



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Victim and Witness Strategy 2021-24 and
CJINI Victims and Witnesses Follow-up
Review Report: Department of Justice

16 May 2024

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Ms Joanne Bunting (Chairperson)
Mr Doug Beattie
Mr Maurice Bradley
Mr Stewart Dickson
Mr Alex Easton
Mrs Ciara Ferguson
Mr Justin McNulty

Witnesses:

Ms Claire Campbell	Department of Justice
Ms Debbie Corry	Department of Justice
Ms Julie Wilson	Department of Justice

The Chairperson (Ms Bunting): We welcome to the meeting Julie Wilson, deputy director of the victim support and judiciary division in the Department; Claire Campbell, assistant head of the victims and witnesses branch; and Debbie Corry, who is also from the victims and witnesses branch. I apologise that we are running slightly behind time. You will appreciate that the previous evidence session was really insightful for us. Thank you for your patience in that regard, Julie. It is good to see you again. We will hand over to you for your presentation, and then there will be some follow-up questions. Is that OK?

Ms Julie Wilson (Department of Justice): Yes. Thanks, Chair.

Good afternoon. We are really grateful for this opportunity to brief the Committee on the progress that we have made towards implementing the victim and witness strategy and, related to that, the findings of the Criminal Justice Inspection Northern Ireland (CJINI) follow-up review to the 2020 report on the care and treatment of victims and witnesses in the criminal justice system. It is helpful for us to look at those together as there are many interdependencies across them. We have provided you with a written briefing, but I would like to give you a quick overview and then take any questions that you may have.

I want to acknowledge upfront that these are really important issues. We know that the criminal justice system can be traumatic and disorientating for victims and witnesses and that they need to have confidence in the system and how they will be treated under it. Crucially, their experiences can have a lasting impact, so we are working to make our responses better. Both the Commissioner Designate for Victims of Crime and CJINI have said that we need to start by getting the basics right, and that includes improving the system's compliance with the victim and witness charters. To do that effectively

involves operational, procedural and cultural change in individual agencies and at a system level. That takes strategic direction, which we have sought to deliver through the strategy. It also takes visible leadership at senior levels, within and across organisations, setting meaningful values for how we treat victims and witnesses.

The strategy was published in September 2021 to cover an initial three-year period and aims to support all victims and witnesses and to improve their experiences of the criminal justice system. It is underpinned by a multi-agency, cross-sectoral partnership approach. Implementation is overseen by the victim and witness steering group, and membership of that group includes senior leaders in criminal justice organisations, victim representatives, the Department of Health and representatives from the Bar of Northern Ireland and the Law Society. It is structured around four strategic priority areas aimed at improving our understanding of victim and witness needs, supporting victims and witnesses, improving our organisational focus — that is about having an inward look at ourselves — and improving how victims and witnesses experience the system, which is about the outward look. There has been progress, but we know that there is so much more than can and needs to be done. We are continuing to work in partnership to do that. We know, however, that some of it, particularly when it comes to cultural change, takes time.

Subject to the views of the Committee, we plan to publish a high-level progress report on the strategy after this briefing, and we have shared that with you in draft. I will not repeat it, but I want to touch on a few of the key developments. We have listened to victims and witnesses in lots of different ways, and we have involved them in helping to develop new services. We have proactively sought their input to identify the pinch points where they are not satisfied with how they are treated. We have continued to fund support for victims and witnesses across a range of services. We recognise the importance of that support and have protected it from budget cuts. We have also launched new supports, including two new remote evidence centres and a sexual offences legal adviser scheme.

We have sought to embed increased organisational focus through the role of victim champions, and we continue to develop that role in line with CJINI's suggestions. Data and the development of datasets will be incredibly important as we develop the role, and we are working with the commissioner on that. We have also improved awareness of the charters across the community and voluntary sector and the wider public. That has included delivery of a programme of public events, which has been really well received, and a public information campaign that launched recently in partnership with the commissioner designate. Cutting across all the strategic pillars, we established the Commissioner Designate for Victims of Crime, and you will know that that is about providing a voice for victims and representing their needs and interests, but it is also about providing challenge to statutory agencies, promoting best practice and driving improvements.

I have acknowledged that there is more to be done. We have not achieved everything that we set out to deliver, and there have been challenges. The key issues of affordability and value for money have affected the scale and pace of delivery, and budget constraints will almost certainly continue to be challenging. The impact is highlighted in CJINI's follow-up review. The CJINI report made a number of encouraging and positive observations, but it also, rightly, observed that we are measuring progress on the basis of our outputs rather than on improved outcomes for victims. We are working with the commissioner designate to put in place better data metrics so that we can measure improvements and our compliance with the charters.

I will briefly touch on CJINI's strategic recommendation to establish a needs assessment service in the Public Prosecution Service (PPS) victim and witness care unit. We have not been able to achieve that yet because of resource constraints. Significant work was progressed to develop a model, and that was costed at about £0.5 million in annual recurring costs. We simply could not deliver that without cutting other priority services. We plan to look at that again, and we want to develop a costed business case to support development of that service. I have to admit that affordability will continue to be a challenge, but we want to prioritise that.

Looking forward, we intend to extend the current strategy with a further one-year action plan to bring forward a range of enabling and delivery actions that will help us to progress some of the work that we have not yet been able to deliver, including that business case. We are also in the early stages of planning for a new victim and witness strategy, with a view to publication in September 2025. We want to do that after a programme of engagement and consultation, because we want to make sure that it is informed by the lived experience of victims and witnesses. We will, of course, come back to the Committee for its views as we develop our thinking on it.

I hope that the overview has been helpful, and we are happy to take any questions.

The Chairperson (Ms Bunting): Members? I went first last time. It looks as though I am going first again. Thank you very much, Julie. You have touched on a number of the issues that I had written down. You want to extend the strategy for a year. I suppose that that is subject to anything that we might say about it, but I do not imagine that there would be any issues with that from our point of view. We would rather that things were done well and right than quickly.

You touched on CJINI's observation about the focus on outputs rather than outcomes, and you recognised that as a failing in how people assessed their own activity. My first question is this: what is being put in place to ensure that people focus on outcomes as they self-assess?

The other issue is the £500,000 a year for the needs assessment service. That will never happen, because the Department is under huge strain, so there will need to be some kind of workaround, and other ways will need to be found to establish something that resembles the service and the work that it would do, perhaps not in a physical space or with that amount of money. Could you give us some indication of your plans around that? I do not know whether, at this stage, you have had conversations about what you will get in your budget — we have not yet had a briefing on those issues — but what do you think is achievable?

Ms Wilson: We have had conversations but not any confirmation. There is still a lot of uncertainty about budgets. We recognise that the needs assessment service is not currently affordable. Previously, we did not progress the business case for that, recognising, at that time, that it was unaffordable. We now want to put all our ducks in a row so that we are in a position to bid for funding when there is a better environment in which to do so.

We will also look at the model again. Developments have happened in the system since that model was developed, and we will want to make sure that any model that we put in place is part of a holistic system. We want to take account of those developments. There is a bit of work to be done around that, but we will also drill down and have that business case sitting ready so that we can move quite quickly when we are able to do so.

A range of things is happening across the system that does not deliver that model but does deliver improvements for victims and witnesses. For example, the PSNI is progressing work to develop an information portal so that victims of crime will be able to engage with it to get progress updates on their case. That is a piece of work that the police are doing. In the Department, we are picking up on a number of the key issues with the system that have repeatedly come back to us. Some of those are around how victims who come into the system are able to access support organisations such as Victim Support. For anybody who does not work in the criminal justice system, it is traumatic — it is a different world. One thing that we will do is try to help victims to navigate that system, understand what will happen to them at various stages and manage their expectations.

We are developing an information portal — a digital portal. There is an awful lot of information out there, but it is very hard to find. That is about developing a front face that is really easy to navigate, so that, at any stage, victims and witnesses will know, "This is what happens at this stage," "This is what it is about," and, "These are the available supports at this stage, and this is how I can access them". It will also be about answering questions such as, "What is a victim personal statement, and how do I make one?", "Who can help me with various things?", "What is the role of the investigator in my case?", and "What does the Public Prosecution Service do?" Some of it is very basic information, but it is basic information about which you would not have the understanding that we take for granted, unless you worked in the criminal justice system.

The Chairperson (Ms Bunting): You would not know where to start.

Ms Wilson: We are doing that piece of work at the moment. We want to launch that this year. I think that there is a second phase to it. That would be an easy-to-navigate front face that takes you to existing information, to which we will add new information.

The second phase will look at the public websites of organisations and agencies and the information that is on them, making it more easily understood. When we or the agencies in the criminal justice system produce narrative, that narrative is easy to understand if you work in the criminal justice system. Would my mum and dad understand it, however? No, they would not. The second phase of that will look at the language in which things are explained, making that more accessible for victims and witnesses. That will be about managing their expectations and demystifying it. It will not solve all the problems in the world, but we hope that it will take some of the trauma out of the system.

The Chairperson (Ms Bunting): It will allow people to know what to expect and what the process will be. Julie, I will just go back to that issue of how you will make sure that people are focused on outcomes rather than outputs.

Ms Wilson: When we responded to the CJINI follow-up inspection, we partly took a very black-and-white approach. We acknowledged, "This answers the letter of the recommendation, but it does not meet the spirit". We acknowledged that in our response. In our current strategy, we have built in an integrated performance framework. It recognises and describes what "good" looks like, the outcomes that we seek to deliver and how we know whether we are delivering them. The problem has been that we know and can describe what we want to deliver, but we do not always have ready access to the data. We are gathering data on a lot of the new services and supports that we have put in place. We are also working with the commissioner designate to identify what other victim metrics we can get: what is there already in the system that does not require, for example, a new Causeway to start capturing it? What data is there that we can capture on victims that we can start using to look at how we are delivering against the charters and also at how victims experience that? So far, we do that through engagement with victims' representatives and things like the victim and witness survey. We need to get into the data that the criminal justice system holds. That is a piece of work that we are doing. There is a bit of work to begin to do that, but, through the victim and witness steering group, we will develop and identify a dataset that we can start to monitor so that we can see where the hot spots are and can respond to them. Some of those hot spots will be systemic, if that is the right word, and some will be at agency level for agencies to respond to.

The Chairperson (Ms Bunting): That is helpful. Thank you.

I have a couple more questions. The stats are really interesting. One thing that I picked up on is that a high number of victims and witnesses are disappointed with the sentences that are handed down. Maybe part of the reason for that is that the public generally do not get the whole 50% thing and how that works. I think that a lot of us struggle with it at times. What work is being done around that to inform people what the sentencing parameters are, I suppose, so that people have an expectation? At present, there are issues with remand and, I suppose, people being prepared for the fact that, for the person against whom or for whom they are giving evidence, it may well be a time served situation. How are victims prepared for that?

My second question is around the definition of victim. I am acutely conscious that we talk all the time, in the Committee and in the system generally, about victims in circumstances where, by and large, they remain complainants. That is not to say that they are not victims of crime, but the fundamental tenets of the justice system are that someone is innocent until proven guilty and that justice is blind. How do we establish the balance between supporting complainants, victims and witnesses and not presuming guilt, given that, at the other end, there could be someone who is a victim by virtue of being falsely accused? Obviously, there are circumstances where people are guilty but are not convicted, because the threshold is not met. How do we find the balance in all that to provide people with the support that they need while trying to maintain fairness in the system?

Ms Wilson: I will answer that one first. At times, we have been quite good in how we use our language, and quite strict in how we use it, when talking about complainants or victims. At other points, it has been kind of permeable or interchangeable; we have used those terms interchangeably. I acknowledge the point that you are making. Particularly as we start to develop work on a new strategy, we need to look at the language that we use. That can be picked up partly in the information portal piece that I was talking about. I will call it My Justice Journey, because that is what we have been calling it amongst ourselves. That is the space where we need to engage with the public more generally, but particularly with people who are victims, witnesses and complainants, to explain those terms. We have had it reflected back to us that, sometimes, victims can feel hurt when they are referred to as complainants. That is a space to set out some of those expectations and also to work with our voluntary and community sector partners, who are there to support, to explain some of that terminology, why it is used and why it is important. There is probably a piece of work that we need to do there, but some of it can be picked up through My Justice Journey.

On the sentencing point that you made, the sentences that are handed down are entirely for judges to determine. We cannot, nor would we want to, comment on that. There is, however, a role for us in helping to manage expectations and helping people to interpret how the system works. I do not think that we can always do that in a formulaic way. Again, My Justice Journey is a space where there are real opportunities to provide information to people in the system about how sentencing works, to explain the different types of sentences and to help to manage their expectations, but also to help

them to understand why a particular sentence might not be as low as they perceive it to be. We work on the victim and witness piece, and we will work with the policy lead on sentencing to develop a piece of information that we can put in to help to demystify, to a degree, the sentencing processes.

The Chairperson (Ms Bunting): That is really helpful. There is preparing people for the process, the time frame and the court situation, but preparing people for the outcome is absolutely key, I think. As for when someone is a victim and when they are a complainant in the eyes of the system, I am trying to wrestle with that in my head. We do not want to denigrate anything that anybody has been through, but how do we find the balance? Thank you very much for that.

Mr Dickson: You are to continue the project into a further phase. At least, that is the plan, but how will you embed what you have already done and recognised as being needed? From reading some of the reports, it seems that some of the partners and players have not stepped up to the mark. For example, the PSNI does not have a protocol. It appears that it has now appointed a victims liaison person, but, without a protocol, what is the point? Maybe things have moved on; I do not know. I am interested to know how all those things that have been learned to date will be embedded, given that, as someone famously said recently, "Northern Ireland has more pilots than easyJet". We need to start to embed things into current everyday practice.

I have another very brief question that follows on from the point the Chair made on what happens when someone is sentenced and there is a concern about the sentencing. Another area that people have a lot of concerns about is the role of the Prosecution Service. You are absolutely right that, hopefully, you will only ever be a victim or a witness once in your life, but that is when you come up against this very strange system. There is no doubt that the judicial system, with the courts and all the players and actors within it, is a very strange system for the vast majority of citizens. There is a lot of confusion about roles, including the fact that barristers and others quite often speak to people only at the last moment, whereas people might have it in their head that this person in the system will be their representative and tell their story for them, and that is not what happens. How is all of that being tackled?

Ms Wilson: Some of that is around, again, going back to the My Justice Journey piece, which is about providing information that is really comprehensive, easy to access and easy to follow and navigate, meaning that people can get information about where they are and what will happen, and they can find it easily. The role of the Prosecution Service is part of that.

On the question of embedding our work, a lot of it comes back to what I said about there being lots of layers. There are things that we need to do, procedurally and operationally, at both agency and system level, and there are things that we need to do around leadership, culture and the example that we set. The role of victim champions is important.

I did not comment on the poor results that you referenced from the survey simply because it went out of my mind. We know that there are lots of things that victims and witnesses experience negatively in the system. In that particular survey, some of the things on which they were commenting were their satisfaction levels with how they were treated in the court. The survey related to cases that took place during COVID, so —

Mr Dickson: It is therefore skewed.

Ms Wilson: — some of the results need to be looked at through a COVID lens. Witness service representatives were not beside victims in court to provide support. In some cases, people were giving their evidence remotely and did not have those people beside them, so some of the results need to be looked at in that context. I am not, however, trying to deny in any way that there will be lots of people whose experience of the criminal justice system has not been good.

The role of victim champions is important, but it does not stop there. We need to develop a data set, look at that data set and monitor it. We need to be on top of it to see whether performance is going down and, if it is, determine how we drive it up. Victim champions need to be visible to victim representatives and to victims, and they need to be visible to the staff in their organisations. We are beginning to see that happen across the system and in agencies. The PSNI has developed an information hub on its intranet. It has conducted lots of outward engagement with its staff about how victims and witnesses should be treated. The information hub is about providing guidance on engaging with victims. As I said, the PSNI is also developing an information portal, which will be for victims to access case-specific information.

When you look across all the agencies, the champions are doing that role. They engage with the victims and complainants whom they encounter, but they also work with their own staff. Collectively, as a forum of victim champions, we are planning to do some events. First, later this summer, we plan to host a summit for staff across the criminal justice system that will look at what trauma-informed practice looks like in their area. That is still at the planning stage. The idea is to be more visible and to be setting those values but also to provide a challenge to the people whom we work with and the business areas that we work with so that they do not just think, "What is my core function?", but, "How does my core function impact on victims?" so that, in making that decision, they are looking at it through the lens of how it will impact on someone who may be quite vulnerable.

Mr McNulty: Thank you, Julie, Claire and Debbie, for your evidence and presentation. There is a lot of talk about the experience of victims. That is vital, and it is something that should be central to our discussions. Everyone has their own idea of how to improve victims' experience of the justice system. Does the number of different players in the justice sector make that difficult to do? Does it lead to a fragmented approach? Would an Executive strategy help to unify the approach? I know that there is a draft Executive strategy for victims of the Troubles. Should there also be a strategy for victims of crime?

Ms Wilson: For victims of crime, the focus is clearly on criminal justice and justice players, and it is right that we are engaging across the criminal justice system widely. It does not stop with the justice system. We know that, with victims of crime, there can often be health and mental health impacts, for example. For those reasons, we have therefore looked at our victim and witness steering group, and we have expanded its membership to include the Department of Health, because we view it as being a key player. A victim of crime's education could also be impacted on, but we see the key partner in the Executive as being the Department of Health. We are really pleased that the Department of Health acknowledges that and will work closely with us as partners. Having joined the victim and witness steering group, it will assist and provide input as we develop our new victim and witness strategy. For me, picking up on health interests is key.

I am not sure about having an Executive-wide strategy. We have not thought that far. It is something that we would want to speak to our Minister about, but we absolutely see that the impact of crime goes beyond the Department of Justice and that other Departments have a role to play, in particular the Department of Health, which has a role to play in meeting some of the needs of victims of crime.

Mr Beattie: I apologise for missing a bit of your presentation. If I ask you a question now that you have already covered, I apologise. I have asked this question many times, and I do not think that I have had a satisfactory answer to it at any stage. Your strategy is really informed by the Northern Ireland victim and witness survey. May I ask again why on earth domestic violence and sexual crimes are not part of the victim and witness survey? Are there plans to change that?

Ms Wilson: During COVID, the means of delivering the survey changed. It was no longer done face to face but by telephone. The plan is that it will continue to be done by telephone, but one of the impacts of that has been that, because domestic and sexual abuse can be very triggering, it was not possible to have emotional support present for victims of those kinds of offences. That is why those offences were not included in the survey. It was recognised that, without the ability to provide emotional support, the survey could increase the trauma that individuals had experienced.

We are looking at that survey and its future. One thing that we have some concern about is the level of engagement with it. We will want to look at the survey as a whole and at how effective it is in giving us access to the experiences of victims and witnesses but also in giving victims and witnesses a means of raising their experiences. Engagement levels have dropped, and that is a concern to us, so we want to look at that.

There are other ways in which we are engaging to find out the views of victims of those offences. Under the separate domestic and sexual abuse strategy structures, we have a stakeholder assurance group, and we work very closely with lots of victim representatives from that sector and also through the Commissioner for Victims of Crime.

I accept that the survey does not include those offences. It is limited in that respect, but our sense is that we need to look really carefully at the survey in future, and the victim and witness steering group has decided that it wants to look at it and see what options there are to improve how we do it and to improve the levels of engagement that we get. If we continue with the survey, how do we improve

engagement? If we go down another route, what does that look like? We will want to engage with victims and victim representatives as we do that.

Is there anything that either of you would like to add?

Ms Claire Campbell (Department of Justice): There is research as well. We will be tapping into research and statistics to see whether there are more appropriate means of getting that feedback. It is very difficult to approach and get feedback from anyone who has been a victim of one of those crimes, and to get them to relive the experience is really risky. We therefore want to engage with researchers and statisticians.

Mr Beattie: You have given a very fair answer, and I have no issue with it, but I have to say that this is incredibly important. As we talk about violence against women and girls, it is important to understand domestic abuse and sexual crime and how those affect the individual in the criminal justice system. I look at your data set, which says, "This is great. People get their leaflet, and it is really helpful". I guarantee you that the leaflet is not going to be helpful to someone who has suffered domestic violence or been a victim of sexual crime. It is going to make things worse, and I think that you outlined how, because it could be triggering in many ways. To me, the data set in the papers now no longer reflects what, I believe, victims really think about this. That is because we have not included such an important sector within the group of victims and witnesses. Particularly when we talk about children of domestic abuse sufferers, there is a real problem there. It is an issue, but I accept the answer that you gave me. Thank you very much for that.

The Chairperson (Ms Bunting): Is everybody happy enough? Yes? Thank you very much, ladies.

Ms Ferguson: May I come in there? I commend you, ladies, for the work that you are doing. It is so refreshing to hear about it, because it is so multilayered and multi-tiered. You are going above and beyond for victims by engaging with local people. That is why I have no questions. I usually like to have questions about processes and research and about how you are going about your work. You have presented a really detailed, multilayered report, and you are looking at things strategically, operationally and culturally. You are looking at leadership. To me, those are the key areas of your work, so I just want to commend you on the work that you are doing. Thank you.

Ms Wilson: Thank you so much.

The Chairperson (Ms Bunting): Once again, thank you very much for your forbearance, as we were running a bit late.