they should be, because it is only by valuing those rights and matching our words with actions that we can ensure that we have a truly effective justice system.

Thank you for your time. I am happy to take any questions.

The Chairperson (Ms Bunting): Thank you very much, Geraldine. The first member on my list is Doug.

Mr Beattie: Thank you, Chair. Geraldine, thank you. I have to say that my meeting with you last week was one of those ones that kick up so many questions. Anybody who can sit down and have a free conversation with you will really get to understand some of the depths, which I did not know about, that are really important.

I want to ask you a couple of questions, if I can, please, which I hope will be for the wider Committee as well. We have seen the 'Victim and Witness Experience of the Northern Ireland Criminal Justice System: Key Findings - 2022/23' report. The figures in it are stark. The percentage of witnesses and victims who have been kept up to date with their cases has gone down from 68% to 58%. That is hard enough, but have you been able to fathom why on earth domestic violence and sexual crimes are not included in that statistic? That is unbelievable. I did not know that until you raised it with me.

Ms Hanna: The Northern Ireland victim and witness survey has been undertaken for many years. From memory, it used to be an annual survey, but a lack of resources, I believe, means that we now do it periodically. It does not include victims of domestic and sexual violence, hate crime or families bereaved by homicide, potentially because of a fear of re-traumatising victims. I have concerns that we do not survey those individuals, and that is why our current victim survey, which is live on our website, is for all victims of crime. Of course, when we interview victims, it is really important that we are sensitive to their needs and to the potential impact. However, by leaving out such a vital swathe of users of the system, we are not able to keep up to date with the experience of those groups of individuals. For the Committee's understanding, I should say that the majority of people who come to speak to someone in my office are victims of domestic or sexual violence and families bereaved by homicide. Although, on some occasions, they deal with more specialist units, the responses received can be better. We also find that those are the cases in which significant harm can be caused by engagement with our justice system because of the length of time taken. Those cases tend to be more complex and take longer to move through, so delay is a particular issue. Unfortunately, the longer a case takes to move through our justice system, the higher the likelihood that someone will have a more difficult experience, be let down and, fundamentally, not have their charter rights met. That should be a concern for all of us.

Mr Beattie: It is really important for us as a Committee as well. As members who sat on this Committee in the previous mandate will remember, we put great store in training for the judiciary and the Police Service to deal with those who suffer from domestic abuse or sexual crimes. If we are now at a stage where we are not even recording their experiences, maybe they are not even coming forward, or maybe they are coming forward, but the engagement with the police means that they are not getting the service that they want. Therefore, it is really important to capture that. It is really important to capture that figure, and it is astounding that we are not doing so.

Ms Hanna: I certainly agree with you. The other point that I would like to flag is the whole issue of data. Obviously, the survey is broad and is undertaken every two years at present. Data is important throughout the system, and you will know from my briefing paper that it is one of the key priorities for my term in office. We are not consistently recording the victim experience through our existing data. We should not have to rely solely on reports like this that come out every year or few years. At any point, we should be able to pull out the experience and outcomes for victims of all types of crime. Unfortunately, our systems have not been built with victims at the centre. Therefore, they count different things. The police count crimes and incidents. Then, at the prosecution stage, you have cases. We cannot count the number of civilian victims and witnesses in our system. It is also significant that we cannot break figures down by age, disability or certain characteristics, which might indicate poor performance in some areas.

Therefore, data is a big issue. It is dull, maybe, for some people. I may be a little too interested in it. However, without knowing what our performance is, how do we improve it? How do we ensure that any initiatives that we put in place are having the desired effect? Investment in datasets and having a victim dataset across the whole justice system are a key area.

Mr Beattie: I will finish on this point. For the next victim and witness experience survey, I take it that we will push the case that we have to include domestic abuse.

Ms Hanna: I would certainly like to explore that with the Department. There has been some focused research, and the Department might be able to speak better about that. A few years ago, there were some targeted surveys of victims of certain crime types, such as people bereaved by homicide. However, this survey is still —

Mr Beattie: If you do not mind, Chair, I have just one more question. I have a real issue with lenient sentencing. I said this to you when we spoke. We have far too many lenient sentences, and I do not like this 50:50 model that we have: 50% in prison and 50% on licence. I do not like it, but that is where we are. What are your thoughts on remission? Somebody can go through a trial, use all the police and court resources, all the time, effort and money, and, on the day of the trial, they can admit guilt and get one third remission. That is just diabolical, to be honest with you. What are your thoughts on that, Geraldine?

Ms Hanna: For some of the victims who have spoken to us and whose case has got as far as sentencing, the reduction that is given for what is termed an early guilty plea is of significant concern. For those victims, the particular language that we use around that — we tend to use the terms "credit" or "discount" — is offensive. The rationale that underpins an early guilty plea is that it saves the state money and recognises the fact that the victim will then not have to go through the experience of giving evidence. The closer that a case gets to an actual trial date, the more offensive it is to victims that someone could receive any reduction. We really need to look at that.

Of course, we want to encourage guilty people to plead guilty at the earliest opportunity. That is not at all about putting pressure on people who are not guilty to plead guilty; it is about those who are guilty pleading guilty earlier. When that comes close to the week before or the day of a trial, which it is in some situations, it is offensive. On the day, some victims may be relieved that they do not have to go in and give evidence, but in the months afterwards, when they are speaking to me, they look at the sentence and wonder whether it was worth it.

Mr Beattie: Charles Little is a prime example of that as somebody who wanted that day in court and to hear the evidence. It is a genuine issue and one that can be fixed if we put our minds to it. Thank you very much.

Mr Dickson: First, I apologise for stepping in and out. I was at a GP appointment. Thank you for your presentation and for the work that you do. Can you tell us how, through your role, we can build a better victims of crime-centred justice system?

Ms Hanna: This is a real plug for my role. Obviously, I think that this office is a good step forward in recognising the rights and needs of victims of crime, but as I said in my opening remarks, that is not enough. The importance of the role is linked to its being the champion for victims' rights. As I said when I talked about the three-legged stool, we need more voices advocating for the rights and needs of victims.

At the moment, the office does not have statutory powers. Hopefully, it will never need to rely on such powers, because I would like to think that it will always foster positive engagement with the criminal justice agencies and beyond. By having a statutory commissioner for victims of crime, however, victims can be assured of that independent voice, which is able to act as a constructive friend to government and the Justice Department and to highlight issues and draw attention to victims' experiences. Very often, victims feel that they are bystanders in our system. We need an agency and a voice that complements all the other agencies. In particular, I think of the important role that the community and voluntary sector plays as well. Hopefully, this office can harness that and act as a positive tool for justice to progress, for government to rely on for advice and support and for constructive challenge where we think that we can always do better.

Mr Dickson: Thank you for that. It was very helpful. Very briefly, I have a couple more points. You mentioned one aspect that is of tremendous benefit to victims of crime, particularly very vulnerable victims of crime, and that is remote access to the justice system. How important a tool is that in the delivery of support?

The other area that I want to raise with you is one that I remember from my previous time on the Justice Committee, which is the difficulty that many victims have in understanding that the Public Prosecution Service (PPS) is there not for them but to prosecute on behalf of the state for the crime that has been committed. Many victims find that difficult when they are at the legal interface. What work will you do to improve that legal interface?

Ms Hanna: To answer your first question, remote evidence is a key development for victims in trying to minimise trauma. It is clear in our Victim Charter that we will protect the victim from contact with the alleged perpetrator wherever possible. Remote, live-link evidence is key. It is important that we have legislation in place to govern that. During the pandemic, the provision was extended to enable people

to give evidence under the direction of the judge. It does not necessarily need the full hearing, where defence and prosecution will argue whether it should happen. That has been extremely helpful. I am encouraged that we still have remote access for victims.

It has been really helpful as we roll out remote evidence centres, particularly when a child is giving evidence from a remote evidence centre and their parent is also a witness in the case. The ability for the parent to give evidence from the remote centre, so that they are not separated from their child, is paramount to their experience and feelings of safety. Unfortunately, I have examples where the parent has not been permitted to give evidence from a remote evidence centre. That means that the child is brought to the court, which we all want to avoid. The provision that allows evidence to be given remotely is important, and it should be easily accessible to people.

On the victim's experience of the justice system, it goes back to the three-legged stool analogy. In the justice system, the two parties at play in the trial are the prosecution representing the state and the accused. That is news to most people, and it can be upsetting when they realise that. Victims very often report feeling angry. At the police station, they ask, "Where is my solicitor? Should I get a solicitor?". They do not need a solicitor. The fact that the victim is not party to the proceedings causes particular issues.

Part of my role is to engage with voluntary organisations to try to improve the information and support that is available to victims. We can further build on some aspects in relation to the fact that victims are not party to proceedings. We have started with the introduction of victim advocates and legal advisers in sexual violence cases to do with article 8 rights. As you will be aware, that was a recommendation of the Gillen review. Anywhere that specific rights, particularly those around article 8, are impacted, it is important to look at what legal provision can be provided to assist victims. I am by no means saying that victims need an advocate standing up in the court in the same way as there is the prosecutor alongside the defence. However, anywhere that we can increase the opportunity for victims to participate and to be made fully aware of their rights and that there are advocates for those rights, we should do so. ASSIST NI, which provides domestic and sexual violence advocacy, and the sexual offences legal advisers (SOLAs) play a big role in that.

Mr Bradley: Thanks very much for your presentation, Geraldine. It was an eye-opener for me as new member of the Committee. I hear from the public a concern about the delay between the crime being committed and the appearance in court. How can you deal with that? Also, as Doug alluded to, when the offender gets to court, quite often, the sentence is very lenient and does not reflect the gravity of the crime committed.

Ms Hanna: You have raised two issues that are regularly raised with me. Delay has plagued our system for decades. It is a key priority for the Minister, the Justice Department and the Criminal Justice Inspection. The witnesses presenting in the next session will, no doubt, speak to that work in more detail. I want to see greater accountability and transparency around that work. I would like to see a published reform plan. There is an action plan around delay; I would like to see that made available on the Justice Department's website, so that we can all see what we are prioritising and the progress made against the plan. When we are looking at the issue, it is important that we look at the system as a whole. The criminal justice system may be made up of independent agencies, but they are so closely interconnected that a victim sees their recovery journey from the time that the crime happened through to post-sentencing and beyond.

It is important, when we are looking at this, that we examine what initiatives are needed on a holistic basis. We could prioritise resourcing in one area. For example, if we had lots of great laws and loads of police investigating and detecting crime but we did not look at the prosecution and prison side, we would end up with backlogs and bottlenecks in our system, so we need to approach the issue from a holistic perspective. I think that there is recognition of that in the Department, but I would like to see it being more publicly available so that we could all monitor it. Delay is a significant issue, and, for some victims that I meet, you are talking about a delay of four or five years. The impact of that on their mental health in particular is devastating.

The other issue was lenient sentencing. Victims have a perception about sentencing, and I hear about that. It is very difficult to comment on an individual sentence, because it will be so complex and there are a lot of aggravating and mitigating factors that we need to consider. That is why judges are so well placed to do that. However, we also need to educate the public to have an understanding of how sentencing works. Whilst sentencing has a rehabilitative purpose and we need to make sure that we work to address behaviour to prevent it happening again to future victims, in every one of those cases, there is a victim, and they want to feel that they are getting effective redress for the harm that was

caused to them. Sometimes the headlines that we see about the sentences that are given leave victims feeling that they have not had effective redress. We all need to consider that.

Mr Bradley: It is not just victims who are concerned about lenient sentences; it is also PSNI officers. They do an awful lot of hard work to get a case to court only to then find out that the sentence is a slap on the wrist, which is actually a slap in the face to them as well.

The other thing is that there are some things that I do on my phone — this machine, here — that automatically transfer to my Mac in my office in Parliament Buildings and to the Mac in my constituency office in Coleraine. Data sharing is easy, so why is it not happening?

Ms Hanna: Data sharing across the system is a challenge because we do not have one system that everybody uses. We have Causeway. Again, I am not an IT expert and have never seen Causeway in action, but I understand that a lot of information goes into it. There are issues about what information it would be better to have and about the quality of that information. We need to have clear data dictionaries for what everybody is capturing so that they capture the same things and we are able to track the journey throughout. At the moment, the challenge is that the systems do not speak to each other in as effective a way as they should, and that requires investment.

The Chairperson (Ms Bunting): Thank you, Maurice.

Alex?

Mr Easton: Thank you very much for your presentation. I was reading in your briefing about the Victim Charter and about you do not have a process by which to monitor all agencies and their compliance with it. Can you explain why that is the case? Is it anything to do with your staffing levels? I noticed that you have only five members of staff, which is probably not adequate for you. Could we maybe put pressure on the Justice Minister to help you out with that?

Ms Hanna: As I said in the briefing paper, the charter was enshrined in legislation in 2015. In 2020, Criminal Justice Inspection found that there was a lack of understanding of the charter amongst not just victims but criminal justice agencies. It said that there was something along the lines of there being:

"a ... sense of apathy and disconnection"

between the professionals working in the system and their understanding of their obligations under the charter. Part of my role in this new office is to monitor compliance. The challenge that I have is that the agencies themselves are not monitoring that compliance, and that seems to be because their systems have not been set up to do so. In my opinion, limited efforts have been made to enable that. With the team that I have, I am now working with the criminal justice organisations to see whether we can agree a common data set that they can complete to help us to monitor that.

Resources will be an issue. Whilst there are five staff who are part of my office currently, I hope that, when this office is placed on a statutory footing, those resources will be increased, because monitoring compliance with the charter is the key way, in my view, to ensure that people understand. I hope that the apathy and disconnection that CJINI found when it looked at this issue will be addressed more if people are required to keep track when they are delivering it. The old adage is what gets measured gets done, and one of the ways that I believe that we can help to embed that in the mindsets of all our criminal justice practitioners is to ensure that there are reporting mechanisms. That will help us to see what the situation looks like now and where we need to improve. Hopefully, it will allow us to monitor any initiatives to see whether they have had the intended consequences that we had hoped for.

Mr Easton: Thank you.

Miss Hargey: Thanks very much, Geraldine. I am sure that we will be seeing more of you over the next period.

The report sets it in context when you say in it that, during the period of 2022-23, 69% of all crimes had a victim attached to them. That shows the scale and numbers that we are dealing with when you think that, that year, over 100,000 people went through the system of reported crimes.

First, and building on the last point, by having a statutory footing, what additional powers or functions, if any, do you see the office of commissioner holding?

Ms Hanna: Thank you. Your point is well made on the numbers of people who are attached to crime. With that 69%, you have not only the direct victim but everybody associated with that, so it has a profound impact.

On the statutory footing of the office, I would like to see us very much mirror similar powers that are in place for the Domestic Abuse Commissioner and the Victims' Commissioner in England and Wales. While we hope that the office will never have to rely too much on its powers, I think that it should be able to compel agencies to respond to recommendations. I think that the office should be required to produce an annual report not just for the Justice Department but for the Assembly on the experience and treatment of victims and witnesses.

Going back to the point about the charter, I also think that the office should be required to produce a report periodically — that may be every few years — around compliance with the charter and improvements that are being made. I think that the office should have some power to be able to potentially undertake a judicial review or to intervene in a case. Whilst, resource-wise, it is probably too much for the office to be able to intervene in every individual case, given the numbers that we are talking about, I think that, where there are thematic issues, we could be able to use an individual case to prove a point in law. Hopefully, you will never get to that point, but it is important that, when we set up this office, it has the effective powers to be meaningful and is not just a tick-box exercise. Victims feel very much that they are an afterthought, and, whilst it is great to have the title of the office, it needs to have enough teeth for it to make a difference, otherwise it would be just lots of fine words, when we need more actions.

Miss Hargey: How do you feel your relationship is with the Departments and the different strands within the overall justice family and what could be improved with the relationships and processes going forward?

Ms Hanna: The relationships to date, I have to say, are very positive. The office is currently sponsored by the Department of Justice. You can see why it neatly falls there. The criminal justice system has a particular impact on victims' lives. However, this office's powers should be broader than just Justice, because it incorporates so much, including Health, particularly mental health, Communities and Education. I see a link to every one of the Departments, which is why the powers should be broader than just Justice.

The relationships to date have been positive. Given my background, I have worked in that area for some time, so I know a lot of the officials well, which has been helpful, particularly as I have been set up as a designate. I would like to think that my previous relationships have helped me to open doors there, because people are used to me. I am sure that they would have been nice to someone else as well. It is positive. No doubt, as the office grows, and as we get more reports and that evidence piece, there will, at times, be creative tensions with the Departments. With the Assembly being back, I have written to each of the Ministers, introducing the role of the office and setting out my wish to speak to them all at appropriate times on issues that impact on victims that are within the purview of their offices.

Miss Hargey: I could ask you a million questions, but I will summarise some of them. We will probably want to come back on issues such as disclosure, which you touch on. That is a huge issue that we need to look at. Obviously, there is delay in the system. It is not just you who has said that; it is even mentioned in the subsequent reports that we will get. There is also the siloed approach of the system. Funding is, obviously, a huge issue and pressure as well.

You talked about the victim journey and said that the system is not designed for victims. It made me think of bigger cases that you will know around institutional abuse, mother-and-baby homes, more widely, and legacy families and how those victims feel and have felt that the system responded to their needs.

To try to front-load it, notwithstanding the funding pressures and difficulties, which areas would you prioritise to improve that journey for victims, right through from first reporting, which may involve the PSNI? How can that journey be improved?

Can you talk a wee bit about what you meant when you said that the system is not designed for victims? If you could design a system, what would it look like? What are your thoughts on that?

Ms Hanna: That is a broad range.

Miss Hargey: Sorry.

Ms Hanna: It is OK. I could talk to you all day about it as well. I could keep you here for the rest of the afternoon and beyond.

The Chairperson (Ms Bunting): Except we have two other presentations. *[Laughter.]*

Ms Hanna: With regard to which areas to prioritise, for me, the fundamental building blocks of victim support are needs assessment and advocacy. We promise our victims in the Victim Charter that they will have an individual needs assessment, and we promise a tailored service. From what I am hearing from the victims who speak to me, that is not happening. I am disappointed that the recommendation in the 2020 Criminal Justice Inspection's report on a needs assessment has not been progressed because of funding issues. I appreciate the funding issues and that the Department is in a difficult position. No doubt, you will hear that from the people coming after me today. We are all aware that the area has been chronically underfunded for decades. Unfortunately, from my perspective, victims are feeling that.

Needs assessment is important and significant. In order to appropriately respond to someone who has been harmed through crime and appropriately meet their needs as they journey through a justice system that has not been set up for them and that, in many respects, as research has shown, can cause further trauma, we need to understand that individual's needs and respond appropriately. That is where the advocacy piece comes in. Those are the areas that I would prioritise: individually assessing need; and responding appropriately to meet that need.

There are legislative pieces as well. You referred to the disclosure paper. That was an immediate priority for me, because, in the first week, it was the first issue to hit my desk with the very first victim to cross my desk, so to speak. We have long known about that issue in the system. The report highlighted that we have issues around compliance with existing rules. That goes back to the advocacy piece. Who is calling that out? Who is ensuring that those rights or needs are met? It also highlighted that increased safeguards are needed. I want to see changes to the law. That requires the commitment of people such as you and the wider Assembly. I really hope to work with you on that. Again, there is work that can be done. Some of it is around funding. Some of it is around back to basics and people recognising that even when you do not engage face to face with a victim, the decision making of people working in our system can impact on victims. That is a training and cultural piece. We all need to send out the message that victims' rights are as important as defendants' rights and the state's rights. We should all ensure that we are fighting to protect them.

Ms Ferguson: Welcome, Geraldine. You have answered my question, which was about the needs assessment. It was a powerful presentation, particularly the voices of victims, so thank you for that.

We need to ensure, as you said, that the system is victim-centred. Your report was succinct on three key areas: data disclosure and delays; compliance with the charter, which is integral; and, as you just discussed, the needs assessment, which is critical. We may have a lot of bureaucratic things that are required, as well as collaboration and a cultural shift in supporting organisations to work together, but all that takes time. However, a needs assessment that includes advocacy from the start as a wrap-around could very much support the cultural shift and support organisations to make that change.

Your report mentions that you hope to meet the Minister of Health shortly for discussions. How do you see such assessment being done in a centre, and how could it work cross-departmentally?

Ms Hanna: A needs assessment service was recommended in the Criminal Justice Inspection report. It is proposed to house that within the victim and witness care unit, which is staffed jointly by the Public Prosecution Service and the PSNI. Currently, it also has two members of staff assigned from Victim Support. The proposal for the needs assessment service expands that unit to include a needs assessment team. This is how I see the model working: you report a crime to the police; the police put your details into their Niche system, as it is called; and the victim and witness care unit needs assessment team contact you.

How that approach is made will depend on an initial triage. There will be a crude assessment at that point, a triage based probably on age and crime type. I imagine that victims of domestic sexual abuse will get a phone call. If it is criminal damage without any domestic or hate crime motivation, an email or letter may be sent to the individual to say, "This crime has been reported. We would like to undertake a needs assessment with you".

A team member would undertake the needs assessment at that point. That would cover not just what the person needs to engage with their criminal justice journey but what needs they have in relation to referral to other organisations and support services. When health comes into it, that is where our big challenge will be. I will be optimistic. Once we have a needs assessment in place, the challenge will be meeting those needs, because we will identify gaps, particularly in mental health support and waiting lists.

I go back to what I said earlier: if quantifying what the issues are gives us a business case for investment, we need to do that. We should not be afraid of the results of needs assessments showing that there is a lack of mental health support for victims of non-domestic or sexual abuse in certain counties. That should not be feared. That should be shown as, "OK, if we're doing it better in one area, why can't we do that in another area?" That will help to give the evidence, and so much of this — ironically, given that we are talking about our justice system — comes down to presenting the evidence. That needs assessment is key, but, alongside it, you need the advocate who is aware of what services are available and can be a champion where rights are not being met.

People are not getting updates. If they are sitting in the victim and witness care unit, they will be able to contact the officer in the case to find out what is happening or to send an alert. That is why having them embedded in the victim and witness care unit will be so key; they will have access to systems. It goes back to Maurice's question about why the data is not being easily shared, and that is because the systems are not talking to each other. It is about access to those systems in order to ensure, again, that GDPR is met and that information security concerns are appropriately met, and having vetted staff based in that care unit should assist with that.

Ms Ferguson: I just want to make one comment. It is a wrap-around. Those models already exist across the health service in the likes of family support hubs, health hubs and mental health hubs. Those hubs exist to provide a wrap-around service at the first point of contact. It is back to basics.

Ms Hanna: It is about making the connections, yes.

Ms Ferguson: It is not complicated. It is back to basics, and, as you say, it is about putting the victim at the centre. I would like to encourage as much support as possible for this intervention. It is critical and can support the whole system and all organisations working in the system while also putting the victim first.

The Chairperson (Ms Bunting): I am conscious of time, because we have already overrun somewhat.

Mr McNulty: Thank you very much, Geraldine, for your obvious empathy and compassion for victims and their needs. It is crucial for somebody in your position to have that human sense for people. It is heart-wrenching to hear the testimonies of the victims, and, as Ciara said, it is heart-wrenching to hear that human voice. It is sad that it reflects our justice system as it is.

You mentioned the data and said, "What gets measured gets done"; if you are not assessing, you are guessing. You said that the systems were never set up with the victim in mind and that there is a serious lack of useful data. What was in mind when the systems were set up?

Ms Hanna: Each agency has approached its system based on its own performance needs. The police very much focus on the numbers of incidents, and there will be information on investigation progress. The PPS will take it as a case and will look very much at where that case is in the system. If you were building a system from the perspective of a victim, you would start from when a crime happens, then a report to police, and then, hopefully, a needs assessment being undertaken to determine what those needs are. From the justice perspective, you would look at when they got an update and you would record what those updates were. Where a victim has raised a query or a concern, that should be on the system.

Significantly, where victims withdraw support for a prosecution, we, at the moment, capture that on the police side but not on the PPS side. We do not report statistics on that. The police will report, in their quarterly statistics, on victims withdrawing support from the prosecution, but, significantly for me, they do not report why they have withdrawn because they do not have a field in which to input that. It is a free text box. We know that in sexual violence cases around 40% of people withdraw. Cases do not proceed because the victim has withdrawn support for the prosecution, but I cannot tell you why that is. I can tell you that it will be about issues around delay; about the impact on their mental health; about other factors in their life coming in that mean that they can no longer remain committed; or about them losing faith in the system. There are lots of different reasons. Intimidation can also be part of it. However, I cannot tell you what percentage falls under each of those categories.

With all the initiatives that we put in place to try to give better support, I am not able to say, "We can see this impacting on that". That is what I mean when I talk about it not being built around the victim. We are not consistently capturing victims' outcomes and experiences at each point, which means that it is harder to report. That means that an office such as mine has to then do an investigation and research into it, which takes longer. All of this is only of the time at which the research is undertaken. Having a consistent victim data set built into our system that is updated in live time helps us to improve the performance of the system.

Mr McNulty: Thank you, Geraldine. When will the backlog in the Courts and Tribunals Service get beyond the pre-COVID backlog?

The Chairperson (Ms Bunting): That may not be a question for the commissioner to answer.

Ms Hanna: The courts and the Department would be best placed to answer it appropriately. The latest that I heard was that we were looking at April of this year, but I am not sure whether that is still the case.

The Chairperson (Ms Bunting): Justin, that may be a useful question for our next evidence session.

Geraldine, I apologise, because we have run out of time. I appreciate that members had a significant number of questions. I had eight, but I will let it go. I have a couple of takeaways from today. It would be interesting to have further conversations about the extent to which the loss of confidence among victims stems from the system itself and what happens to them versus the sentence that is given at the end of it. That would be useful to know. I am also keen to have some greater understanding of the victim information scheme. I was not aware that the victims of sexual violence, domestic violence and homicide are not eligible for part of that scheme.

Ms Hanna: Sorry, perhaps I did not frame that correctly: they are eligible. The issue that is being raised about the victim information scheme is a different one. A victim of rape came to speak to me. They signed up for the victim information scheme. The person was found guilty, and the victim was able to be updated. That person was then released from prison and went on to reoffend. The victim saw in the media that the person was in prison again, but they were not allowed to be updated about what was to happen next. That person lives in their area. It may impact on a small number of people, but when it happens to you, the impact is profound, because it is about your safety and well-being. The issue has been raised in domestic and sexual abuse cases in particular, where someone has gone on to reoffend yet the previous victim is not allowed to know when that person is next to be released from prison.

The Chairperson (Ms Bunting): That is helpful. Data recording will be of interest for further conversations. There are issues around the recording of repeat victims. You talked about whether you have conducted any rough cost of recommendations. You also mentioned strengthening legislation. At some stage, I would like to hear from you about the way in which you would like to see that happen. We are all here to ensure that there is a better justice system for society as a whole in Northern Ireland, including for the victim and the defendant. Everybody has to be able to have confidence in the system itself and due process. Everybody should be able to consider themselves to have been treated fairly. We need to ensure that victims get their needs addressed and the support that they require, but that is difficult in circumstances in which, sometimes, people have been accused of things but are innocent. We have to find that balance. The key is to make sure that all of us have as much confidence as possible in due process.

Geraldine, thank you very much for your time. The session has been really informative for all of us. I am sure that we will converse further as things move ahead. We are grateful for your attendance here today.

Ms Hanna: Thank you very much.