

Criminal Justice Inspection
Northern Ireland

a better justice system for all



Business Plan for 2019-20



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Foreword by the Chief Inspector of Criminal Justice

I am pleased to present the Criminal Justice Inspection Northern Ireland (CJI) Business Plan for 2019-20.

The Business Plan has been the subject of widespread consultation. This has involved the heads of the different justice organisations, politicians, the judiciary, the voluntary and community sector and oversight bodies working in the criminal justice system. It was also discussed with Department of Justice officials and the Attorney General for Northern Ireland. These consultation meetings gave me clear feedback on the work of the Inspectorate and provided a valuable contribution to the development of the CJI inspection programme. As we are an independent body, the final decision concerning the inspection programme has been my own.

The consultation process has been beneficial in highlighting some of the key challenges facing the justice system. Not least of which is the absence of devolution and a reluctance on behalf of HM Government to implement legislative change and to deal with the legacy issues that are having an increasing impact on the criminal justice agencies.

Ongoing budgetary uncertainty and short term budget allocations create barriers to the development of longer term projects for the criminal justice agencies and the voluntary and community sector organisations who support them. However this situation must not be used as a reason for inactivity and in my view, supports the need for more creative, partnership driven solutions which may require the involvement of bodies outside of criminal justice including the voluntary and community sector whose value is already acknowledged.

I have taken a risk-based approach to the development of the inspection agenda and will continue to focus on the opportunities for collaboration across agencies and other Government Departments.

CJI plans to build on the good work that has been achieved to date. I will continue to work in partnership with organisations to deliver a high quality independent and impartial inspection agenda, working towards our ultimate outcome of building a better justice system for all and the ethos of the draft Programme for Government 2016-21. That means working collaboratively with organisations, as we have done in the delivery of the inspection programme, to facilitate performance improvement.

With a smaller number of more strategic recommendations being made, I will be continuing to pay more attention to the development and implementation of action plans arising from Inspections, and will work with existing governance and accountability arrangements to achieve more effective implementation.

I believe that the inspection programme remains relevant, challenging, ambitious and comprehensive. I also consider that the work of the Inspectorate to date, and the relationships we have developed across the justice system and beyond, provides a firm basis for ensuring its successful implementation.

We will also continue to work with our partner inspection organisations and oversight bodies to ensure a broad skills base is deployed in the delivery of inspections, as well as ensuring consideration of good practice elsewhere in helping to shape recommendations.

As before, CJI is committed to working with justice organisations to provide an honest and independent reflection of the strengths and weaknesses of the justice system. Where possible, we will continue to highlight areas of good practice to provide a basis upon which a shared improvement agenda can be implemented.



Brendan McGuigan CBE

Chief Inspector of Criminal Justice in Northern Ireland

June 2019

The Government's aim for the Criminal Justice System

Draft Programme for Government

Following the May 2016 election, the Northern Ireland Assembly adopted an Outcomes Based Accountability (OBA) approach when developing the 2016-21 Programme for Government (PfG).

The OBA approach considers the outcomes for the citizen and delivers improvements aimed at having a positive impact on people's lives - reaching beyond simple income measures to consider an individual's place in society, their links to family and the wider community, their relationship with the natural environment and the inter-relationships between multiple aspects of society. A key feature of the approach is its dependence on collaborative working between Government Departments, organisations and groups, the public, voluntary and private sectors to deliver a programme in which individuals and communities can also play an active part.

There are 12 strategic Outcomes within the current draft Programme for Government which, when taken together, set a vision for wellbeing, prosperity and growth in Northern Ireland. The Outcomes are supported by 49 population indicators which are clear statements for change. The Department of Justice (DoJ) leads on Outcome 7: "We have a safe community where we respect the law, and each other".

The DoJ has developed a delivery plan for Outcome 7 setting out what has already been done and what will be done in collaboration across government, the voluntary sector and other external stakeholders. The effectiveness of the actions will be assessed using the underpinning population indicators.

The DoJ also contributes directly to the successful delivery of Outcomes 9, 10 and 12¹ and clearly, other Outcomes will impact on delivery of Outcome 7 and vice versa.

¹ Outcome 9: We are a shared, welcoming and confident society that respects diversity; Outcome 10: We have created a place where people want to live and work, to visit and invest; and Outcome 12: We give our children and young people the best start in life, Programme for Government Framework – Working Draft (15 Jan 2018) available at www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/pfg-framework-working%20draft.pdf.

The draft PfG provides the strategic context for other key Executive strategy documents. It will inform the development of the Executive's budget over the course of the Northern Ireland Assembly mandate and provide a mechanism for ensuring available funds are best directed to where they can contribute most.

The Executive Office Outcomes Delivery Plan

In the absence of devolved decision making in Northern Ireland by locally-elected representatives, in June 2018 The Executive Office (TEO) published an Outcomes Delivery Plan for 2018-19² to ensure the operational business of government was discharged as effectively as possible. At the time of writing TEO was developing a new document for 2019-20 that was due to be published in the near future.

DoJ priorities

The DoJ was established on 12 April 2010 and has a range of devolved policing and justice functions which are set out in the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010.

During 2019-20 its role is to create a safe community where we respect the law and each other. It is responsible for the resourcing, legislative and policy framework of the justice system.

DoJ key priorities at the time of writing are to:

- keep communities safe and reduce crime;
- make the justice system more effective; and
- reduce re-offending.

CJI understands that the DoJ is in the process of developing five themes which will in the near future replace the three key priorities outlined above.

² In the absence of Ministers and an Executive, on 4 June 2018 the Head of the Northern Ireland Civil Service published an Outcome Delivery Plan for 2018-19 to ensure the operational business of government is discharged as effectively as possible. The delivery plan sets out the actions that Departments will take to give effect to the previous Executive's stated objective of Improving Wellbeing for All - by tackling disadvantage and driving economic growth. Please see www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/outcomes-delivery-plan-2018-19.pdf

The remit and work of CJI

CJI has a wide ranging remit to inspect organisations and bodies under s.46 of the Justice (Northern Ireland) Act 2002, and s.45 of the Justice and Security (Northern Ireland) Act 2007 as amended by schedule 13 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010.

CJI is required to carry out inspections in relation to the following criminal justice organisations:

- The Police Service of Northern Ireland;
- The Public Prosecution Service for Northern Ireland;
- Northern Ireland Courts and Tribunals Service;
- The Northern Ireland Prison Service;
- The Probation Board for Northern Ireland;
- Youth Justice Agency; and
- The Office of the Police Ombudsman for Northern Ireland.

CJI also inspects:

- Forensic Science Northern Ireland;
- The Legal Services Agency for Northern Ireland;
- The Parole Commissioners for Northern Ireland;
- community-based restorative justice schemes; and
- probation and bail hostels (Approved Premises)

unless it is satisfied they are subject to a satisfactory inspection regime.

It also has responsibility for inspecting a number of other organisations with a regulatory or prosecutorial role which interface to a greater or lesser extent with the criminal justice system.

A full list of these organisations/bodies can be found on the CJI website - **www.cjini.org**.

As the only independent unified Inspectorate in the United Kingdom or Republic of Ireland, CJI is uniquely placed to carry out inspection work which spans across the criminal justice system. These cross cutting thematic inspections enable CJI to take a 'whole system' approach with the aim of securing improvement across the justice system.

CJI also has the ability to carry out inspection work within individual organisations which focus on specific areas of interest. While it is not permitted to inspect individual cases, the Inspectorate can undertake particular inspections within its remit at the request of the Minister of Justice (or in their absence the DoJ). It can also undertake work if requested to do so, by an individual organisation/ agency.

Our work

The overarching aim of CJI's work is improvement. CJI endeavours through independent, impartial inspection work to identify areas where greater collaboration and partnership working will enhance the criminal justice system for the benefit of those who use and engage with it.

CJI will make its contribution to Outcome 7 of the draft PfG via its work in support of the DoJ's indicator 'increased effectiveness of the justice system.'

CJI publishes all its reports on its website - www.cjini.org - and makes all its publications freely available, subject to the normal exceptions for security and personal information.

Business aims of CJI for 2019-20

The business aims of CJI during this business planning period are to:

- fulfill its statutory requirements;
- conduct a series of planned inspections and follow-up reviews;
- maintain engagement with stakeholders in the criminal justice system;
- undertake unplanned inspections reviews where appropriate and requested by the Minister of Justice/DoJ;
- maintain awareness of CJI's contribution within the criminal justice system;
- maintain a sound system of financial control;
- retain its quality management system; and
- retain support for the Inspectorate through effective communications activity.

CJI will achieve these objectives by:

- ensuring the inspection of the main agencies of the criminal justice system in Northern Ireland;
- carrying out cross cutting thematic inspections/reviews which involve more than one agency/organisation;
- undertaking unplanned specific Ministerial/Permanent Secretary or agency requests for inspection/reviews where agreed;
- determining the annual programme of inspection following consultation with the Minister of Justice/DoJ, the Attorney General and where appropriate, the Secretary of State for Northern Ireland and Advocate General;
- presenting the findings of inspection reports/and Ministerial/DoJ requests to the Minister of Justice/DoJ;
- publishing an annual report of CJI's activities; and
- employing a small number of appropriately qualified and experienced Inspectors and seeking assistance from other Inspectorates as necessary.

Objectives and targets for 2019-20

This business plan covers the 2019-20 financial year and performance against the objectives CJI has set will be reported in the 2019-20 Annual Report.

Our contribution to the DoJ's indicator of the increased effectiveness of the justice system is in support of the achievement of draft PfG Outcome 7.

INSPECTION PROGRAMME

Conduct a series of inspections within the legislative remit of CJI and make the findings of these inspections publically available.

To undertake Ministerial/DoJ requests where feasible taking account of CJI's remit, other Inspection priorities and available resources.

Utilise a risk based approach to conduct a series of follow-up reviews (FURs) and make the findings of these reviews publically available.

Publish inspection reports and recommendations that help criminal justice organisations to improve their individual effectiveness and efficiency and the effectiveness of the criminal justice system overall.

- All strategic and 90% of operational recommendations to be accepted by the inspected organisations.
- To complete Ministerial/DoJ requests in line with agreed timeframes.
- To commence all those inspections listed in the Business Plan within the 2019-20 financial year.
- To actively engage* with criminal justice organisations following the completion of inspection work in support of the achievement of strategic recommendations.

* The level and duration of engagement will be determined on the basis of a risk based approach.

COMMUNICATIONS ACTIVITY

Maintain engagement with key stakeholders to improve the effectiveness and efficiency of the criminal justice system.

Maintain awareness of CJJ's contribution to the criminal justice system.

- To publish by laying before the Northern Ireland Assembly all inspection reports as soon as is practicable after receiving written permission of approval to publish from the Minister of Justice/DoJ, subject to the Assembly timetable and presenting to the Northern Ireland Assembly all inspection follow-up reviews. This material will be made publically available via the CJJ website - **www.cjini.org** - during the financial year.
- To ensure recommendations contained within CJJ inspection reports are clearly understood.
- Obtain feedback on CJJ's work from the heads of the main criminal justice agencies; the Minister of Justice for Northern Ireland/DoJ; the Attorney General for Northern Ireland; the Lord Chief Justice and the justice representatives of the main political parties represented in the Northern Ireland Assembly at least once during the 2019-20 financial year.
- To undertake consultation activity to support the formation/development of the 2020-21 Inspection Programme.

CORPORATE BUSINESS

To fulfill the requirements placed upon CJI by the Northern Ireland Assembly and Government.

To maintain a sound system of financial control.

To retain a Quality Management System within the 2019-20 financial year.

- To publish a Business Plan for the 2019-20 year which has been approved by the Minister of Justice/DoJ.
- To maintain a quality management system within CJI.
- To process all payments within 10 days of receipt of a valid invoice or request for payment in line with Government recommendations in partnership with Financial Services Division, DoJ and AccountNI.
- To seek to respond within 20 working days to all requests for information made to CJI under the Freedom of Information Act 2000.
- To respond to all Assembly Questions made of CJI within the specified timeframe advised by the DoJ for Northern Ireland.
- To seek a clean (unqualified) audit certificate from the Comptroller and Auditor General for Northern Ireland for the 2018-19 accounts and publish by laying before the Northern Ireland Assembly, CJI's Annual Report and Accounts for the year 2018-19 before the start of the 2019 summer recess period.

Inspection Programme 2019-20

| | 2019 | | | | | | | | | 2020 | | |
|--|------|-----|------|------|-----|------|-----|-----|-----|------|-----|-----|
| | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar |
| Ongoing Inspections and Follow-Up Reviews which commenced in previous years | | | | | | | | | | | | |
| INSPECTIONS | | | | | | | | | | | | |
| Treatment of Victims and Witnesses | X | X | X | X | X | X | X | | | | | |
| Police Custody | X | X | X | X | X | X | X | X | X | | | |
| Inspection of Public Protection Arrangements NI (PPANI) | X | X | | | | | | | | | | |
| Police Community Safety Partnerships | X | X | | | | | | | | | | |
| The role of the Voluntary and Community Sector in the criminal justice system | X | | | | | | | | | | | |
| Human Trafficking and Modern Slavery | X | X | X | X | X | X | X | X | X | X | X | |
| Safety of Prisoners | X | X | | | | | | | | | | |
| Inspection of Domestic Abuse and Violence | X | X | | | | | | | | | | |
| Child Sexual Exploitation | X | X | X | X | X | X | X | X | | | | |
| Leadership and development training across the criminal justice system | X | X | X | X | X | X | X | X | X | X | X | |
| Effectiveness of Youth Interventions and Diversions | X | X | X | X | X | X | | | | | | |
| Unannounced Prison Inspection | X | X | X | X | X | X | X | X | X | X | X | X |
| Approved Premises (Offender Hostels) | X | X | X | X | X | X | X | X | X | X | X | X |
| INSPECTIONS | | | | | | | | | | | | |
| Pre-Release Testing of Prisoners (Departmental Request) | X | X | X | | | | | | | | | |
| Review of BASE 2 (Departmental Request) | X | X | X | | | | | | | | | |
| PSNI disclosure of information to OPONI (Departmental Request) | X | X | X | X | X | | | | | | | |

| | 2019 | | | | | | | | | | 2020 | | |
|--|------|-----|------|------|-----|------|-----|-----|-----|-----|------|-----|--|
| | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | |
| New Inspections and Follow-Up Reviews commencing during 2019-20 | | | | | | | | | | | | | |
| INSPECTIONS | | | | | | | | | | | | | |
| Court Custody | X | X | X | X | X | X | X | X | X | | | | |
| Review of Probation Practice | X | X | X | X | X | X | X | X | X | X | X | X | |
| Restorative Justice schemes | | | | | | X | X | X | X | X | X | X | |
| Local Policing Arrangements | | | | | | | X | X | X | X | X | X | |
| Unannounced Prison Inspection | X | X | X | X | X | X | X | X | X | X | X | X | |
| FOLLOW-UP REVIEWS/ACTION PLAN REVIEWS (commenced in 2018-19 and ongoing or planned for 2019-20) | | | | | | | | | | | | | |
| Youth Conferencing | X | | | | | | | | | | | | |
| Police use of discretion inc. Penalty Notices | | | | | | X | X | X | X | X | X | X | |
| Driving Change: Enforcement of road traffic legislation | X | X | X | X | X | X | | | | | | | |
| Cyber Crime | X | X | X | X | X | | | | | | | | |
| Serious and Organised Crime | | | | | | | X | X | X | X | X | X | |
| Business Crime | X | X | X | X | | | | | | | | | |
| File Quality and Disclosure (incorporating Avoidable Delay) | | | | | | X | X | X | X | X | X | X | |

This chart shows work commenced in previous financial years which was ongoing at the start of the 2019-20 and new Inspection work due to commence within the financial year. The inspection programme is always subject to modification in the course of the year as new requirements arise and projects have to be re-assessed and re-prioritised.

The programme reflects consultation undertaken by CJI with stakeholders such as the Minister of Justice and the Justice Committee (prior to the dissolution of the previous Northern Ireland Assembly in January 2017). Political parties, the leaders of the main criminal justice organisations, other oversight and regulatory bodies, voluntary and community sector organisations and academia were also involved in consultation exercises prior to the start of the 2019-20 financial year.

Ministerial/Departmental requests received during the course of the previous financial year which were ongoing at the start of 2019-20 are listed. Requests received and work undertaken in addition to the planned work outlined in this business plan will be reported in the 2019-20 Annual Report and Accounts.

Resources and delivery

Finance

CJI is financed by revenue grants from the DoJ. In 2019-20 CJI's opening budget allocation was set at £1.06m (2018-19: £1.053m) which represented a slight increase (0.6%) in its budgetary allocation to mitigate known pay pressures compared to the previous two financial years. However, this represents a 20% reduction in funding compared to seven years ago.

CJI has been able to remain within budget during this period and deliver the required savings to date through a combination of prudent financial planning and reduction in expenditure across all areas of business including staffing. The Inspectorate had sought to do this by being flexible in terms of the allocation of its financial resources and through amending when required, the quantity and timing of planned inspection work.

Throughout this period CJI has sought to retain sufficient budget to facilitate the continued use of consultancy support for Inspection work. CJI's operating budget however places CJI's ability to continue to utilise external expertise and assistance from other Inspectorates to support planned inspection work or support work undertaken as a result of Ministerial/Departmental requests at risk. Further reductions applied in-year or in future financial years, may mean CJI will be required to secure additional funding to continue to utilise external expertise and assistance in support of the Inspection Programme or Ministerial/Departmental requests it undertakes.

This has the potential to impact on the perceived independence of the Inspectorate through limiting the range and scope of proposed and future inspection themes and topics.

CJI's opening budget allocation for 2019-20 (as set following the Secretary of State for Northern Ireland's Written Ministerial Statement to Parliament on 28 February 2019 outlining the one-year Budget allocation for Northern Ireland) is £1.06m, which will be allocated as indicated below.

Should the Northern Ireland Executive be restored during the course of the financial year, it would be open for the Executive to consider and revise the financial position of all Government Departments which could in turn impact on CJI's budget allocation. Future funding allocations are currently unknown.

2019-20

| | £ '000 |
|--|---------------|
| <i>Capital</i> | Nil |
| <i>Salaries and other staff costs</i> | 817 |
| <i>Accommodation and related costs</i> | 34 |
| <i>Other costs</i> | 209 |
| Total | 1,060 |

Staffing

Over the last seven years, staffing levels within CJI have reduced by 28% from 14 Full Time Equivalent (FTE) to 10.1 FTE at the start of the financial year.

The impact of these staffing changes have been mitigated through the appointment of part time Inspectors and changes in staff working patterns. While secondments have previously been used as a short term solution, there were no secondments ongoing at the start of this financial year.

CJI seeks to internally manage its Inspection commitments by utilising a 'risk based' approach to inspection work; reducing the number of planned inspections scheduled for the financial year; and adjusting the timing of inspections in response to internal and external pressures and priorities.

Where possible, CJI aims to carry out fieldwork for linked inspection topics in a contemporaneous manner to maximise its internal resources and minimise the burden inspection places on inspected organisations.

The Inspectorate continually reviews its activities and reprioritises its allocation of resources to ensure the standard and quality of its inspection work and key governance activities are maintained.

Staffing levels within CJI's Business Support Team at the start of 2019-20 remained static at 2.5 FTE.

CJI recognises that its staff members are its greatest asset and management are committed to ensuring staff remaining with the organisation have the necessary skills, training and support to fulfill their responsibilities and reach their potential.

Secondments and student internships

The organisation can make use of staff seconded from other Inspectorates or bodies when required where their involvement will add value to the inspection process. The use of secondees is subject to affordability. CJI has also previously utilised post-graduate level student interns on a limited basis, to provide temporary research support for specific inspections.

Engagement with other Inspectorates

CJI will be working with HM Inspectorate of Prisons (HMIP) on our unannounced prison inspection during 2019-20. This inspection will also involve the Education and Training Inspectorate (ETI) and the Regulation and Quality Improvement Authority (RQIA).

CJI will also be engaging with these Inspectorates in relation to work as part of the UK's National Preventive Mechanism in support of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) during the year.

CJI will be working with HM Inspectorate of Probation in relation to our review of probation practice.

Colleagues from HM Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) will be involved in contributing to our inspection of Child Sexual Exploitation, human trafficking and modern slavery and local policing arrangements. They will also provide assistance along with colleagues from RQIA in relation to CJI's inspection of police custody.

RQIA will also provide support in relation to an inspection of court custody arrangements.

Suitable budget provision has been made to facilitate the involvement of partner Inspectorates from CJI's 2019-20 budget allocation.

Corporate governance and risk management framework within CJI

Corporate governance and an assurance framework has been firmly established within CJI. It includes the system by which the Inspectorate directs and controls its functions and how it relates to its stakeholders. In essence, this influences the way in which CJI manages its business, determines strategy and develops plans and objectives that are designed to improve performance and public confidence in the criminal justice system.

Inherent and residual risk management is a key element of the CJI corporate governance and assurance framework which helps ensure objectives are likely to be achieved in a controlled manner. CJI has in place a risk management policy and risk register which is reviewed four times a year. CJI's policy is to ensure that effective risk management processes improve the quality of decision making and the ability to deliver. Risk management enables CJI to support better decision making through having a sound understanding of the organisation's risks, their likely impact and how they should be managed. The management team has adopted the Government's recommended approach to risk management which encompasses:

- the objectives of CJI's risk management arrangements;
- compliance and risk management;
- risk management principles;
- the risk management procedures;
- roles and responsibilities; and
- risk appetite.

The management of risk is the responsibility of all staff in the organisation and the whole team is involved in identifying potential risks to the organisations ability to deliver its objectives, identifying actions taken and planned to control each risk or mitigate it completely. The current risk analysis - which reflects the risk management framework in operation within the DoJ - has examined the key strategic threats/risk to the Inspectorate.

They are divided into two key areas of:

- **Reputation;** and
- **Delivery.**


Furthermore CJI has identified that the most significant threats/risk falling within the scope of these areas are:

- the quality of the inspection product;
- CJI's relevance to and within the criminal justice system; and
- the resilience and sustainability of CJI.

The main inherent and residual risks in place at the start of the financial year (shown in more detail in the CJI Risk Register (please see www.cjini.org)) have been assessed in terms of CJI's risk appetite; the likelihood of occurrence and the possible impact on operations and plans.

Control mechanisms have been developed to manage the inherent and residual risks and minimise possible disruption to the Inspectorate's operations.

In each case, CJI has developed plans with the participation of all staff, to reduce or negate the impact.



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