



Committee for Justice

OFFICIAL REPORT (Hansard)

Northern Ireland Courts and Tribunals
Service

14 March 2024

NORTHERN IRELAND ASSEMBLY

Committee for Justice

Northern Ireland Courts and Tribunals Service

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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:

Mr Patrick Butler	Northern Ireland Courts and Tribunals Service
Mr Glyn Capper	Northern Ireland Courts and Tribunals Service
Ms Elaine Topping	Northern Ireland Courts and Tribunals Service

The Chairperson (Ms Bunting): Hello, everybody, and thank you very much for being here. We are sorry that we kept you waiting. We are slightly behind. Hopefully, we did not keep you waiting too long outside. Members, we have with us representatives from the Northern Ireland Courts and Tribunals Service (NICTS), who will provide us with an overview of their work. I welcome Glyn Capper, who is the director; Elaine Topping, who is the acting chief operating officer; and Patrick Butler, who is the head of legacy inquests and the Northern Ireland Coroners Service. Folks, you are all very welcome. Thank you for taking the time to be with us. We look forward to hearing what you have to say. Obviously, there will be questions at the end. The one thing that we have learned in the past number of weeks, and certainly this morning, is that nearly everybody wants to contribute to the conversation. I am keen that we have as much probing as possible and that members can follow a line of questioning, but that requires everybody to get to the nub of their question without too much commentary, and it requires concise answers. Please bear with me: I say that just in the interests of facilitating the conversation. I will hand over to you now. Thank you very much.

Mr Glyn Capper (Northern Ireland Courts and Tribunals Service): Thank you, Chair, for your welcome and for the opportunity to brief the Committee on the work of the Northern Ireland Courts and Tribunals Service. Joining me, as you said, are Elaine Topping, our chief operating officer, and Patrick Butler, head of legacy inquests and the Coroners Service. Karen Ward, our chief modernisation officer, is not able to be here, but I hope that the Committee will be able to hear soon from Karen and her team about our exciting and ambitious modernisation plans. You have received a briefing paper in advance, but I thought that it would be helpful to highlight some areas in my opening remarks and to give you a sense of the breadth of our work.

NICTS is an agency of the Department of Justice and is responsible for supporting all Northern Ireland's courts and the majority of tribunals. We also support the Coroners Service and the legacy inquest unit. We enforce judgements of the civil courts through the Enforcement of Judgments Office, and we collect and enforce outstanding financial penalties imposed by a criminal court through the fine collection and enforcement service. We also have responsibility for over £300 million of funds held in court through the Court Funds Office. In addition, we provide administrative support to the Parole Commissioners for Northern Ireland and the Historical Institutional Abuse Redress Board, as well as processing awards on behalf of the board. The agency also sponsors the Planning Appeals Commission and the Water Appeals Commission.

A vital part of our work is supporting the judiciary through the Lady Chief Justice's office, which plays a key role in upholding the independence of the judiciary. I know that you are due to hear from the Lady Chief Justice next week. In total, we support 72 salaried members of the judiciary, 20 commissioners and over 600 fee-paid judicial office holders.

I am proud to lead a dedicated, professional group of staff, the majority of whom deliver front-line services each day, supporting thousands of service users and stakeholders across the country each year, often in complex and challenging circumstances. Recognising the importance of our staff, we launched our first people strategy last year.

As you know from the briefing that you had from colleagues in the access to justice directorate last week, speeding up justice is a priority for the Justice Minister, the Department and the Criminal Justice Board. Delay impacts victims, witnesses, their families and the wider community. The phrase "delays in the courts" is often used, but it is important to remember that we are actually talking about the end-to-end criminal justice system, from the time at which an incident is reported to the time at which it is disposed at court. NICTS is committed to playing its part in speeding up the system. As a member of the Criminal Justice Board, we are leading on one of the board's five work streams to reduce avoidable delay.

I mentioned earlier our modernisation plans. We established the Vision203 portfolio in 2021 to modernise courts and tribunals services. That is delivered through two programmes. The estates modernisation programme has undertaken widespread engagement with justice partners and key stakeholders to develop our estate strategy. It was launched in December 2023 and was recently shared with the Committee. Alongside supporting data, the strategy will be used to establish asset management plans and to inform future investment requirements to achieve our aims of improved user experience, resilience, value for money and sustainability. In addition, the programme is progressing three major capital projects: the modernisation of the Royal Courts of Justice, the refurbishment and upgrade of the old town hall in Belfast and the modernisation of Bishop Street courthouse in Derry/Londonderry, all of which will be subject to business case approval and funding. The service modernisation programme has established a flagship business transformation project that is known as Themis. It will enable the wholesale transformation of services and administrative processes across NICTS and will be critical to driving efficiencies and improving service outcomes.

Finally, I will touch on finance. As with all areas of the public sector, we face a range of pressures. Based on our most recent forecast, we are on target to achieve a break-even position this year. However, we have resource pressures of around £12 million next year due to a range of factors, including increased volumes of work and the impact of pay and price inflation. We continue to work closely with the Department to plan for next year. I know that departmental finance colleagues will continue to keep you updated on the budget position.

I hope that that provides a useful overview. Of course, we are happy to take any questions that you have.

The Chairperson (Ms Bunting): Thank you very much, Glyn.

Mr Dickson: Thank you, Glyn, for the presentation and for setting out the range and complexity of work of the Courts and Tribunals Service. I turn to the 2022-23 victim and witness experience survey of how people feel about using the Courts and Tribunals Service. Fifteen per cent reported that they felt intimidated in a court building or room by others present in relation to a case. What is being done to ensure that people have minimal contact inside the court estate during the various proceedings that are going on? Part of that has to be linked to the effectiveness of live links. It is not the whole solution to the issue; sometimes, there are reasons why people have to be in the building, but how are they protected and separated to ensure that they do not feel intimidated, or to ensure that there is not an oppressive atmosphere because of the presence of other parties?

Mr Capper: That is a helpful question. There are a number of aspects to it. You touched on the estate and the live links. I will pick up on live links first. One of the benefits, to put it that way, of COVID was the increased use of technology in the court environment. Since COVID, we have rolled out courtroom technology in 67 courtrooms, which is virtually all of them. We have seen the use of live links increase significantly since COVID, albeit not to the COVID peak level. That is the first aspect of your question. You are right: continuing to use live links is an important piece of the jigsaw.

The second part is our estate strategy. I mentioned that we launched that in December. The first strategic aim in that is improving user experience. There is no doubt that our court estate is very old. I have the figure in my papers somewhere, but the average age of a court building is scores of years. The physical estate does not support how we think we can give users the best experience. As we review our court estate and develop and improve it, that user experience piece will be a vital part of our next steps.

Mr Dickson: Some time ago, the previous Committee, which I was on, visited Laganside. It is probably the most modern facility, yet in order for witnesses, for example, to avoid people in that setting, they have to take quite a labyrinthine route back out through the old town hall building. Even that modern building was not properly designed to allow for the appropriate separation of parties.

Mr Capper: I will maybe ask Elaine to chip in as well. We have been working in the last number of weeks with victims' and witnesses' groups and with Geri Hanna to tackle that and to put a protocol in place to deal with those sorts of things.

Ms Elaine Topping (Northern Ireland Courts and Tribunals Service): I act as victims champion in the organisation. We have had quite a few meetings recently involving Geri, the NSPCC and Victim Support. We are conscious of that not just at Laganside but everywhere. A lot of what we have talked about involves early engagement, with the Public Prosecution Service (PPS) and Victim Support advising us. In recognising the age of estate, the impact that that can have on individuals and the need to make some interim measures, we will do whatever we can to provide those assurances to victims and witnesses.

Mr Dickson: That is welcome, and I hope that it will be developed over time. Thank you.

The Chairperson (Ms Bunting): Maybe we will get a visit, Stewart, to see some of the courts.

Mr Dickson: Hopefully, we will, yes.

Mr Capper: I would be happy for the Committee to visit whichever part of the estate it thinks would be useful for it to see. That would be really beneficial.

The Chairperson (Ms Bunting): I think that it would too. Thank you.

Ms Ennis: Following on from Stewart's question on the live links — we ratified their use being extended — can you give us a sense of how they have helped to speed up access to justice? If those facilities were not there, what detriment would it have on people accessing justice?

Apologies if you mentioned this while I was out of the room, but what will that transformation piece cost? Has there been a negotiation or a conversation about where the money would come from or be found to do that?

Mr Capper: I will start with the transformation piece and the money and then hand over to Elaine.

There are two significant groups of transformation. The first is our Themis project, which I mentioned. That is not just about putting in a new IT system; it is about fundamentally looking at our services and how we administer them and interact with stakeholders. We are right in the middle of a procurement process for that. If you do not mind, I will not get into the price, because there are commercial sensitivities. The next time that we are at the Committee, I will, I hope, be able to give you that number. It is fair to say that it is a big number. That sentence equally applies to our estates modernisation programme.

We are in the middle of a business case process to refurbish the Royal Courts of Justice. That is in the tens of millions of pounds. We are also looking at the cost of modernising Bishop Street courthouse up

in Derry/Londonderry, which, again, whilst not of the same scale as the Royal Courts of Justice project, is also in the tens of millions. The first piece is to secure that funding by developing the most robust business cases to make a really good argument for it. We are working closely with departmental colleagues as we outline our funding requirements for next year and beyond. So we are making as strong a case as we can for funding for those transformation programmes to the Department and from the Department to the Department of Finance. A key aspect of that is demonstrating not just the need for the funding but the benefits that it will give to users and the savings that it will deliver for the organisation.

Ms Ennis: Fair enough.

Mr Capper: Elaine, do you want to pick up the first question?

Ms Topping: We are very relieved to have the support for live links, so thank you for that. It had a huge impact on recovery. You probably heard some of this last week, but it was able to facilitate courts, and tribunals, importantly, sitting at times when they would not otherwise be able to. It really stopped there being a significant backlog in tribunals, because they very quickly adapted and were able to run with live links. That was really helpful in minimising any backlog that we now have.

I have responsibility for all court tiers. Sometimes we forget about the civil and family elements of the courts and remember the criminal aspect. Courts are moving into recovery now, so live links help us with speeding up justice and recovery from the backlog. The two have come very much together. That said, its use still at the discretion of the individual judge or chair of the tribunal at any point in time. We are confident that there would be a higher adjournment rate across all court tiers were it not available to us.

Ms Ennis: That is very useful and good to hear.

Miss Hargey: Thank you very much for the update. We saw back in 2018 the Audit Office report on failures and delays in bringing cases in reasonable time. As we saw last week in the briefing, with sexual offences, there is an impact on children. That is a concern that the Committee raised with the Lady Chief Justice. Resourcing is obviously a key part of that. We have been asking whether the modernisation programme of the estate strategy will be published, and we asked to have sight of it. That will be important in a constrained budget environment. I do not think that things will get better in the short term. We would like to know what will be prioritised in that programme.

You touched on the estate strategy and improving the user experience. Are you looking to prioritise, for example, how sexual offences are dealt with? Are there dedicated units for that? Live links and the use of technology is one thing, but where you need to bring people into a court environment, can the courts be made more user-friendly for the victims or witnesses? I am thinking about children as well. Is there a timeline for the business case for things like the old town hall? How long will that take to come through, and is it a priority in the overarching programme?

My last question is about the legacy stuff. You do not have oversight of that in the British Government Act. I know that there are appeals to that as well. Are there any discussions with the NIO about your future role, provision or resources that will be needed for the Independent Commission for Reconciliation and Information Recovery (ICRIR)? If so, what level of conversation or engagement has been taking place, if any?

Mr Capper: There are three main sections to that: the user experience and the speed of the system; the business cases for transformation; and legacy. I will step through them in that order.

On the user experience and the speed of the system, as I mentioned in my opening remarks, it is important that we remember that we are talking about the end-to-end speed of the system, going from the point when the incident is reported to its disposal in court. That is very much a priority for the Criminal Justice Board. The board is considering a number of work streams as part of that wider piece on speeding up justice and reducing avoidable delay. As an organisation, we are very much part of that.

On the user experience, remote evidence centres spring to mind. They were launched recently. I am not sure whether the Committee has visited one of them.

The Chairperson (Ms Bunting): We intend to visit soon.

Mr Capper: I strongly encourage you to do so. It is a tremendous facility, and we are already seeing the benefits of it in the efficiency of the system but, more importantly, in the user experience for vulnerable victims. Their continued use is a really important piece of the overall experience.

On the business cases for modernisation, I will go back to the two key areas. Service transformation in terms of how we do our business is captured in that Themis business case, which is about transforming how we do things in a new digital system. The first stage of the business case for that has been approved. We are working on the procurement process, and if things go according to plan and funding is available, we hope, towards the end of the summer, to be in a position to award a contract for it. As I said, we will keep the Committee updated as that progresses.

With regard to our estates modernisation, we recently submitted a business case to the Department for the Royal Courts of Justice modernisation. We are developing a business case for the Bishop Street modernisation. It is difficult to say what the timescales for those will be, but there is no doubt that those large-scale construction projects always take a couple of years to go from being a business case to having spades in the ground. We hope to start work on some of our big capital projects in 2026-27. Having said that, I do not want to give the impression that we are not doing things until then. Lots of stuff is going on with how we deliver our services and ongoing estate improvements.

Do you want to pick up on the legacy piece? I nearly forgot about that.

Mr Patrick Butler (Northern Ireland Courts and Tribunals Service): Yes, you mentioned the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, or the Legacy Act. That has had a big impact on the work of the legacy inquest unit, given the cut-off date of 1 May for any inquests that have not reached the findings stage. The unit is working hard to progress those cases that can be completed by that point.

You also referenced the fact that there was a judicial review of the legitimacy of various sections of the Act. I understand that the Secretary of State has appealed against the decision of Mr Justice Colton. No doubt, that will work through the appellate courts and possibly go as far as the Supreme Court. We will wait and see what comes out of it.

The Chairperson (Ms Bunting): We are probably best not getting into it here as well.

Mr Butler: Quite.

Miss Hargey: No, not into that.

The Chairperson (Ms Bunting): No. That is why I allowed your question to go ahead, Deirdre. I just do not want any other members picking up and running with the issue in circumstances where it is sub judice.

Miss Hargey: What is your assessment of the number of cases that will not go ahead by the deadline? Also, has there been engagement with the NIO on the proposed new structure?

Mr Butler: A number of cases that were part of the year 4 and year 5 part original five-year plan by the Lord Chief Justice have not yet been allocated to a coroner, and, plainly, they are not going to get to that point in advance of 1 May. Currently, 17 inquests are ongoing and part heard. We will just have to wait and see how that goes. The staff in the legacy inquest unit are working as hard as they can to progress those ongoing cases.

You mentioned the ICIR, which was established by the Legacy Act. If, after 1 May, cases that are not complete are referred to that body, we will work and engage with it to hand those cases over. The resourcing of the ICIR and so on is probably more a matter for Sir Declan.

Miss Hargey: Has there been no engagement yet between your end of things and the ICIR?

Mr Butler: We have had outline engagement with it to discuss and plan contingencies, but, at this stage, the unit in question is very much focused on conducting legacy inquests. We have not engaged substantively with it about any specific case.

Mr Beattie: I have asked this brief question of lots of people. The written piece refers to the victim and witness experience survey and the victims' and witnesses' experience of the Northern Ireland criminal justice system. Why are domestic abuse and sexual crimes not included in those figures?

Ms Topping: I was at a meeting yesterday, and that was a question that I had. The survey is cyclical, so we have slight input into it, but it is very much driven by all the bodies. My understanding from my meeting yesterday is that there is a retraumatisation aspect to it. That is being looked at, so we are already planning for the next survey. Experts in the field told me that we need to look at the timing of those surveys, because quite often, they are conducted between six and 12 months after a person has been through the system. There is a risk of retraumatising somebody if the survey is done a year later, and they could be taken back to the case that they were involved in. That is why those two particular groups sit outside the survey. There has been a debate about what to do about that gap in the data. That was new to me yesterday as well.

Mr Beattie: Retraumatising somebody who has suffered attempted murder is still retraumatising them, but they are in the figures.

Ms Topping: That point was very much discussed yesterday. The feedback comes very much from the professionals in the field, and that is where the lead was taken. That is the thinking behind it.

The Chairperson (Ms Bunting): I have a couple of questions, if that is all right. Members are all very fixated on the victim and witness experience survey, as am I. I would like some clarification on a couple of things. Is fear of contact with the defendant connected to the nature of the crime? Does that change with the nature of the crime, or is it a standard feature? To what extent are those figures drilled into?

Ms Topping: My understanding is that that has not been drilled down to that level. That is for a good reason, because it would distinguish between certain crimes. For any particular reason, a person in any case may apply for special measures or feel vulnerable at meeting the other individual. That is why it is not drilled down to that level, in my understanding of it. However, that is a key point, hence the work that we are doing with Victim Support and the NSPCC to minimise that contact as far as possible. That is outside of special measures and all the other requests that can be made through the PPS.

The Chairperson (Ms Bunting): I imagine that it would be difficult to do that if you do not understand the reason behind it and what is going on behind the initial headline question. There are a number of reasons why somebody might be reticent.

Ms Topping: It is very much about early engagement and understanding that and coming from a victim and witness perspective, which is different for every individual. That aspect is really important, and that is why we are very keen on early engagement. Our role is to facilitate all that. We do not make determinations. The judge determines whether there should be special measures, and the PPS puts in the application. For us, in between, it is very much about getting that communication working so that we can facilitate what is needed for the individual and the victim and the witness.

The Chairperson (Ms Bunting): Thank you, Elaine. Let me turn to satisfaction with the experience. What is being measured there? Is that about the delays in the system in sentencing? We have found that there are significant issues around sentencing in victim satisfaction. In this context, what is it? Is it delays in the system? Is it sentencing? What contributes to that feeling of dissatisfaction?

Ms Topping: That was discussed at the meeting yesterday as well. It is as if you were in the room. *[Laughter.]* It is as if you were all there. All the victims' champions who were in the room asked about that very point. There is a wider dissatisfaction, in a general sense. Our sense was: how do we know what is creating that dissatisfaction? That question has been asked. It is as if you were there yesterday.

The Chairperson (Ms Bunting): Yes, so how do you fix it if you do not know?

Ms Topping: We asked that question. At the moment, it is an open question. Our experience is that very few people come to any tier of the court, whether it is the criminal court or the family court, and walk away feeling happy. There is usually somebody who is disgruntled. It could be that both parties

are disgruntled in some way, so there is a general sense of that at the moment. That question has been asked and will be fed back through to the planning of the next survey.

The Chairperson (Ms Bunting): This is a very straightforward one. Are you guys still involved in summons serving?

Ms Topping: Yes. The summons servers are part of the court process.

The Chairperson (Ms Bunting): OK. Are there issues there with safety and resources and all those things?

Mr Capper: We do not serve the summons. The PSNI physically serves the summons.

Ms Topping: We have the summons service through the courts. Are you talking about the court summons service — our summons service through the courts?

The Chairperson (Ms Bunting): I thought that there was a stage at which the Courts and Tribunals Service attempts to serve a summons, and, in circumstances where it is unable to do it, the PSNI takes that up.

Mr Capper: That is correct.

The Chairperson (Ms Bunting): To the extent that you are involved, what issues have arisen with it?

Ms Topping: There had been a resourcing issue in the past. A competition was run — I think it was just before COVID or just after it — so there are sufficient summons servers across all the court areas at the moment.

The Chairperson (Ms Bunting): I have two more questions, and then we will move on. Justin has indicated that he wants to ask a question. On the estate strategy and the very challenging budgetary circumstances in the Department of Justice, and, building on Sinéad's question, what assessment have you made about what can and cannot progress? What progress have you made to date?

Mr Capper: There are a few aspects to that. I will talk about the estate strategy in its widest sense. We were conscious that, before making decisions on the direction of our estate, we wanted to have a robust strategy in place. We engaged with a range of stakeholders and justice partners over a number of months to develop our strategy. I think that that strategy has gone to the Committee and should be with it. I am happy to come back and talk about it in more detail at some stage.

In my opening comments, I mentioned that the strategy revolves around four strategic aims, including user experience. We are now beginning the process of baselining our existing estate against those strategic objectives in the estate strategy, and that will help us to develop informed data-driven investment plans. Over the next number of months, that will allow us to have those plans costed, targeted and prioritised. We will be able to put some numbers and metrics around that.

At the moment, we have those three big projects that I talked about: the Royal Courts of Justice; the old town hall; and Bishop Street. That is very much about modernising those bigger bits of the estate. On the regional estate, the baselining process for courthouses against those objectives is under way, and that will allow us to put some targeted investment plans in place. Does that answer your question?

The Chairperson (Ms Bunting): It does. I am trying to establish if you are on track with what you originally planned or to what extent you have had to adjust. You are on track — yes?

Mr Capper: Yes. If you mean by "what we had planned" is the plan to develop and deliver the estate —.

The Chairperson (Ms Bunting): Yes. It is about how you foresee everything.

Mr Capper: Yes. We are on target with that.

The Chairperson (Ms Bunting): Lovely. That is great. I have one final point on budget clarity, and it may be that I have misunderstood. In our packs, we have a memo from the departmental Assembly liaison officer (DALO), and the opening paragraph on the budget says:

"The opening NICTS 2023-24 non-ringfenced Resource DEL net budget was £54.3m. This includes an expenditure budget of £83.7m for: staff costs (38%); judicial costs (24%); and non-staff costs (38%)."

Can the difference between the net budget of £54.3 million and the expenditure budget of £83.7 million be accounted for by income?

Mr Capper: It can. I am quickly trying to do the mental maths to confirm that. Yes. We plan to spend £83.7 million on those things this year, for example, but if you net off our £29.4 million of income, you come to our net budget of £54.3 million. There are two elements to our budget: one is what we spend; and the other is our income. Does that make sense?

The Chairperson (Ms Bunting): Yes. All I need to do is make sure that I understood it correctly.

Mr Capper: You understood it perfectly, Chair.

The Chairperson (Ms Bunting): Thank you very much. I will turn to Justin.

Mr McNulty: How will the 1 May cliff edge potentially impact the Courts and Tribunal Service, given the additional resources that are necessary to bring cases to prosecution? Has that additional resource been provided to the Courts and Tribunal Service as appropriate?

Mr Capper: As Paddy outlined — he can add to my response if needs be — we have the resources in place in terms of the staff and the secured additional funding to support the scheduled legacy inquests that are due to run until 1 May. Does that, in summary, answer your question?

Mr McNulty: There is a bottleneck of cases to go to prosecution before the 1 May cliff edge. If they do not go through before that date, they are dead, which is a sad reflection on our justice system. Is that the reality? Where do you see the resources being provided to help allay that possibility?

Mr Capper: The piece that comes before a case is listed in court is not ours to comment on. For those cases that the judiciary has listed and scheduled, as an organisation that supports their administration, we have the resources in place to support what is scheduled to be heard up until 1 May.

Mr McNulty: OK. Thank you. How will resource pressures impact your ability to minimise avoidable delay?

Mr Capper: Are you talking about avoidable delay in a wider sense or just from a legacy perspective?

Mr McNulty: Both.

Mr Capper: OK. I will talk about the wider sense. We have touched on the Courts and Tribunals Service's role in the wider speeding up justice programme. Where specific resource requirements are concerned, we secured additional funding in this financial year to support additional courts, which have been running throughout the year, so that they can contribute to the recovery of the justice system and put more cases through. Similarly, as we are planning for next year's budget — I mentioned the pressure that we have — part of the pressure relates to additional funding that will be required to continue to support those additional cases going through the system into next year. From that perspective, we are engaging closely with the Department, and we will, hopefully, be able to continue with those additional cases.

Mr McNulty: Thank you, folks.

The Chairperson (Ms Bunting): Does anybody want to follow up on anything else? No. Everybody is satisfied. That is lovely.

Folks, thank you very much for taking the time to come to brief us today. It has been really helpful for us. If, between now and the next time that you are here, anything else occurs to you that you think we should know, please keep in touch. Thank you very much for your briefing today. We really appreciate it.

Mr Capper: If the Committee would like to visit some of the Courts and Tribunals Service estate, we would be really happy to facilitate that. It would be great to see you.

The Chairperson (Ms Bunting): I think that we are due to visit one of the remote evidence centres soon. We would like to see the courts in operation, would we not?

The Committee Clerk: We could add it to the forward work programme.

Mr Capper: Excellent.

The Chairperson (Ms Bunting): Thank you for the invitation.