

**Department of Finance and
Department of Justice
Departmental Response
to recommendations in the Northern
Ireland Audit Office's Report
The Judicial Review Process in
Northern Ireland**

**Presented to the Northern Ireland Assembly
by the Department of Finance**

31 August 2023



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Glossary of Abbreviations

DoF	Department of Finance
DoJ	Department of Justice
DSO	Departmental Solicitor's Office
ICOS	Integrated Court Operations System
NIAO	Northern Ireland Audit Office
NICTS	Northern Ireland Courts and Tribunals Service

DEPARTMENT OF FINANCE AND DEPARTMENT OF JUSTICE DEPARTMENTAL RESPONSE TO NORTHERN IRELAND AUDIT OFFICE (NIAO) RECOMMENDATIONS IN THE NIAO'S REPORT OF 4 JULY 2023 ON "THE JUDICIAL REVIEW PROCESS IN NORTHERN IRELAND"

Department of Finance and Department of Justice

The Judicial Review Process in Northern Ireland

Introduction

The responses within this Departmental Response have been made at official level. Where specific recommendations relate to issues of policy these will require Ministerial decisions.

NIAO Recommendation 1

Data held and published by organisations should be relevant, accurate and reliable. We recommend that the Department of Justice puts in place appropriate quality processes and checks over the data entered onto ICOS by NICTS staff. Appropriate training and guidance should be provided to relevant staff within the NICTS.

The Department of Justice (DoJ) accepts this recommendation.

DoJ recognises the importance of capturing, maintaining and publishing relevant, accurate and reliable data. The Northern Ireland Courts and Tribunal Service (NICTS) has a Single Control Document which sets out the checks and controls in place for data entered onto Integrated Court Operations System (ICOS) relating to Criminal, Departmental and Family Courts. This is regularly reviewed and updated, the most recent update was completed in June 2023. Local checks and controls are also in place for other Courts. Written guidance is provided and available to staff on the NICTS Knowledge Bank and training plans are in place for new and inexperienced staff.

In addition, Internal Audit undertakes a number of audits annually which test the accuracy of data entered onto ICOS. The recently completed Validation of Reported Performance Against Agreed Targets audit awarded a satisfactory rating and the report raised no recommendations or best practice improvements as part of the review.

NIAO Recommendation 2

Given the importance of judicial reviews, their potential impact, including reputational damage, and the associated costs, in our view, there are benefits to be gained by strengthening the management and oversight of these legal challenges. We recommend that all public sector bodies consider the good practice identified in this report and review their approach to the oversight of judicial reviews. This should include the development, collation and monitoring of management information in relation to costs, numbers, progress and outcomes.

The Department of Finance (DoF) accepts this recommendation.

DoF believes that departments are best placed to oversee, collate and monitor the information gleaned from legal challenges to their decision making within their various business areas and to take appropriate action when necessary. DoF also believes that departments are best placed to escalate this data in their management chains and to their Audit and Risk Assurance Committees when necessary.

DoF agrees however that there are benefits to be gained by strengthening the management and oversight of public bodies' action and response to judicial review challenges. DoF will write to Accounting Officers highlighting the good practice identified in the NIAO report and will ask them to review their current approach to the oversight of judicial reviews and to strengthen this where necessary. DoF will also provide some high-level guidance on the management of judicial reviews based on best practice to try and bring consistency across the public sector.

NIAO Recommendation 3

We consider that DSO is well placed to identify themes arising in judicial reviews within its remit, and we recommend that as part of its ongoing engagement and training, it shares this knowledge across the bodies it represents, highlighting areas for learning and also good practice.

DSO accepts this recommendation.

DSO recognises the importance of ensuring lessons are learned from judicial review challenges by the bodies DSO represents thereby improving good practice, record keeping and decision making within those bodies. DSO provides robust legal advice in individual cases and, in addition, DSO lawyers provide training on judicial review at in-person events organised by NICS HR Learning and Development. DSO will continue to ensure that the training content is updated regularly to keep abreast of Court decisions in judicial review cases highlighting any emerging themes that may arise. DSO would be happy to offer this training to individual business areas within departments if this was considered to be of value.