

Criminal Justice Inspection
Northern Ireland
a better justice system for all



AN INSPECTION OF
**THE EFFECTIVENESS
OF CRIMINAL COURT
ADMINISTRATION**

SEPTEMBER 2024

AN INSPECTION OF THE EFFECTIVENESS OF CRIMINAL COURT ADMINISTRATION

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CONTENTS

List of abbreviations	4
Chief Inspector's Foreword	6
Executive summary	7
Recommendations	11
Inspection Report	
Chapter 1 Introduction	13
Chapter 2 Strategy and governance	18
Chapter 3 Delivery	26
Chapter 4 Outcomes	56
Appendices	
Appendix 1 Organisational chart for criminal business North Eastern including Belfast Combined Courts	66
Appendix 2 Organisational chart for criminal business Regional Courts	67
Appendix 3 Methodology	68
Appendix 4 Survey	71
Appendix 5 Survey responses	76
Appendix 6 Terms of Reference	91

LIST OF ABBREVIATIONS

AO	Administrative Officer (staff grade within the NICTS)
CJI	Criminal Justice Inspection Northern Ireland
Delivery Plan	The People Strategy Year One (2023-24) Delivery Plan
DP	Deputy Principal (staff grade within the NICTS)
DoJ	Department of Justice
EO	Executive Officer (staff grade within the NICTS)
HMCTS	His Majesty's Courts and Tribunals Service (in England and Wales)
ICOS	Integrated Court Operations System
IT	Information Technology
LCJ	Lady Chief Justice
LCJO	Lady Chief Justice's Office
NICS	Northern Ireland Civil Service
NICS HR	Northern Ireland Civil Service Human Resources
NICTS	Northern Ireland Courts and Tribunals Service
NIPS	Northern Ireland Prison Service
NSPCC	National Society for the Prevention of Cruelty to Children
Pandemic	The COVID-19 pandemic
OSB	Operational Support Branch (formerly known as Operational Policy Branch (within the NICTS))
PBNI	Probation Board for Northern Ireland
PECCS	Prisoner Escort and Court Custody Service
PPS	Public Prosecution Service for Northern Ireland

PSNI	Police Service of Northern Ireland
SLA	Service Level Agreement
SMT	Senior Management Team
SO	Staff Officer (staff grade within the NICTS)
RECs	Remote Evidence Centres
YWS	Young Witness Service

Explanatory Notes

All references to **Courts** are Crown, Magistrates' and Youth unless otherwise stated.

The NICTS Integrated Court Operations System (ICOS) criminal module is the line of business information technology system used to process criminal Court business in Northern Ireland.

Causeway is the data sharing mechanism used to share information electronically between key criminal justice organisations in Northern Ireland.

CHIEF INSPECTOR'S FOREWORD

Centuries ago the President of the United States, George Washington, said *"The administration of justice is the firmest pillar of good government"* and that statement still resonates in democratic nations today.

The Northern Ireland Courts and Tribunals Service, and its' predecessor the Northern Ireland Court Service, has been supporting an independent Judiciary and the criminal justice system in Northern Ireland for many years.

This is the first CJI inspection focused on the services, systems and processes relating to criminal cases and hearings before, during and after Youth, Magistrates' and Crown Courts. Professional administrative and operational support is essential to the administration of justice in the criminal Courts where justice is done and is seen to be done. At Court stage the accumulation and progress of investigations, prosecutions and case defence as well as outcomes require accurate and prompt recording of Judicial decisions, sentences and orders that defendants, victims and the public must have confidence in.

Northern Ireland Courts and Tribunals Service staff administrate more than a million results of many types every year. Getting it right is essential and getting it wrong can have dire consequences. Making mistakes can incur costs, delay payments, mean someone is detained for longer than they should be or managing risks are compromised. Getting it right means defendants, victims and witnesses know the correct outcome of court hearings and other criminal justice

organisations can plan and use their resources more efficiently.

The Vision 2030 programme is an ambitious and exciting opportunity for the Northern Ireland Courts and Tribunals Service to transform how it provides services in the criminal Courts. While technology will play an important part, key to this will be a skilled and engaged workforce that values the important work they do and is valued by all who they serve.

The recommendations in this report aim to support the Northern Ireland Courts and Tribunals Service as it goes from strength to strength to meet future challenges and change head on.

This inspection was led by Muireann Bohill supported by David MacAnulty and I am grateful for their work.

My thanks also to the leaders, managers and staff in the Northern Ireland Courts and Tribunals Service who contributed to this inspection and for the important work they do to support the effective administration of criminal justice in our criminal Courts.



Jacqui Durkin

Chief Inspector of Criminal Justice
in Northern Ireland

September 2024

EXECUTIVE SUMMARY

The Northern Ireland Courts and Tribunals Service is an agency within the Department of Justice. The role of the Northern Ireland Courts and Tribunals Service includes the provision of administrative support for Northern Ireland's Courts and tribunals and supporting an independent Judiciary.

Court administration involved case processing, preparation of cases for Court, allocation of resources to support criminal Court hearings and the Judiciary, pre, in and post Court administration including recording and communicating Court decisions and the provision of facilities and equipment for hearings.

In 2022-23 the Northern Ireland Courts and Tribunals Service employed around 900 members of staff, had a total resource expenditure of £104 million and was managing funds in Court of approximately £337 million. Their strategic objectives for 2023-24 were to work in partnership with stakeholders and criminal justice organisations to deliver efficient and effective Court services and support an independent Judiciary, to develop and lead staff to achieve business objectives and to develop improved Court services.

This Inspection looked at delivery against the strategic objectives and focused on the effectiveness of the administration of criminal business across the Crown, Magistrates' and Youth Courts. Criminal Justice Inspection Northern Ireland does not inspect the Judiciary therefore this inspection focused on the administrative processes, systems and services that support Judicial decision making in the Courts.

The working relationship between the Department of Justice and the Northern Ireland Courts and Tribunals Service was effective but could be improved by the Department of Justice involving the Northern Ireland Courts and Tribunals Service Operational Support Branch earlier in the process of drafting Court Rules to allow sufficient lead in time for staff guidance to be drafted. The information exchange between the Northern Ireland Office and the Northern Ireland Courts and Tribunals Service regarding non-devolved legislation was not as constructive as it could be and an information sharing protocol was needed between both organisations to address this.

The inability to recruit staff, particularly Court Clerks, in a timely manner had placed pressure on the Northern Ireland Courts and Tribunals Service. In October 2023 the overall workforce vacancy rate was approximately 15%. The vacancies were filled by temporarily promoting staff and employing temporary contract agency staff. Across Court Operations, 35% of those in Court Clerk roles were temporarily promoted with their substantive posts at Administrative Officer¹ level filled by agency staff.

1 Administrative Officers carry out a variety of general administrative duties to progress cases through the Courts or provide support to other functions within the organisation.

During October 2023, in the North Eastern Region (including Belfast) approximately 42% of Administrative Officer staff were agency staff and in the South Eastern and Western Regions it was 20%.

The Judiciary felt the impact of the Northern Ireland Courts and Tribunals Service workforce issues. In the 2022 Judicial Attitude Survey Northern Ireland, 45% of responses assessed the amount of administrative support as excellent/good, which was a decrease of three percentage points from 2014, but there was an increase of 24 percentage points from 2014 for those who considered the amount of administrative support to be poor.

Management had been working with Northern Ireland Civil Service Human Resources for some time to develop a long-term solution to address the staffing risks. Agreement was secured to run a Northern Ireland Courts and Tribunals Service specific Court Clerk and Administrative Officer external recruitment competition. To secure the full benefit from these schemes, the Northern Ireland Courts and Tribunals Service needed a specific Workforce Strategy mapping current and future staffing needs to meet business objectives.

Low morale, poor staff engagement and training and guidance issues were identified. The Northern Ireland Courts and Tribunal Service People Strategy was published in October 2022 with a commitment to improve how it engaged and communicated with staff across the organisation and provide access to information, tools and other resources that would support staff in the workplace.

The first annual delivery plan, The People Strategy Year One (2023-24) Delivery Plan,² was published in March 2023.

Inspectors noted the positive approach adopted around assimilating Court Clerk best practice guidance and the ongoing work by the Communications Team to promote an inclusive culture for staff. However, there were gaps in the Delivery Plan around training, guidance and engagement with staff and the Northern Ireland Courts and Tribunals Service needed to review both the People Strategy and Delivery Plan to ensure they supported the delivery and achievement of their strategic objectives.

Despite the staffing pressures impacting service delivery, the Northern Ireland Courts and Tribunals Service had supported a throughput of cases of 115% in the Crown Court and 105% in the Magistrates' Court during 2022-23 which meant case backlogs were being reduced. They had also serviced all Crown, Magistrates' and Youth Courts, across Northern Ireland, without exception.

Performance management and quality assurance were areas that required significant improvement. From 2020-2023, the percentage of Criminal Orders that required amendment were under 0.5% of total Orders issued each year however, over the four-year period this equated to 4,810 amendments and 4,563 deletions of Court Orders. The most common reason for Court Order amendment and deletion was due to staff error and more than half of these errors were identified and notified from external sources.

² The People Strategy Year One (2023-24) Delivery Plan, published March 2023, internal document.

Further, there were issues around compliance with the process for requesting deletions and amendments and the Northern Ireland Courts and Tribunal Service needed to address this.

Court Orders entered in the Integrated Court Operations System Document Service Register must be issued on the same day of the Court hearing or immediately in the morning following the Court hearing. In 2023, there were 25,147 Court Orders made across Northern Ireland. Of those, over 8% were issued after more than one day (2,040). The Northern Ireland Courts and Tribunals Service needed to commence monitoring compliance with the requirements for service with immediate effect. Monitoring compliance with Service Level Agreement targets between the Northern Ireland Court and Tribunals Service and the Northern Ireland Prison Service also needed to be commenced.

The Northern Ireland Courts and Tribunals Service achieved significant progress and value through its use of technology throughout the COVID-19 pandemic, enabling the organisation to provide access to justice through remote and hybrid hearings. It also led to the introduction of digital processes for the submission of applications from defence representatives.

The Digital Strategy aimed to build on this success however, there were concerns that some of the progress made during the COVID-19 pandemic had been lost. For example, to facilitate the progress of Court business during the pandemic, the Northern Ireland Courts and Tribunals Service introduced a process

whereby defence representatives could lodge applications electronically through email, rather than in-person. In May 2023 there was a return to lodging applications in hard copy.

The single source of written staff guidance was an online resource, the Knowledge Bank, which instructed staff on legislation and the internal processes to be followed when carrying out their roles. The Northern Ireland Courts and Tribunals Service needed to develop and implement a Knowledge Bank that was fit for purpose and in keeping with digital modernisation.

The Northern Ireland Courts and Tribunals Service was responsible for the provision of Information Technology within the Courts and the Remote Evidence Centres. In accordance with the Modernisation Project deliverables, at the time of writing, 67 out of 69 Courtrooms and 25 witness rooms had been upgraded and video conference units had been replaced in legal practitioner booths across the Court estate. Video link and Sightlink in the Court buildings worked well for the most part. The feedback was also positive regarding the Remote Evidence Centre video conferencing units that connected the remote witness room to the Court.

Despite the investment in facilities and positive feedback from service users and those supporting and facilitating vulnerable witnesses in the Remote Evidence Centres in Belfast and Craigavon, planned arrangements and actual utilisation, particularly in Belfast, had been low.

A formal evaluation by the Department of Justice to identify the issues preventing the use of the Remote Evidence Centres was required so that corrective action could be taken to improve the outcomes for all vulnerable victims and witnesses across Northern Ireland.

The Public Prosecution Service for Northern Ireland needed to monitor how Prosecutors considered both the use of special measures and the number of special measures applications being made by Prosecutors for the Remote Evidence Centres to identify if more training or awareness sessions were required.

RECOMMENDATIONS

STRATEGIC RECOMMENDATIONS

STRATEGIC RECOMMENDATION 1

Within nine months of publication of this report the Northern Ireland Courts and Tribunals Service should develop a Workforce Strategy to include an Action Plan and timeframe for the delivery of the Strategy.

Paragraph 2.17

STRATEGIC RECOMMENDATION 2

Within six months of publication of this report the Northern Ireland Courts and Tribunals Service should review their People Strategy and Delivery Plan to ensure they include all key areas and priority actions to support the workforce in achieving its strategic objectives.

Paragraph 3.20

OPERATIONAL RECOMMENDATIONS

OPERATIONAL RECOMMENDATION 1

Within six months of the publication of this report, the Northern Ireland Courts and Tribunals Service should develop and deliver a Knowledge Bank that is fit for current purpose includes staff induction, training and development and supports digital modernisation.

Paragraph 3.29

OPERATIONAL RECOMMENDATION 2

Within six months of the publication of this report, the Northern Ireland Courts and Tribunals Service should work with the Northern Ireland Office to develop an information sharing protocol regarding non-devolved incumbent legislation and legislative amendments.

Paragraph 3.34

OPERATIONAL RECOMMENDATION 3

Within one month of the publication of this report, the Northern Ireland Courts and Tribunals Service should monitor compliance with the confirmation process and the targets contained in the Service Level Agreement with the Northern Ireland Prison Service to provide assurance and to secure improvement.

Paragraph 3.66

OPERATIONAL RECOMMENDATION 4

Within one month of publication of this report, the Northern Ireland Courts and Tribunals Service should review the quality assurance process for the service of Court Orders to secure improvement.

Paragraph 3.68

OPERATIONAL RECOMMENDATION 5

Within six months of the publication of this report, the Northern Ireland Courts and Tribunals Service should review the existing process for data change requests and develop updated guidance for staff regarding the process. Compliance with this process should be monitored with the necessary data captured to secure improvement.

Paragraph 3.74

OPERATIONAL RECOMMENDATION 6

Within one month of the publication of this report, the Public Prosecution Service for Northern Ireland should review the process for the effective use of special measures to assure itself that appropriate applications are made for use of the Remote Evidence Centres. Any identified Prosecutor training and information needs should be actioned immediately.

Paragraph 3.94

OPERATIONAL RECOMMENDATION 7

Within three months of the publication of this report, the Department of Justice should commence a formal evaluation and benefit realisation of the Remote Evidence Centres in Belfast and Craigavon to inform the Phase 3 roll-out of remote evidence facilities across Northern Ireland.

Paragraph 3.96

Areas for improvement identified by Inspectors during this Inspection are included within the report.

CHAPTER 1: INTRODUCTION

THE NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

- 1.1 The Northern Ireland Courts and Tribunals Service (NICTS) is an agency within the Department of Justice (DoJ).
- 1.2 The role of the NICTS includes the provision of administrative support for Northern Ireland's Courts and tribunals and supporting an independent Judiciary. This involves case processing, preparation of cases for Court, allocation of resources to support criminal Court hearings and the Judiciary, pre, in and post Court administration including recording and communicating Court decisions and the provision of facilities and equipment for hearings.
- 1.3 In 2022-23 the Northern Ireland Courts and Tribunals Service employed approximately 900 members of staff, had a resource expenditure of £104 million and was managing funds in Court of approximately £337 million. It supported more than 70 salaried and 600 fee paid Judicial office holders.
- 1.4 The NICTS headquarters are in Belfast and staff work in Court buildings, tribunal hearing centres and other offices throughout Northern Ireland. There are three Administrative Court Divisions in Northern Ireland as set out in Table 1. Within each Division the NICTS provides administrative support for the business of the Crown, Magistrates', Youth, County and Family Courts, dealing with both criminal and civil Court business.³ Additionally, in the Royal Courts of Justice, Belfast, staff provide administrative support for predominantly civil and family business and High Court bail applications and appeals. The focus of this inspection was Court Operations and the effectiveness of the administration of criminal business across the Crown, Magistrates' and Youth Courts.

Table 1: Northern Ireland Administrative Court Division

Administrative Court Division	Court venues within the Administrative Court Division		
North Eastern	Antrim Limavady	Ballymena Belfast	Coleraine
South Eastern	Armagh Newry	Craigavon Newtownards	Downpatrick Lisburn
Western	Dungannon Londonderry	Enniskillen Strabane	Omagh Magherafelt

Source: The NICTS

³ Civil Court cases arise where an individual or business believes their rights have been infringed.

- 1.5 From 2013-14 to 2022-23 there were, on average, 41,896 criminal cases received by the Courts each year and for the first six months of 2023-24 (April-September 2023) 21,353 criminal cases had been received. For the same time periods, on average, 41,191 cases were disposed of each year and for the first six months of 2023-24 19,835 criminal cases had been disposed of.
- 1.6 Criminal Justice Inspection Northern Ireland (CJI) does not inspect the Judiciary therefore this inspection focused on the administrative processes, systems and services that support Judicial decision making in the criminal Courts.

NICTS ORGANISATIONAL STRUCTURE

- 1.7 The NICTS was led by its Director and Accounting Officer (Senior Civil Servant Grade 3), supported by the Chief Operating Officer (Senior Civil Servant Grade 5). Areas of business led by the Chief Operating Officer included Court Operations and Tribunals and Enforcement Operations Division. Court Operations also provides administrative support to the Historical Abuse Inquiry Redress Board. Diagram 1 gives the organisational structure for Court Operations, the focus of the Inspection.

Diagram 1: Organisational Chart for the NICTS Court Operations



- 1.8 Detailed charts setting out the management structure within the North Eastern Division incorporating Belfast Combined Courts and Regional Courts are attached at Appendices 1 and 2.

Recruitment difficulties within the NICTS

- 1.9 The NICTS had been operating with insufficient staffing levels since 2016, when the NICTS lost staff under a Voluntary Exit Scheme⁴. Similarly to then, at the time of fieldwork for this inspection (September - November 2023), there were a lot of temporary promotions and the service profile of staff was a concern. The NICTS added it to their Risk Register in June 2018.
- 1.10 There were a number of contextual factors which potentially contributed to the current recruitment and retention difficulties. They included:
- the operations staffing structure when justice was devolved to the Northern Ireland Assembly in 2010 included Administrative Officer (AO) and Executive Officer 1 (EO1) grades but excluded EO 11 posts and therefore significantly hindered internal career progression, forcing those who wished to progress to EO11 posts to leave the NICTS;
 - the NICTS received additional finance in 2021 for more staff to help recover the justice system from the COVID-19 pandemic (the pandemic) which led to the appointment of more casual, agency staff but not permanent staff;
 - the NICTS roles could be demanding and fast paced particularly when in Court and when vacancies arose some staff struggled to fulfil the role due to having no previous experience in the NICTS; and
 - a general pause on Northern Ireland Civil Service (NICS) recruitment had been in place from February 2023 to November 2023.

The impact of the recruitment difficulties and the work being carried out by the NICTS to address this are detailed in Chapter 3.

The Lady Chief Justice

- 1.11 The Lady Chief Justice (LCJ) is the head of the Judiciary in Northern Ireland and President of the Courts of Northern Ireland. A Concordat between the United Kingdom Government and the Northern Ireland Executive that came into operation on 12 April 2010⁵ makes clear that members of the Judiciary are independent of Government and immune from any partisan or political interest. As head of the Judiciary in Northern Ireland and President of the Courts of Northern Ireland, the LCJ's responsibilities include Judicial deployment. The Judiciary have responsibility for listing cases, case management and disposal and the transfer of Court business between Courts both in and outside administrative divisions. The strategic and operational relationships between the DoJ, the LCJ, and the NICTS are discussed in Chapter 2 (see Diagram 2).

4 Voluntary Exit Scheme is a programme that allows Civil Service staff to leave their jobs voluntarily with a cash payment as compensation.

5 This is an internal document within the Northern Ireland Courts and Tribunals Service.

THE NICTS AND THE WIDER CRIMINAL JUSTICE SYSTEM

- 1.12 The Criminal Justice Board is chaired by the DoJ Permanent Secretary and members include the Minister of Justice, the LCJ, the Director of Public Prosecutions, the Chief Constable of the Police Service of Northern Ireland (PSNI) and the DoJ Director of Access to Justice as well as the NICTS Director. Priorities are built around five key workstreams, one of which is being led by the NICTS Director with the aim of reducing avoidable delay, volumes and backlogs in both the Magistrates' and Crown Courts.
- 1.13 Case backlogs and delay have been an issue for the criminal justice system for decades but were made worse as a result of the COVID-19 pandemic. The NICTS played a critical role in maintaining services and returning to business after the initial cessation of Court operations other than emergency hearings. This included enhancing Information and Communication Technology to facilitate the giving of evidence remotely to providing and resourcing additional 'Nightingale' Court facilities.
- 1.14 The DoJ advised that with additional funding the Magistrates' Court could be 'recovered' in 2022-23 with 115% throughput of cases and that Crown Court recovery would take two years, up to early 2024 with a similar 115% throughput of cases. In April 2021 additional funding was granted to the NICTS, the LCJ's Office (LCJO) and other criminal justice organisations and stakeholders to facilitate an uplift in the throughput of cases through the criminal Court system. The NICTS supported the 115% recovery rate in the Crown Court and 105% in the Magistrates' Court across 2022-23, meaning case backlogs were being reduced during this time.
- 1.15 The NICTS Recovery Data Report up to 1 March 2024 showed current case disposal⁶ rates of 1.0 for the Magistrates' Court (for each case received one was being disposed of) and 0.9 for the Crown Court (fewer cases were being disposed of than received). The Magistrates' Court case disposal rates remained stable compared to 2022 but the Crown Court disposal rate had dipped slightly from 1.1, while cases received increased across both Court tiers in 2023.

The Inspection

- 1.16 While the NICTS have been frequently involved in thematic inspections, CJI have previously inspected specific areas of the NICTS including inspections on *Management of Jurors* published in April 2010⁷ with the Follow-Up Review in 2014⁸, *The accuracy of Court Orders*, September 2013⁹ and *Effective Penalty Enforcement*, July 2021.¹⁰

6 If a case has been disposed, it means that the proceedings of the case have been completed, a final Order has been issued, and the trial has ended.

7 CJI, *Management of Jurors: An inspection of the management of jurors by the Northern Ireland Court Service*, April 2010 available at <https://www.cjini.org/getattachment/c33544e0-453a-4648-a551-af8829606ae1/Management-of-Jurors.aspx>.

8 CJI, *The Management of Jurors: A follow-up review of inspection recommendations*, March 2014 available at <https://www.cjini.org/getattachment/08673557-8e67-4f4c-b074-87471b5179a2/report.aspx>.

9 CJI, *An inspection of the accuracy of Court Orders: Accuracy, Administration and Assurance*, September 2013 available at www.cjini.org/getattachment/d1a6c000-9164-431c-8fdc-c9c137057bd6/report.aspx.

10 CJI, *Effective Penalty Enforcement: A review of the impact of current fine default strategy and services*, July 2021 available at <https://www.cjini.org/TheInspections/Inspection-Reports/2021/July-September/Effective-Penalty-Enforcement>.

This inspection examined the effectiveness of the administration of criminal business which included the provision of facilities for giving and receiving evidence remotely to allow victims and witnesses to give their best evidence and the use of technology to effectively progress cases and make best use of resources.

- 1.17 CJI Inspectors reviewed all relevant documentation and information and met with management and staff in eight Court offices. Inspectors observed staff in the Crown Court and Magistrates' Court, including the Substance Misuse Court, viewed the Services' computer system, the Integrated Court Operations System (ICOS) and navigated the source of written guidance and information for the NICTS staff, the Knowledge Bank. Key criminal justice stakeholders were consulted including meetings with the DoJ, the PSNI, the Probation Board for Northern Ireland (PBNI), the Public Prosecution Service for Northern Ireland (PPS), the Youth Justice Agency, the Northern Ireland Prison Service (NIPS), the LCJO, the National Society for the Prevention of Cruelty to Children (NSPCC), Victim Support Northern Ireland, the Judiciary, the Law Society of Northern Ireland and Bar Council of Northern Ireland.
- 1.18 CJI also conducted an online survey with the NICTS staff working in Court Operations through Citizen Space, the NICS preferred surveying tool. A copy of the Survey questionnaire can be found at Appendix 4, with the Survey results available in Appendix 5. The full inspection methodology can be found at Appendix 3, and the Terms of Reference at Appendix 6.

CHAPTER 2: **STRATEGY AND GOVERNANCE**

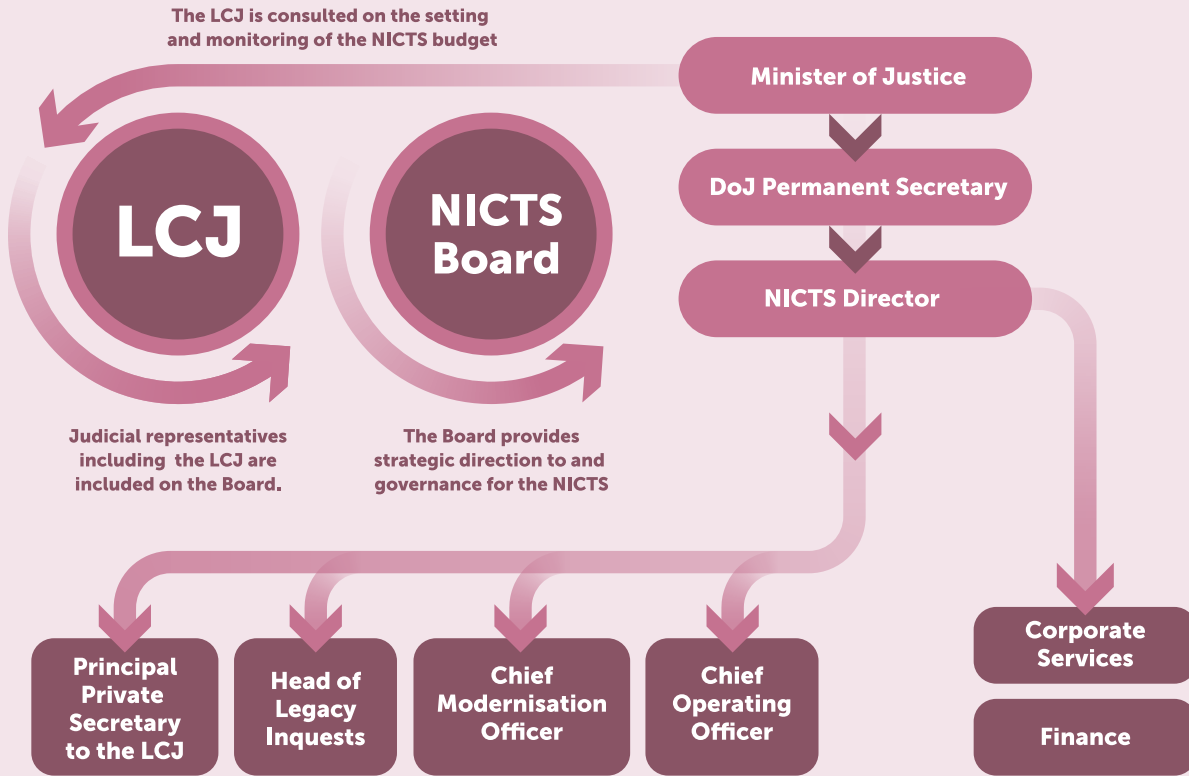
NICTS ROLE AND GOVERNANCE

- 2.1 The NICTS became part of the DoJ in 2010 following the devolution of policing and justice to the Northern Ireland Assembly and its functions transferred to the newly created DoJ.¹¹ The role of the NICTS is to:
- support an independent Judiciary, Northern Ireland’s Courts, tribunals, Coroner Service for Northern Ireland and the delivery of legacy inquests through the Legacy Inquest Unit;
 - enforce civil Court judgments through the Enforcement of Judgments Office;
 - collect and enforce outstanding financial penalties imposed (or registered) by a criminal Court through the Fine Collection and Enforcement Service;
 - manage funds held in Court on behalf of minors and patients;
 - advise the DoJ and Minister of Justice on matters relating to the operation of the NICTS;
 - provide administrative support to the Parole Commissioners for Northern Ireland; and the Historical Institutional Abuse (HIA) Redress Board; and
 - sponsor the Planning Appeals Commission and Water Appeals Commission.
- 2.2 As an agency of the DoJ the NICTS operated under a Framework Document.¹² This document was under review at time of fieldwork. The NICTS had liaised with the Department of Finance who had approved the updates but it was not finalised as it required approval from the Minister of Justice. The current Framework Document, Version 5, was updated on 29 October 2013 and sets out the arrangements for the effective governance, financing and operation of the NICTS. The Framework Document explains the responsibilities of the Minister of Justice, the LCJ and the NICTS Director.
- 2.3 The NICTS is subject to the overall control of the Minister of Justice who determines the policy framework within which the NICTS operates and the scope of its activities (Diagram 2 refers). The Minister of Justice also determines the resources to be made available to the NICTS following consultation with the NICTS Director and the LCJ, approves its Corporate and Business Plans, sets key performance targets and will be advised by her officials on the performance of the NICTS.

11 The Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 made under section 78 of the Justice (Northern Ireland) Act 2002 available at [The Northern Ireland Court Service \(Abolition and Transfer of Functions\) Order \(Northern Ireland\) 2010 \(legislation.gov.uk\)](#)

12 The NICTS Framework Document Version 5, last updated October 2013, is an internal document.

Diagram 2: The strategic relationship between the NICTS, the Minister of Justice and the LCJ



- 2.4 The Permanent Secretary, as principal Accounting Officer, is responsible for the overall leadership of the DoJ and is the principal adviser to the Minister of Justice. The Permanent Secretary is the Sponsor for the NICTS although on a day-to-day basis this responsibility is discharged on their behalf by the Director. The Director is responsible for advising the Permanent Secretary on the strategic direction of the NICTS, the annual setting of key performance targets and resources needed to achieve them. The Director is also responsible for ensuring that the Permanent Secretary is notified of any novel or contentious issues. The Permanent Secretary, through the Director is also responsible for advising on the performance of the NICTS against its key targets and on policy issues governing the work of the NICTS.
- 2.5 The Minister of Justice delegates the day-to-day operation of the NICTS to the NICTS Director who is responsible for the leadership and management of its staff, including the Principal Private Secretary to the LCJ and head of the LCJO. The Director may make any changes to the structures and staffing of the NICTS considered necessary to maintain and improve the efficiency and overall performance. Recruitment and human resource policy and services are provided by Northern Ireland Civil Service Human Resources (NICS HR).¹³

¹³ NICS HR, the centralised human resources function for the Northern Ireland Civil Service, brings together core HR functions including those previously delivered through Corporate HR, Departmental HR, the Centre for Applied Learning and Job Evaluation analysts.

- 2.6 The NICTS Board (the Board) oversees the work of the NICTS in delivering its aims and objectives. The Board consists of the Director (who chairs the Board), heads of business, a DoJ representative, and up to two independent members. Four Judicial representatives including the LCJ are included on the Board.

THE NICTS AND THE LCJ

- 2.7 As head of the Judiciary in Northern Ireland and President of the Courts of Northern Ireland, the LCJ's responsibilities include Judicial deployment, the provision of welfare, training and guidance to the Judiciary, dealing with complaints and representing the views of the Judiciary to Ministers, the Northern Ireland Assembly and United Kingdom Parliament.
- 2.8 The Concordat (see paragraph 1.11) makes clear the position regarding Judicial independence and also states that *'it is understood that the Judiciary will not comment on substantive policy issues but may wish to comment on the operational implications of policy for the effective running of the Courts.'*
- 2.9 The LCJ is consulted on the setting and monitoring of the NICTS budget. The LCJ and three Judicial representatives keep the Board informed of their views on the NICTS and its operations. The Judicial representatives are accountable to the LCJ for their conduct and can only be removed by her. They are not subject to the direction of, or accountable to, the Minister of Justice.

STRATEGIC OBJECTIVES

NICTS

- 2.10 In support of the DoJ's mission of *'working in partnership to create a fair, just and safe community where we respect the law and each other'* and the Programme for Government Draft Outcomes Framework *'Everyone feels safe - we all respect the law and each other'*, the NICTS Business Plan for 2023-24 set out four strategic objectives. They are:
- working in partnership, deliver efficient and effective Court, tribunal and enforcement services and support an independent Judiciary;
 - develop and lead our people to achieve our business objectives;
 - develop improved Court, tribunal and enforcement services that meet the needs of our stakeholders; and
 - deliver effective corporate governance, finance and procurement arrangements.

- 2.11 To help deliver their strategic objectives the NICTS had commenced a programme of work under the *Vision 2030* Portfolio¹⁴ which is focused on digital modernisation,¹⁵ improved service design, the development of their workforce through their People Strategy¹⁶ and the modernisation of its estate.
- 2.12 *Vision 2030* supports the Programme for Government commitment to increase the effectiveness of the justice system and improve access to public services online. Published on 15 March 2021, the Minister of Justice, Lord Chief Justice and NICTS Director committed to working:

'collectively to deliver fundamental change across our justice system; to embrace technology appropriately and use it to transform the way in which citizens access Court and tribunal services; to ensure that Court and tribunal buildings are fit for purpose and can support physical, virtual and hybrid services; to modernise and upgrade the justice system so that it works for everyone.'

- 2.13 The NICTS Digital Strategy 2021-26 was published on 17 January 2022. In line with the DoJ Digital Strategy¹⁷, the NICTS aim to:
- reduce the number of physical hearings and transactions;
 - increase the use of digital solutions to support physical hearings where they remain appropriate; and
 - maximise the access to and delivery of services in the Virtual Environment.
- 2.14 The NICTS published its Estates Strategy 2023-2030¹⁸ on 4 December 2023 and it set out four Improvement Aims of:
- Improved user experience;
 - Improved resilience;
 - Improved value for money; and
 - Improved sustainability.

Within the aims there are 12 strategic outcomes against which they will measure:

14 NICTS Modernisation Portfolio vision statement, published March 2021, available at [nicts-modernisation-portfolio-vision.pdf \(justice-ni.gov.uk\)](#)

15 *The Northern Ireland Courts and Tribunals Service Digital Strategy 2021-2026*, published January 2022, available at [nicts-digital-strategy-2021-2026.pdf \(justice-ni.gov.uk\)](#)

16 The Northern Ireland Courts and Tribunals Service People Strategy 2022-2027, published October 2022, internal document.

17 Digital Justice Strategy 2020-25, published July 2020, available at [digital-justice-strategy-2020-2025.PDF \(justice-ni.gov.uk\)](#)

18 Northern Ireland Courts and Tribunals Service Estate Strategy 2023-2030, published December 2023, available at: [Making the Place for Justice \(justice-ni.gov.uk\)](#)

Aim 1 Improved user experience

- 1a** Our estate provides quality facilities for the Judiciary, our staff, service users and other justice and legal partners.

- 1b** Our estate is inclusive and accessible for everyone, and supports the needs of victims and vulnerable users.

- 1c** Our estate provides the physical infrastructure to support a modern digital environment.

Aim 2 Improved resilience

- 2a** Our estate is actively maintained to reduce risks and ensure statutory and regulatory compliance.

- 2b** Our estate provides a secure environment for the Judiciary, our staff, and all Court users.

- 2c** Our estate provides operational resilience that supports continuity of service and can readily adapt to change.

Aim 3 Improved value for money

- 3a** Our estate is operated and maintained in a financially sustainable manner.

- 3b** Our estate investments facilitate the delivery of services that are proportionate and accessible.

- 3c** Our estate supports innovation in service delivery, by both enabling, and availing of, co-location opportunities.

Aim 4 Improved sustainability

- 4a** Our estate has the minimum possible impact on the environment and, contributes to Executive targets to achieve net zero.

- 4b** Our estate facilitates sustainable ways of working and supports active travel and wellbeing.

- 4c** Our estate embodies best practice in the care and protection of our heritage assets.

2.15 The NICTS *People Strategy 2022-27* (the Strategy) was published in October 2022. The NICTS committed to improving how they engaged and communicated with staff across the NICTS about issues that mattered to them and providing access to information, tools and other resources that would support staff in the workplace.

They identified five Pillars which captured the essence of what they wanted to accomplish with the Strategy. They were:

- Skills;
- Leadership;
- Engagement;
- Wellbeing; and
- Resources.

2.16 Under each Pillar they developed two Strategic Outcomes and three Priority Actions. The Strategy was to be delivered through a series of annual delivery plans that would detail the actions they would take to achieve their Strategic Outcomes. However, the effectiveness of the Strategy, was impacted by the absence a Workforce Strategy setting out the current staffing needs to meet business objectives and future staffing needs to reflect the transformation work being delivered under *Vision 2030*.

2.17 The Criminal business targets set out in the NICTS 2023-24 Business Plan were Judicial performance standards set by the LCJ. There was no strategy setting out how the Criminal Court workforce would help the Judiciary deliver effective criminal justice and achieve their performance standards. The NICTS priority was to service Courts and they were successful in achieving this, however, in the absence of a strategy setting out the staffing resource they had, what they needed and what they could deliver, they were fire-fighting. Future workforce planning to deliver against all NICTS strategies and future business needs also needed to be considered.

STRATEGIC RECOMMENDATION 1

Within nine months of publication of this report the Northern Ireland Courts and Tribunal Service should develop a Workforce Strategy to include an Action Plan and timeframe for delivery of the Strategy.

2.18 The first annual delivery plan, The People Strategy Year One (2023-24) Delivery Plan,¹⁹ was published in March 2023 and identified 12 practical actions that the NICTS would deliver by March 2024 to enhance induction, increase opportunities for learning and development, improve communication with staff, support wellbeing and help secure the resources needed to deliver its strategic objectives.

2.19 The *Delivery Plan* contained progressive work that, when completed, would assist the NICTS with addressing workforce issues. Inspectors recognised that this was the first of a number of annual delivery plans against the *People Strategy*, however there were gaps in the *Delivery Plan* around training, guidance, management and engagement with staff. Chapter 3 details the progress against the People Strategy outcomes and the areas of the *Delivery Plan* requiring review and improvement.

19 The People Strategy Year One (2023-24) Delivery Plan, published March 2023, internal document.

2.20 The DoJ Business Plan 2023-24 and Year 2 of the Corporate Plan 2022-25 had four strategic themes. The strategic theme *'Deliver an effective justice system'* had two deliverables relating specifically to the NICTS. They were;

- stakeholder engagement to finalise the NICTS Estates Strategy, and commence data capture and analysis to inform future Strategic Asset Management Plans; and
- completion of a competitive dialogue procurement process to the receipt of final tenders stage for Themis (the new NICTS digital system and web portal).

2.21 There was also a deliverable led by the Director of Access to Justice around speeding up justice:

- Lead on the Speeding Up Justice programme to provide leadership and support regarding initiatives targeted at reducing avoidable delay within the criminal justice system in Northern Ireland through a multifaceted work programme involving performance reporting; working in partnership; legislation; research and analysis; and, improvement project.

2.22 Supported by the DoJ's Speeding Up Justice Team, the Criminal Justice Board was driving a new programme of work targeted at reducing avoidable delay with the system. This work was built around five key workstreams, each of which is sponsored by a Criminal Justice Board member. One of the workstreams, titled, 'Remit of the Magistrates' Court', was being led by the NICTS Director and he was exploring options to provide a proportionate response to cases within the Court structure to reduce volumes and backlogs in both the Magistrates' and Crown Courts. Some of the strategies being considered were the introduction of specialised Courts such as Motoring Courts to help improve the efficiency of the Magistrates' Court and the removal of lower-level prosecutions from the Crown Court to the Magistrates' Court to allow more serious cases to move through the Crown Court in a timely manner.

Initiatives in England and Wales

2.23 Single Justice Procedure work was introduced in England and Wales by the Criminal Justice and Courts Act 2015. It allows Prosecutors, who decide whether a case should be taken through the procedure, to deal with cases involving adult defendants accused of lesser offences that cannot result in a prison sentence, such as speeding and driving without insurance, television licence evasion and train fare evasion.

2.24 Defendants receive a notice containing the charge by post, with a statement setting out the facts of the offence and guidance on what steps to take, including their right to a lawyer. They have the option to plead guilty by post or online or ask for a Court hearing. There must be a hearing if they want to plead not guilty.

- 2.25 With the Single Justice Procedure, a defendant must ask for a Court hearing, Court time is not automatically allocated. This gives Courts the ability to understand demand and better plan their resources, avoiding wasted time for all involved. A single Magistrate conducts Single Justice Procedure cases advised by a professional lawyer and deals with the case on paper. There is no Prosecutor or defendant present. They can dispose of cases at any time rather than on a specific date or Court list.
- 2.26 It also streamlines activity for other participants in the criminal justice system. As Magistrates read the evidence themselves, Prosecutors do not have to attend court to prosecute. Defendants have the same flexibility, either to attend Court or plead remotely. Technological improvements mean they can plead online which is simpler and cheaper than by post.
- 2.27 There are advantages across the criminal justice system too as they can focus resource on more serious offences. The Crown Prosecution Service are only involved in prosecuting cases where a defendant pleads not guilty, the police prosecute the guilty pleas, so they can focus on more serious and complex cases.

CHAPTER 3: **DELIVERY**

THE NICTS ROLE IN SERVICE DELIVERY AND SUPPORTING CRIMINAL JUSTICE SYSTEM RECOVERY

- 3.1 The NICTS relies on staff delivering effective front-line services across Northern Ireland to support access to criminal justice. The scale of operational delivery is set out in Chapter 4. A business performance update in September 2023 recorded that all agreed objectives and targets set by the DoJ were achieved by the NICTS to support the 115% case recovery rate across 2022-23, which meant that case backlogs were being reduced. This was as a result of operational Crown jury trial Courtrooms being increased from 13 to 15, enhanced multi-defendant facilities across all Crown Court venues being introduced, extensive use of remote hearing facilities or technology and an increase in sitting times across Magistrates' and Crown Courts.
- 3.2 The NICTS had a number of strategies and initiatives to deliver their strategic objectives and help to 'Speed Up Justice'. The *People Strategy* recognised that the workforce were key to delivering the wide range of criminal Court services and improvements and CJI inspected the NICTS's progress against this Strategy.

THE ADMINISTRATION PROCESS

- 3.3 Criminal court administration required a number of processes and procedures before, during and after Court to ensure hearings ran as intended and the Judiciary were well supported. The administrative process was commenced with the PPS issuing a summons for a person to appear in Court or the PSNI charging someone with an offence and requiring them to attend Court on foot of a Charge Sheet. The NICTS received the summons and charge sheets electronically through the Causeway data sharing mechanism to the ICOS and they also received a hard copy of the summons approximately one week before the Court date. If someone was charged with an offence overnight the PSNI would bring the hard copy Charge Sheet to Court on the morning of the Court hearing and the NICTS staff would enter the Charge Sheet details on the ICOS manually.
- 3.4 Assistant Court Clerks worked closely with the Criminal Court Clerks to assist with the preparation of documents for Court, recording results onto the ICOS and processing Orders following Court. They had daily contact with the assigned Judiciary and liaised with a wide range of Court users on a daily basis. They were also responsible for providing the Court Clerk function in Magistrates' Criminal Contests.

- 3.5 Some Court Clerks were on a voluntary on call rota for weekend, bank and public holiday Magistrates' Courts if required. For all criminal Courts they checked Court papers pre Court and appraised the Judiciary on the daily lists. They managed the business of the Court to which they were assigned including calling cases, reading charges, swearing witnesses and updating Judicial lists with legal profession details. Court Clerks operated Courtroom technology including Sightlink and the live video-link system for vulnerable witnesses. They liaised with a wide range of legal representatives, Prosecutors, Court users, justice partners and security on a daily basis pre, during and post Court. During and post Court they recorded and confirmed Court results on the ICOS and prepared and issued Court documents. In Crown Courts they also assisted with swearing in juries, took verdicts, liaised with the Jury Officer and other functions.
- 3.6 Jury Officers dealt with jury panel excusal applications from one week before the Court date. They managed the panel of jurors as they were being selected and sworn in and during their time of jury service. They worked closely with Court Clerks on case progression so that they could provide regular updates to jurors about when they would be required to attend Court. Jury Officers kept the Judge updated about any issues arising regarding the jury panel. They notified jurors of changes to listing dates and processed juror expenses.
- 3.7 Case Progression Officers were responsible for supporting the progression of all Crown Court cases. They worked closely with criminal justice partners to ensure all necessary arrangements were in place, to best ensure that cases could proceed as planned and this included identifying high profile cases, advising the Judge on delays and ensuring the availability of technology and interpreter facilities. They were responsible for monitoring cases, identifying trends and reporting on potential issues.
- 3.8 A Tipstaff/Court Crier provided support and assistance to Judiciary assigned to their designated Court Office to ensure the smooth running of the Court. When not in Court they supported the Judiciary in carrying out administration in chambers. During recess, they provided administrative support in their designated Court Office. Diagram 3 provides a summary of the administrative process pre, during and post Court.

Diagram 3: Key administrative processes pre, during and post Court

Pre Court	In Court	Post Court
<p>Assistant Court Clerk/ Court Clerk/Jury Officer</p> <p>Review each summons and charge sheet, generate the necessary paperwork, address issues arising, prepare copy papers for the Judiciary. Deal with jury panel excusal applications from one week before Court date.</p>	<p>Assistant Court Clerk/Court Clerk/Jury Officer</p> <p>Call cases, read charges, swear witnesses, and update Judicial lists with legal profession details. Operate Courtroom technology and the live video-link system. Assist with swearing in the jury. Manage the jury during their time of Court service including keeping them regularly updated as to when they may be called into Court. Make a written note of the Judge's decision. Liaise with a wide range of court users on a daily basis.</p>	<p>Assistant Court Clerk/Court Clerk/ Jury Officer</p> <p>Record and confirm results on ICOS. Process Court Orders including warrants, recognisances and fines. Prepare and issue Court documents to criminal justice partners, defence solicitors and defendants. Notify jurors of changes to listing dates and process juror expenses.</p>
<p>Case Progression Officer</p> <p>Regularly communicate with the allocated Judge and provide Judge with an up-to-date listing planner. Work closely with criminal justice partners and defence and ensure the availability of technology and interpreter facilities. Develop good communication with the Magistrates' Court team to identify emerging high-profile cases being transferred to the Crown Court and alert relevant business areas such as security branch.</p>	<p>Case Progression Officer</p> <p>Facilitate the needs of victims and witnesses in the Crown Courts, engaging with Premises Officers, estates and security. Monitor the progress of trials in real time to get an early indication of delays, vacated/ cracked trials and alert the Judiciary to maximise court time to progress other cases.</p>	<p>Case Progression Officer</p> <p>Implement actions arising from Court and case management meetings to facilitate case progression and report same to the relevant Judge to agree and seek direction. Regularly communicate with criminal justice partners and defence to address potential case issues in advance of the next listing date.</p>
<p>Tipstaff/Court Crier</p> <p>Familiarisation of day's Court schedule to advise assigned Judge.</p> <p>Obtain relevant legislation and reference books from the Judge's library as directed by the Judge. Lay out Judge's robes.</p>	<p>Tipstaff/Court Crier</p> <p>Ensure that members of the public, legal profession, other Court officials and defendants are in Court before the Judge enters. Announce the opening, adjournment and closure of the Court, administer oaths and affirmations and swear in jurors. Ascertain the nature of ad hoc requests to speak to the judiciary and announce visitors to chambers.</p>	<p>Tipstaff/Court Crier</p> <p>Liaise with the Court Clerk and the Court Office regarding Judicial directions or specific requirements in individual cases and all changes to Court listings. Return reference books and legislation to Judge's library.</p>

- 3.9 Post Court tasks included the issue of Orders for driving licence endorsements in road traffic cases when the case was confirmed. The Fine Collection Service printed and issued the fine notices to defendants the morning after cases were confirmed. Local management checked to ensure fine notices were printed and posted each day and they kept a daily manual record of the numbers to ensure the number printed equalled the number posted.
- 3.10 When a pre-sentence report request is received or a result from a pre-sentence report, PBNI staff manually input the request or result onto the PBNI IT system. Since the pandemic, resource issues within the PBNI meant the time required for the PBNI to prepare pre-sentence reports had increased from four to six weeks. To reduce the impact on the Courts ability to dispose of cases, the PBNI introduced short adjournment reports with the turnaround time of three weeks in the Magistrates' Court for cases where the District Judge was not considering immediate custody and cases that did not involve sexual offences, offences committed in a domestic context or offences involving children. This pilot commenced across all Magistrates' Courts in Northern Ireland on 6 February 2023 and practice had been amended based on feedback from the Judiciary and PBNI staff. The pilot continues and remained under monthly review in March 2024.
- 3.11 Regardless of whether it was a short adjournment report or a full pre-sentence report, the PBNI were unable to upload reports to Causeway as they were not a full partner and this had been impacting Court administration for years. The current process required the PBNI to provide the NICTS with reports by e-mail so that the NICTS could upload them to Causeway and enable defence representatives to access them. However, Inspectors were advised by defence representatives that this wasn't always being done in a timely manner which caused issues in both the Magistrates' and Crown Courts, particularly if written submissions were required from defence representatives for sentencing. Work was ongoing to enable the PBNI to join Causeway as a full partner so that they could upload their own reports. Phase 1 of PBNI's onboarding is expected to be completed by July 2025.
- 3.12 There had been significant delay in recruiting new members of staff, particularly Court Clerks, and the inability to recruit staff in a timely manner had placed pressure on the Service. The NICTS were clients of NICS HR and recruitment of staff was not within their remit. When vacancies arose, NICS HR filled the posts from the pools of staff available at the required grade and discipline across the NICS, with no prior NICTS experience required.
- 3.13 In October 2023 the overall workforce vacancy position remained challenging across Court Operations with 49 Administrative Officer vacancies and 21 Executive Officer 1 (EO1 Court Clerk/first level line manager) vacancies. This equated to a vacancy rate of approximately 15%. The high vacancy rate limited the capacity of the Service to backfill posts when staff absence was unplanned.

3.14 The NICTS had no staffing model for Court Operations and operated by matching available staff to Courts. The vacancies were filled by temporarily promoting staff and employing agency staff. Tables 2 and 3 show the total staffing for the North Eastern (including Belfast) and Regional Courts, including casual staff. The staff in post figure remained slightly above the complement for EO1s across all Divisions and for Deputy Principals (DPs) in Regions on an on-going basis to allow for hand-over and training when substantive recruits were secured.

Table 2: Total staff in North Eastern Division (including Belfast)

Grade	Complement	Staff in post (SIP)	Casual staff	Variance in complement and SIP
Grade 7	1	1	0	0
DP	4	4	0	0
Staff Officer (SO)	8.8	8.61	0	0.19
EOI	50.77	51.92	0	1.15 (over compliment)
EOII	5	5	0	0
AO	96.99	42.48	41	13.51 (under compliment)
Administrative Assistant (AA)	1	1	0	0
Total	167.56	114.01	41	12.54

Source: NICTS

Explanatory Note

- Grade 7 Civil Servants are experienced officials with senior management responsibilities.
- DP and SO are senior executive officers who are middle level managers.
- (EO) Civil Servants in this grade provide business and policy support and are first/second level managers.
- AO and AA are the most junior Civil Service grade. These roles tend to comprise administrative support and operational delivery roles.

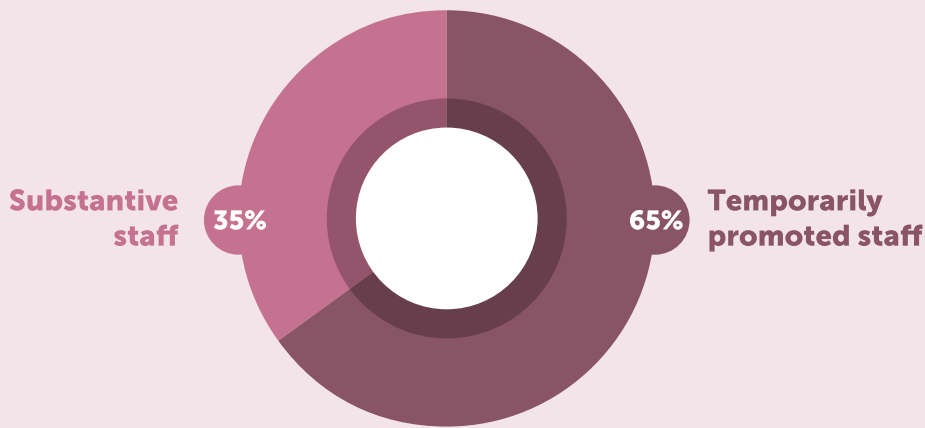
Table 3: Total staff in Regional Courts

Grade	Complement	Staff in post (SIP)	Casual staff	Variance in complement and SIP
Grade 7	1	1	0	0
DP	5	7	0	2 (over complement)
SO	10.6	10.6	0	0
EOI	52.85	54.93	0	2.08 (over complement)
EOII	3	2.	0	1 (under complement)
AO	91.83	66.1	18	7.73 (under complement)
AA	1	1	0	0
Total	165.28	142.63	18	4.65

Source: NICTS

3.15 Of the 51.92 EO1s in North Eastern (including Belfast), 20 were temporarily promoted (39%) as were 17 out of the 54.93 in Regional Divisions (31%). Chart 1 shows that across Court Operations, 65% of EO1 staff were temporarily promoted.

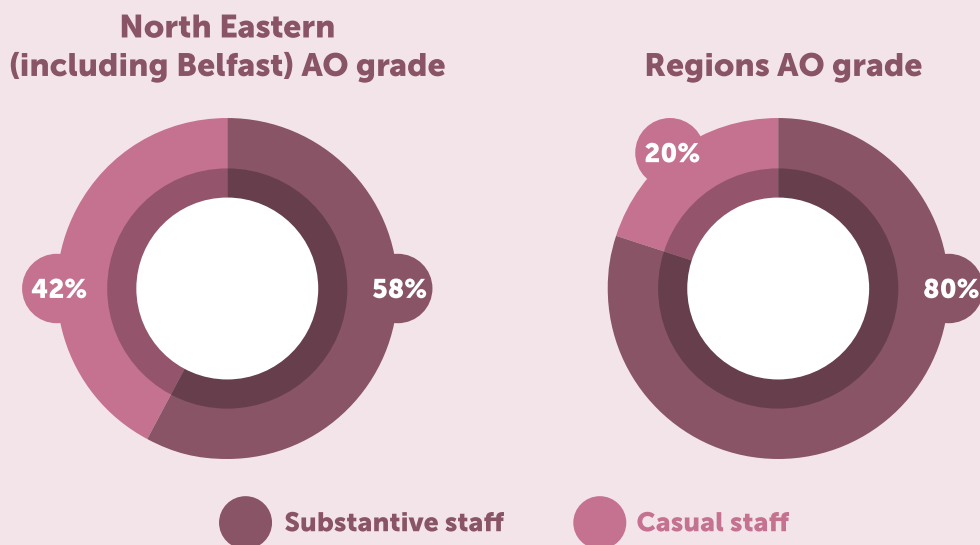
Chart 1: Substantive and temporarily promoted staff at EO1 grade in the NICTS



Source: NICTS

- 3.16 The temporary promotions were at all grades, from the Senior Management Team to EO1 grades, to fill vacant positions. This in turn created a temporary promotion chain whereby one temporary promotion led to another as new vacancies were created by the upward movement of staff. This resulted in instability within the organisation. Staff were being temporarily promoted for prolonged periods of time and Inspectors were told of numerous instances where the member of staff had applied for the substantive post to which they had been temporarily promoted but had been unsuccessful and that the staff member was responsible for training their successor. This resulted in staff feeling demoralised. Senior management also told Inspectors that people who were temporarily promoted did not get the same level of resource and training as those in substantive posts.
- 3.17 To fill the vacancies created at Administrative Officer level, the NICTS employed temporary casual staff from agencies. Charts 3 and 4 show that, at October 2023 in North Eastern (including Belfast), approximately 42% of AO staff were casual and in the Regions it was 20%.

Charts 3 and 4: Substantive and casual staff at AO grade in the NICTS



Source: NICTS

- 3.18 The heavy reliance on casual (agency) staff created a lot of uncertainty within the NICTS, not only for the substantive staff but for the casual staff, without whom business delivery could not have been sustained. The NICTS staff took time to provide some training to agency staff who would then leave. This created constant churn and staff were frustrated that the time they dedicated to training the agency staff member, which had added pressure to their already heavy workload, had been wasted. Agency staff did not know if their contract would be renewed. Also, agency staff, some in post for at least two years and who would have liked to remain working for the NICTS, were unable to apply for temporary promotions or apply for substantive posts (because they were not employed by the NICTS) resulting in the training and experience of those agency staff members being lost when they left.

- 3.19 The NICTS advised that a major contributing factor to not filling posts and staff retention was because hybrid working²⁰ was not available to the majority of Court administration staff due to the requirement for in person services in Court Operations. Further, the current infrastructure of paper-based systems did not support home working for members of staff who could otherwise avail of it at least one day per week. The CJI Survey conducted in July and August 2023 showed that approximately 72% of criminal Court Operations respondents believed some of their work could be performed remotely if the necessary digital systems were in place.
- 3.20 The reasons for recruitment and retention issues were not formally captured by the NICTS. Managers advised that interviews were not carried out with staff when they were leaving to discuss their reasons for leaving and they considered this to be a NICS HR function. The HR Connect Quick Reference Guide for Leaving the Service required line managers to meet with the employee to discuss their reasons for leaving and record the reason for resignation on HR Connect.²¹ It was important to understand the reasons for staff turnover and leavers so that the NICTS could take steps to address this. Those staff with line management responsibilities needed to start fulfilling this requirement and capture this information in an agreed format, to analyse information and design an action plan to address this. This needed to be incorporated into both the People Strategy and the Delivery Plan.

STRATEGIC RECOMMENDATION 2

Within six months of publication of this report the Northern Ireland Courts and Tribunals Service should review their People Strategy and Delivery Plan to ensure they include all key areas and priority actions to support the workforce in achieving its strategic objectives.

- 3.21 Inspectors were told that when NICS HR were asked by the NICTS to provide details on the numbers contacted in the Autumn 2023 Court Clerk priority recruitment exercise they were advised 66 candidates were contacted (these were the remaining candidates on the EO1 merit list). Of these, 15 said they were interested, 28 were not interested and 23 didn't respond. Of the 28 not interested, there was no information as to why. **As an area for improvement the Northern Ireland Courts and Tribunals Service should liaise with Northern Ireland Civil Service Human Resources to discuss capturing information around the reasons underpinning a "not interested" response from potential candidates in the Northern Ireland Civil Service Human Resources recruitment trawls.**

20 Hybrid working, a combination of working from home/remotely and working from the office, is a flexible working arrangement available to NICS employees (including probationary and agency staff) in the appropriate circumstances.

21 HR Connect Quick Reference Guide for Leaving the Service, available at, [Leaving the Service \(1\) - HR Connect guide.pdf](#)

- 3.22 The NICTS had been proactive in taking steps to address the recruitment issues of which they were aware. To address the workforce progression gap which existed as a result of the grading structure, which excluded EO11 posts, the NICTS had secured the introduction of EO11 posts into Operations. At October 2023, they had succeeded in structuring 80 full time equivalent EO11 posts within Operations including 25 in Court Operations.
- 3.23 The NICTS worked closely with NICS HR and secured approval to prioritise filling 15 of the 21 EO1 Court Clerk vacancies. At the same time NICS HR moved to securing 10 priority AO job offers, with a view to extending to fill the remaining posts in the next subsequent priority tranches. This resulted in three new confirmed starts at Court Clerk level and five AOs in November 2023, with the remainder following after receiving security clearance. In November 2023 a NICS wide internal lateral transfer recruitment exercise for the NICTS Court Clerks and AOs went live to address any further short-term staff requirements.
- 3.24 The NICTS had been working with NICS HR for some time to develop a long-term solution to address the staffing risk. Agreement was secured to run a NICTS specific general service Court Clerk (EO1) and AO external recruitment exercises. In January 2024, the NICTS advised that it would be six to nine months before the recruitment exercise would be complete and staff were in post and the pressures around staffing would remain in the interim. It was positive that the NICTS would start to see the results of their work around recruitment in this calendar year. However, a Workforce Strategy setting out the staff required to effectively administer Courts and support the Judiciary was required to inform the recruitment exercises (see Strategic recommendation 1).
- 3.25 When considering future workforce planning and retention of staff, the NICTS should consider the practice adopted in England and Wales in His Majesty's Courts and Tribunals Service (HMCTS). HMCTS provided extensive learning and development opportunities for staff. They ran a number of talent development schemes to help staff progress within HMCTS and the wider Civil Service. They also offered apprenticeships in Operational Delivery, Leadership and Management, Legal, Digital, Project Management and more. These were externally accredited programmes to enable their staff to develop the skills and confidence needed to keep the Courts running efficiently.
- Guidance for Staff**
- 3.26 The single source of written staff guidance was the Knowledge Bank and significant improvements were required to make this guidance source fit for purpose. Since devolution of justice the NICTS had its own intranet and Inspectors were told when this was created not all of the guidance transferred across. Operational Support Branch (OSB) were working on capturing information to fill the gaps in guidance but it was a work in progress. The Knowledge Bank was *“useful but not user-friendly”*.

Inspectors saw first-hand that it was difficult to use with poor search functionality and a certain level of knowledge was required before you were able to locate what you were looking for. This made it difficult for new members of staff and Court Clerks who were trying to get a quick answer to something that had arisen during a Court hearing.

- 3.27 OSB held a workshop with staff in March 2023 to inform what improvements they could make to the Knowledge Bank to make it more user friendly. One of the biggest issues highlighted was the usefulness of the search functionality that directed staff to a grouping of guidance rather than the specific guidance they required. Inspectors were told that the search functionality available on the Knowledge Bank trawled the whole of the DoJ intranet for results as the Knowledge Bank was on the DoJ platform.
- 3.28 There was no resource available to make changes to the Knowledge Bank platform so OSB were making changes that didn't require funding. They had improved the landing page of the NICTS, the index was enhanced for the Knowledge Bank and categories were being designed to assist with searching. They were reviewing some of the guidance and renaming it in the hope that it would be easier for staff to locate it. It was clear that OSB staff were doing their best with the resources that they had but OSB recognised that this was only cosmetic and there was a bigger piece of work required to develop a guidance resource that was fit for purpose.
- 3.29 Digitalisation will be discussed later in this Chapter but a large part of the Digital Strategy was the design, development and rolling out of the new NICTS digital system (Themis) and a web portal. There was no reference to plans to develop the Knowledge Bank into a resource that was user friendly. While Themis implementation is at a point in the future, effective user acceptance, familiarisation, accessible guidance and staff training will be key. Training on how to use the Knowledge Bank and operational guidance needed to be developed for current staff (see Strategic recommendation 2).

OPERATIONAL RECOMMENDATION 1

Within six months of the publication of this report, the Northern Ireland Courts and Tribunals Service should develop and deliver a Knowledge Bank that is fit for current purpose includes staff induction, training and development and supports digital modernisation.

- 3.30 A wider issue was around the guidance itself; this included having the correct lead in time to draft appropriate guidance when working with other criminal justice agencies and Departments, being provided with the legislative and policy intent with guidance content and specificity produced for staff.

- 3.31 As an Agency of the DoJ, the NICTS did not write policy (other than internal policy for its own operations and services) but it could be significantly impacted by the implementation of new legislation including changes to Information Technology (IT) systems and new processes. OSB wrote guidance on the procedures to be followed by staff to comply with and implement legislation. They had a process in place to ensure that organisations and Departments knew when to involve the NICTS with appropriate lead-in times. With new legislation and amendments to existing legislation the procedure was that OSB would be contacted when a new law proposal or Bill was being drafted and OSB would sit on the Bill project board and advise as to the implications of the legislation on the NICTS. When the Bill became law, OSB should then be contacted regarding the new Court Rules so that they could draft guidance for staff to apply the Rules.
- 3.32 The working relationship between the DoJ and the NICTS was good regarding the inclusion of OSB at the appropriate stage when a Bill was being drafted and keeping OSB updated. The NICTS, the DoJ, the PPS and the PSNI attended a Legislative Oversight Forum which met quarterly and at which updates were provided around the proposed timetabling for implementation of new legislation and progress on each project.
- 3.33 Court Rules, when required, could be developed by a number of DoJ Divisions who engaged with OSB and they, in turn, developed the operational guidance for their implementation. There were processes in place for engagement between the parties regarding drafting Court Rules and subsequent guidance but some concerns were expressed about the promptness of engagement and tight timelines. **As an area for improvement, the Department of Justice should ensure that, when Court Rules are being drafted, the Northern Ireland Courts and Tribunals Service are included in the process as early as possible and that they are provided with the Court Rules with sufficient time to draft operational guidance for staff prior to the enactment of legislation.**
- 3.34 There was an issue around the NICTS being notified regarding new non-devolved²² legislation. By way of example, the NICTS were not given any notice by the Northern Ireland Office²³ regarding the commencement of the provisions of the Counter-Terrorism and Sentencing Act 2021. This legislation increased the sentence tariff to be imposed for specific offences. Lack of notice prevented OSB from assessing the implications of the new legislation on the NICTS and drafting procedural guidance for staff which in turn had the potential for incorrect sentences to be recorded and convicted persons being released earlier than permitted by the legislation.

22 Matters that are under the control of the UK Parliament and government at Westminster.

23 The Northern Ireland Office represents Northern Ireland interests at UK Government level and UK Government interests in Northern Ireland.

OPERATIONAL RECOMMENDATION 2

Within six months of the publication of this report, the Northern Ireland Courts and Tribunals Service should work with the Northern Ireland Office to develop an information sharing protocol regarding non-devolved incumbent legislation and legislative amendments.

3.35 Inspectors were told by NICTS senior management and staff that the guidance, much of which had been drafted many years previously, was not fit for purpose, although the CJI survey showed 55% of staff agreed that the guidance was helpful and kept updated when there was a change in practice or policy. OSB advised that the guidance was lengthy and difficult but that they were trying to cover every eventuality. They also accepted that a lot of the guidance was just legislation without telling staff what to do. The current approach to drafting guidance needed to be reviewed and a new format for effective guidance agreed. If a training need is identified around drafting guidance, this should be incorporated into the training programme to be delivered under the People Strategy Skills theme and should be made available to future members of staff joining OSB (see Strategic recommendation 2).

3.36 New and updated guidance was provided by OSB to staff by email and on the intranet. However, staff advised that due to the staffing issues and their workloads, they did not have the time to read the updates coming through. The NICTS need to deliver on their 'Skills' priority action to 'develop a learning culture' whereby staff are encouraged, during working hours, to read updated guidance (see Strategic recommendation 2). Managers need to provide capacity for staff to inform themselves and staff also have responsibility for ensuring they make time to do this.

Training

3.37 Training within the NICTS was identified as an area that required significant improvement, particularly operational training in Regional Offices and management and leadership training across Court Operations. In the CJI Survey, 37% of staff who responded agreed/strongly agreed that their induction training provided them with the skills and knowledge needed to perform their job effectively and 33% disagree/strongly disagreed.

3.38 Laganside Courthouse in Belfast had a different operational structure compared with all other Courthouses. Due to the number of Courts running each day in Laganside and the volume of business going through the Court office, the staff were mostly trained to work in a specific area of business. In Regional offices, staff were cross skilled and worked across different Court types and tiers (Crown, County, Magistrates' and Youth) depending on business need.

- 3.39 Staff in Laganside Courthouse advised that they had a training course for Court Clerks that lasted approximately five or six weeks. During this time, they shadowed experienced staff to learn how to do the job and there was an internal manual prepared by some experienced Court Clerks which was very helpful. They described a gradual progression into the role as they gained more experience and stated there was always someone there to help new staff. AOs described a similar experience in respect of their training.
- 3.40 For the most part this was not the experience of those who worked outside Belfast. There were examples of diligent line managers and staff who had taken the time to create guidance for staff around particular areas of business and made time to train staff. However, the resounding message from staff to Inspectors was *“training was atrocious”*. Staff were told to train incoming staff without being given any resources or support and there were a lot of temporary and inexperienced staff to whom new staff were looking to for support.
- 3.41 There was no consistency in staff training and *“bad habits were being taught and learned.”* Inspectors heard from staff who constantly feared making a mistake because they were not confident in what they were doing due to lack of training or support. For those new members of staff with no background in the NICTS, the lack of training and support from experienced members of staff made it difficult to become competent and confident in performing their job. Inspectors were told by staff coming into the Service, *“If it wasn’t for the staff I line manage, I couldn’t do my job”*.
- 3.42 In June 2022, to improve the experience of new staff joining NICTS, the Service launched the ‘Welcome to NICTS’ intranet hub. The hub was designed to support NICS and DoJ induction material and aimed to provide staff with an overview of the work carried out across all areas of the NICTS. It included information about the role of each member of the NICTS Senior Management Team (SMT) and the work of each business area and provided a direct link to the NICTS People Strategy, *Vision 2030* and new ways of working in the NICTS.
- 3.43 In March 2023 the NICTS People Strategy and Delivery Team developed a questionnaire to seek feedback and suggestions from staff on Induction Hub content and the NICTS induction process more generally. Although the overall return rate was disappointing the responses received were mostly positive and enabled the making of improvements to the ‘Welcome to NICTS’ hub and its content.
- 3.44 A ‘NICTS Induction Checklist’ was launched in September 2023 to help line managers prepare for the arrival of a new member of staff and to ensure that managers were aware of the information and training that new staff required in the first few weeks in their role.

- 3.45 An OSB Review Team was established to review current line of business training within Court Operations Division, commencing with Court Clerks. OSB were building on existing training material specific to the Court Clerk role to develop a Court Clerk training programme. OSB engaged with Court Clerks in May and June 2023 to get their feedback on the existing training and guidance available on the Knowledge Bank. Following this engagement, OSB developed an Induction Resource for Court Clerks and their managers which set out a list of the material available to assist them in their role. Inspectors welcomed the development of a succinct resource guide for Court Clerks however, as previously discussed, the content of the guidance needed to be reviewed to ensure it was effective and fit for purpose.
- 3.46 OSB advised Inspectors that they would be engaging with focus groups for criminal Magistrates' and Crown Courts and asking experienced staff in each area to raise any issues/gaps regarding the current guidance and help develop best practice guidance for staff. Court Clerks were being encouraged to approach OSB to share their experience and provide guidance that was not in the Knowledge Bank because of the information loss during the data transfer. This approach was welcomed by Inspectors as they were told the Voluntary Exit Scheme saw experienced staff leave without their knowledge and experience being captured. It was important required expertise was not lost before staff retired or left the NICTS.
- 3.47 The new induction resource for Court Clerks was not in use when fieldwork was carried out and the training programme for Court Clerks was a work in progress so Inspectors were unable to gather evidence regarding their effectiveness. Inspectors were encouraged by the work that had commenced around the Court Clerk training programme and the inclusive approach being adopted to develop best practice guidance and OSB should build on this model when developing training programmes for the other lines of business.
- 3.48 The NICTS had commenced a pilot to provide those staff that did not have laptops with headsets to participate in online training and development in an office environment. In addition, work to expand the Jury Assembly Rooms in both Craigavon and Derry/Londonderry Courthouse into multi-purpose facilities had commenced. They would be equipped with technology to enable the delivery of in-person and online training, wellbeing, team activities and staff engagement events.
- 3.49 Inspectors considered the provision of multi-purpose facilities to be a positive step in addressing some of the issues around training. In-person training would enable staff to leave their workstation so that they could fully engage in what was on offer. However, there was much work still to be done to deliver the Strategic outcomes under the Skills theme of the People Strategy. The NICTS should carry out a thorough training needs assessment for all criminal lines of business and develop a training programme to include the resource required for training, the training subject matter, who will deliver the training, whether the training will be in-person or online, the anticipated or required benefits and if refresher training is required.

The NICTS should also monitor the usage of the multi-purpose facilities and obtain feedback from staff and use this information to help inform future training and events and make best use of the facilities (see Strategic recommendation 2). With the current recruitment drive to backfill a significant number of substantive posts it is essential that the training programme is developed as soon as possible.

Leadership

- 3.50 Leadership was an area that required improvement. Work had commenced around staff engagement (see paragraph 3.47) but there was limited engagement with staff around the strategic direction of the organisation and its role within the DoJ (with the exception of recent inductees). The SMT advised that strategic communication was on a journey but that the staffing pressures had impacted their ability to deliver against the Leadership Pillar outcomes. It was accepted by senior management that there was *"definitely a need for leadership training"*. As part of the People Strategy Delivery Plan from April 2023 the NICTS were going to encourage and facilitate staff, at all grades, to participate in DoJ leadership training programmes and DoJ Staff Mentoring Circles. The NICTS need to monitor staff uptake of the leadership training programmes and assess if any benefit was being derived from them. This should be used to inform future provision of leadership training in the NICTS to support the delivery of their Leadership priority actions and strategic outcomes set out in their People Strategy (see Strategic recommendation 2).

Management

- 3.51 Inspectors found managers were not adequately fulfilling their responsibilities. There were those who, due to staffing pressures, had to perform the role of staff they line managed, for example Staff Officers (SOs) clerking in Court, and they struggled to find the time to perform their management role. Others spoke of a lack of awareness of how to deal with staffing issues. Management training was available on the NICS LInKS Learning Management System, however staff did not feel that this alone was sufficient to prepare them for line management. They advised there was almost an expectation on managers to somehow know what to do.
- 3.52 The NICTS should incorporate management as a People Strategy focus area as it had such an impact on staff, objective and services delivery, cutting across the 'Skills', Leadership' and 'Engagement' themes. Management training, in addition to that available on the NICS LInKS Learning Management System, should also be provided so that those who manage staff understand their responsibilities, including performance management and communicating with staff (see Strategic recommendation 2).

Staff engagement

- 3.53 Communication was an issue at all levels but particularly with middle line managers (DP) and staff at first level management (EO) and AOs. Those in senior and middle management roles were included in strategic and operational conversations, but the information was not being filtered down to staff in lower grades.

There were examples of some line managers keeping staff informed of developments but for the most part this was not happening. In the CJI survey, in response to the statement 'managers/senior managers engaged with staff about developments within NICTS so that staff could contribute meaningfully' 17% of staff who responded agreed/strongly agreed and 54% disagreed/strongly disagreed. The line managers Inspectors spoke with accepted that this was the position and Inspectors recognised that staffing pressures and business priorities were contributing factors to the lack of staff engagement. However, line managers did not seem to value nor recognise their obligation to disseminate this information until every relevant member of staff had been updated.

- 3.54 Staff in lower grades did not feel part of the NICTS, particularly those in the regional Courthouses outside Belfast, where they felt they were a self-contained unit. This is not unusual given the regional spread and geographical structure but it was not helped by the limited contact with the SMT, exclusion from discussions around the strategic direction of the organisation and not being kept updated as to wider NICTS developments.
- 3.55 To help address this, the SMT attended each Courthouse and spoke with staff to get their feedback on whether they were experiencing any issues that were impacting their ability to perform their role and they invited suggestions on improvements that could be made. In addition, in June 2023, to complement the Induction Hub, the Service introduced quarterly 'Welcome to NICTS' induction sessions for new staff. These sessions were led by a member of the NICTS SMT and provided an opportunity to learn more about the role of the NICTS and where they fit in within the criminal justice system. A questionnaire was issued to attendees and while responses were low the feedback was positive and suggestions were forthcoming about improvements that could be made to the sessions.
- 3.56 Staff meetings were rare with most staff unable to tell Inspectors when they last had a meeting, some advising that it was well before the COVID-19 pandemic. In the absence of a forum to raise issues, some staff did this directly through their line manager but they did not always know if they had been heard as there was no feedback and nothing seemed to change. In the CJI Survey, in response to the statement 'when issues with NICTS business practice are raised, they are acknowledged and addressed' 31% of those who responded agreed/strongly agreed and 33% disagreed/strongly disagreed.
- 3.57 A priority action under the People Strategy Engagement theme was to engage staff in decision making and in making changes to their services and to demonstrate that staff ideas were being listened to and acted on. The Delivery Plan contained good, targeted work around improving communication within the organisation, which is discussed elsewhere in this report but there was nothing around this priority action. The NICTS need to review their Delivery Plan around engaging staff in decision making and they needed to commence team meetings as soon as possible for all staff (see Strategic recommendation 2).

3.58 The Communications Team of four was fully staffed by April 2022. They engaged with staff to understand the issues around communication, to establish what staff would find engaging and the best methods to communicate information to staff. In response to the feedback they improved the news content and structure of the NICTS intranet pages; introduced Online briefings from the SMT and guest speakers; the DoJ Team Brief, the staff e-zine 'The Hearing' and new infographics.

3.59 Activity on the various features and information on the intranet was monitored through the NICTS Intranet Quarterly Statistics paper. They analysed the data to identify key findings and asked for feedback from staff so that they could take action and make adjustments to try to improve communication within the NICTS. In the CJI Survey in response to the statement 'The aims/objectives of the NICTS are clearly communicated to staff' 60% agreed/strongly agreed and 17% disagreed/strongly disagreed.

3.60 Staff told Inspectors that the reasons they were not accessing the intranet to keep abreast of what was happening in the NICTS and attending online event briefings was lack of time due their busy workload as a result of staffing issues. Some also reported that they felt guilty about taking time away from their work or feared criticism from their manager for using the intranet. Again, the NICTS need to deliver on their priority action to 'develop a learning culture' and facilitate staff to take time during working hours to read the NICTS intranet and attend online event briefings (see Strategic recommendation 2).

Staff wellbeing

3.61 It was evident that staff were doing their best in a difficult situation, given the staffing issues and impact of this. Inspectors heard from staff who enjoyed their work and working for the NICTS and there was a lot of good will from staff who were working beyond what was required of them. However, Inspectors spoke to a number of staff and found their morale was low and they were struggling. The sick absence rate was 9.4%, the highest rate for the NICTS since 2019-20. It was only slightly higher however than the average sick absence rate for the DoJ for the same period which was 8.4%.²⁴

3.62 Of those who responded to the CJI Survey, 72% agreed/strongly agreed that their immediate line manager demonstrated that they understood the importance of support and wellbeing and 13% disagreed/strongly disagreed. A Wellbeing Framework was published in July 2023. The Framework set out why wellbeing was important in the workplace; considered feedback from the Wellbeing Working Group and the NICS People survey; and outlined the actions to be taken to support and develop wellbeing across the NICTS. A Wellbeing Hub, launched on the NICTS intranet in September 2023 was designed to bring together, in one place, a range of information relating to wellbeing. In October 2023, the NICTS launched the NICTS 'People Hub'. This Hub was designed to bring together a range of information relating to the five pillars of the People Strategy.

²⁴ Sickness Absence in the Northern Ireland Civil Service 2022-23, published February 2024, available at [2223-Financial-Year-Absence-Report-Revised.pdf \(nisra.gov.uk\)](https://www.nisra.gov.uk/2223-Financial-Year-Absence-Report-Revised.pdf)

The importance of effective criminal Court administration

- 3.63 Providing high quality and consistent administrative support was essential because errors had the potential to impact not only public confidence and administration of justice efficiency but also the safety of victims and the wider public given the nature of the offences for which Court Orders (including protective and preventative Orders) were made, the liberty of accused and convicted parties and the outcomes and experiences of victims and witnesses regarding the Court process.

Quality Assurance

- 3.64 A Single Control Document provided guidance on audit procedures that applied in the management, resulting and confirmation of criminal Courts. It included a Compliance and Assurance Timetable which sets out the required regularity of checks (daily, weekly and monthly) and the grade of the staff member responsible for carrying out the checks. A staff member at grade EO1 within each Division was responsible for carrying out a daily check of all sitting Courts to ensure that no case has been overlooked in either the resulting or confirmation process.
- 3.65 The Single Control Document guided those confirming results as to what they should be doing and checking at the end of Court. However, Inspectors heard examples in a number of Courthouses of the staff member confirming the Court results having little or no experience of the Court tier for which they were confirming results but they had no choice due to staffing issues. There was also a lack of training around peer checking. This undermined the confirmation process and the level of assurance on the accuracy of recording. Staff were mostly unaware of the issues around the confirmation process and the impact of it with 65% of those who responded to the CJI survey agreeing/strongly agreeing that the verification system post Court was effective at enabling staff to identify errors and provide re-assurance that the correct information from Court is recorded on ICOS and 5% disagreeing.
- 3.66 Some performance targets for criminal business were set out in the Criminal Service Level Agreements (SLAs) with the NIPS which were contained in the Single Control Document:

Magistrates' and Crown Court Target

SLA1 – 98% of criminal Court results will be confirmed in target. If a criminal Court sitting is concluded by 14:00 hours staff must have entered and confirmed all results by close of business on the day of the Court. If a criminal Court sitting is concluded after 14:00 hours then the Court results, excluding bail results and custody results must be entered and confirmed no later the 12:00 hours the next working day.

SLA2 - 98% of custody results will be confirmed in target. All criminal Court results relating to custodial elements must be treated as a priority and must be entered and confirmed as soon as possible but no later than close of business on the day of the Court.

SLA3 - 98% of bail results will be confirmed in target. All criminal Court results relating to bails must be treated as a priority and must be entered and confirmed as soon as possible but no later than close of business on the day.

The NICTS advised however that data regarding compliance with the SLA targets was not captured.

OPERATIONAL RECOMMENDATION 3

Within one month of the publication of this report, the Northern Ireland Courts and Tribunals Service should monitor compliance with the confirmation process and the targets contained in the Service Level Agreement with the Northern Ireland Prison Service to provide assurance and to secure improvement.

- 3.67 Compliance with the serving of Court Orders was also an area requiring improvement. Court Orders entered in the ICOS Document Service Register must be issued on the same day of the Court hearing or immediately in the morning following the Court hearing. The current quality assurance process involved a first line manager (EO1) carrying out a weekly check of the Document Service Register. In 2023, 25,147 Court Orders were made across Northern Ireland. Of those, over 8% were issued after more than one day (2,040) including 475 that had potential public safety implications.
- 3.68 A 2023-24 internal audit in Dungannon Courthouse found in three out of the five file samples where Orders were delayed, the requirement to issue a document had been overlooked by the Court Clerk and was then picked up through the weekly management checking process. A separate sample of two Orders relating to sexual offences was also selected – in one of these a delay in issuing the Order to the PBNI was identified. Internal Auditors were advised that this was most likely due to human error as the Court Clerk may not have realised the Order should also be issued to the PBNI. Again, this was picked up through management checks and actioned. The NICTS needed review their quality assurance process around the service of Court Orders to determine if weekly checks were sufficient.

OPERATIONAL RECOMMENDATION 4

Within one month of publication of this report, the Northern Ireland Courts and Tribunals Service should review the quality assurance process for the service of Court Orders to secure improvement.

ERROR RATES

- 3.69 From 2020-2023, the percentage of criminal Court Orders that required amendment were under 0.5% of total Orders issued each year however, over the four-year period this equated to 4,810 amendments and 4,563 deletions of Court Orders. There was a year-on-year increase in the percentage of Criminal Court Orders needing to be deleted due to error. The most common reason for Court Order amendment or deletion was due to staff error. More than half of the amendments due to staff error were notified externally.
- 3.70 The NICTS staff told Inspectors that the NIPS were good at picking up the NICTS errors and there was a sense that staff had come to rely on this. The NIPS told Inspectors that the NICTS administrative errors were negatively impacting the staff in the NIPS Custody Office as having to flag the errors added to their workload. The errors also created the risk of either a prisoner being erroneously released from custody or a prisoner being held in custody longer than they should have been (see paragraph 4.12).

PERFORMANCE MANAGEMENT

- 3.71 Inspectors found staff performance was not always being effectively monitored or managed. Inspectors were told by staff that their yearly Personal Performance Agreement and Personal Development Plan were not specific to them or their role but rather it was generic for the grade at which they were working or the section within which they were working. This was confirmed by senior management who also advised that management of individual staff performance was not checked at middle management level.
- 3.72 Regarding errors made by staff in the course of their work, some managers advised that they did monitor this data monthly to check what errors were being made and by whom and some did speak to staff if they noticed the same mistake being made repeatedly. Others told Inspectors they looked at the statistics to check overall error rates but did not identify issues or speak to individual staff about errors they were making because they did not have the time and there were those who advised that they did not monitor the error rates data. Staff told Inspectors that they were not being spoken to about their errors and in fact accepted that because they had not received sufficient training and were under pressure, making errors was inevitable.
- 3.73 The NICTS needed to effectively monitor staff performance and utilise available management information, which was not happening to a large extent. There were a number of reasons given for this; the required data not being captured, managers not knowing how to access the data, managers not understanding how to use the data or managers not having time to consider the management information.

In the CJI survey 38% of those who responded agreed/strongly agreed that for those with line management responsibilities performance management information was available to help monitor and evaluate staff and 12% disagreed/strongly disagreed. Performance management improvements were not incorporated into the People Strategy Delivery Plan, nor was the capturing of performance data. The NICTS need to review their people Delivery Plan to prioritise quality management information to inform performance management and incorporate training around the utilisation of management information to improve performance (see Strategic recommendation 2).

3.74 The process of requesting the amendment or deletion of errors²⁵ needed to be reviewed. When an error was identified, usually during confirmation or management checks, a request was submitted to the ICOS Team for the error to be deleted or amended. The issue with this process was that often the person who identified the error made the request for change and did not always advise the error maker, who was unaware of the mistake. Another issue was when the amendment or deletion was made by the ICOS Team, this was not being checked to confirm it was correct. Also, the request for change was not always being approved by a person of the appropriate grade. A biennial internal audit of the NICTS was conducted by the DoJ Internal Audit Service on Court resulting and compliance. The 2021-22 audit was in Ballymena Court Office and the 2023-24 audit was in Dungannon Court Office. In both reports the NICTS was given an overall audit opinion of satisfactory²⁶ but there were areas of risk identified including those outlined above. The 2023-24 audit also raised the issue of delay in checks being carried out by managers, with delays of 46, 37 and 36 days between the result being entered and the error being picked up by the manager.

OPERATIONAL RECOMMENDATION 5

Within six months of the publication of this report, the Northern Ireland Courts and Tribunals Service should review the existing process for data change requests and develop updated guidance for staff regarding the process. Compliance with this process should be monitored with the necessary data captured to secure improvement.

Digitilisation

3.75 The NICTS achieved significant progress and value in the use of technology throughout the COVID-19 pandemic enabling them to provide access to justice through remote and hybrid hearings and the introduction of digital processes for the submission of applications from defence representatives.

25 Single Control Document, paragraph 4.7, requesting the amendment or deletion of errors.

26 Satisfactory - Overall there is a satisfactory system of governance, risk management and control. While there may be some residual risk identified, this should not significantly impact on the achievement of system objectives.

- 3.76 Staff advised “once we got into the way of it, lists were gone through more quickly”. In the CJI Survey, 44% of staff agreed/strongly agreed that new digital processes and practices introduced in response to the pandemic, when they became used to them, enabled more efficient working and 17% disagreed/strongly disagreed. Staff advised that producing prisoners on Sightlink²⁷ was very effective, even at short notice, and it helped Court Clerks to keep track of the legal representatives appearing on behalf of defendants. Generally, the view was that Court staff were able to get more work done with Sightlink as it streamlined cases and made their role more straightforward. Another significant benefit of the use of Sightlink was the scheduling of cases. Victims and witnesses did not have to sit anxiously, waiting, not knowing when their case would be heard or if it would be heard. They were provided with a time to join Sightlink for their case to be heard. In 2022-23, in terms of waiting time at Court to give evidence on the first day of giving evidence, 27% of respondents reported waiting up to 1 hour, 22% waited 1-2 hours, 37% waited 2-4 hours and 15% waited more than 4 hours.²⁸
- 3.77 The NICTS Digital Strategy aimed to build on this success however there were concerns that some of the progress made during the pandemic had been lost. To facilitate the progress of Court business during the pandemic, the NICTS introduced a process whereby a defence representative could lodge applications electronically by email rather than in person. Administrative staff were printing the documents for the Court and the Court file. In May 2023 there was a return to lodging applications in hard copy.
- 3.78 Most staff told Inspectors that they preferred applications being emailed to the Court as it was much more efficient although some did prefer receiving manual applications. Defence representatives Inspectors spoke to were strongly in favour of applications being submitted electronically. Inspectors were advised that the reasons for returning to hard copy documents was the cost of printing the applications and the time taken to print and assemble the documents. Inspectors queried the need for printing the documents at all when they could be viewed electronically, removing the cost, the environmental impact and supporting digital progression.
- 3.79 On 15 May 2023 the LCJO issued guidance on physical (in person), remote and hybrid attendance. The general rule was that all legal representatives, participants in proceedings, members of the media and public should attend Court in person unless a Judge has decided they could attend remotely applying the interests of justice test in that individual case. Presiding Judges of the Crown and Magistrates’ Court, where deemed necessary, could issue specific practice guidance as to when remote attendance may be permitted.

27 Sightlink is a cloud based video conferencing solution that enables multiple parties to meet using video and/or audio in a Virtual Meeting Room from any type of device. The solution facilitates video and telephone conferencing.

28 Victim and Witness Experience of the Northern Ireland Criminal Justice System Key Findings 2022/23, available at: [Victim and Witness Experience of the Northern Ireland Criminal Justice System: Key Findings 2022/23 \(justice-ni.gov.uk\)](https://www.justice-ni.gov.uk/victim-and-witness-experience-of-the-northern-ireland-criminal-justice-system-key-findings-2022-23)

3.80 The Prisoner Escorting and Court Custody Service (PECCS) advised that the discretion of the Judiciary within each Court meant there was no consistent approach to prisoners appearing by video link or in person, which made their job more difficult. The SLA between the NICTS and the NIPS states, *'NIPS will be responsible for transporting from their places of custody, all prisoners who are required to appear for any reason at any Northern Ireland Court.'* The PECCS fully accepted their obligation to the Court, however, they advised they needed a road map of what the new ways of working looked like so that they could get the correct infrastructure in place to accommodate bringing prisoners to Court and having sufficient resource and facilities for remote hearings.

3.81 CJI made an Operational Recommendation in the Inspection Report on Court Custody Report in March 2022²⁹ that *"within three months of the publication of this report the Prisoner Escorting and Court Custody Service should, in consultation with partners in the Police Service of Northern Ireland, the Public Prosecution Service and the Northern Ireland Courts and Tribunals Service, develop a Court escort and custody specific COVID-19 recovery plan that takes a risk based and staged approach to returning to business as usual."* The PECCS sat on the Justice Wide Working Group on Custody Arrangements for first appearances with the NICTS and other criminal justice organisations. New ways of working were discussed at this forum but the PECCS advised they needed something in writing, setting out the ask from the NIPS, particularly with the current strain on resources.

3.82 The NICTS was responsible for the provision of IT within the Courts and the Remote Evidence Centres (RECs). Inspectors were advised that video link and Sightlink in the Court buildings worked well for the most part. The feedback was also positive regarding the REC video conferencing units that connected the remote witness room to the Court *"Those young people who gave evidence, all reported they could see and hear the Court and there were no issues with the sound or picture during their evidence."* Unfortunately, the RECs had not been used to their full potential (see paragraph 3.83).

Remote Evidence Centres

3.83 The establishment of RECs was a Strategic Priority area in the Gillen Review Implementation Plan,³⁰ that followed the Gillen Review into the law and procedures in serious sexual offences in Northern Ireland by Lord Justice of Appeal the Right Honourable Sir John Gillen PC (Sir John Gillen) in 2019. RECs were intended to reduce the risk of complainants being re-traumatised by removing any chance of encountering the defendant and/or the defendant's family and supporters in or around the Court building. Overall, the proportion of respondents who cited concern about potential contact with the defendant or his/her supporters increased

29 CJI, Court Custody: The detention of persons in the custody of the Court in Northern Ireland, published March 2022, available at <https://www.cjini.org/TheInspections/Inspection-Reports/2022/Jan-Mar/Court-Custody-2022>

30 Gillen Review Implementation Plan, July 2020, available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/the-gillen-review-implementation-plan.PDF>

from 40% in 2019-20 to 56% in 2022-23; at victim level, the proportion increased from 48% in 2019-20 to 72% in 2022-23³¹. The RECs also improved the experience of complainants and witnesses by providing a more relaxed, less intimidating and child-friendly environment to wait until they were called to give evidence.

- 3.84 The NSPCC Young Witness Service (YWS) in Bishop Steet, Derry/Londonderry had already been operating a remote live link to Londonderry (Bishop Street) Courthouse since 2008 when it was funded and operated by NSPCC as a pilot, initially for three years. In 2012 the NSPCC YWS commissioned the National Childrens Bureau Northern Ireland to carry out an evaluation of the remote live link³². The evaluation concluded:

'There was an overwhelming positive response to the remote live link from all the participants. They were all in agreement that the remote live link enables young witnesses to give their best evidence and that it reduces the stress placed on them when giving evidence. Participants found it difficult to identify barriers to the remote live link; those identified were minor and solutions were suggested as to how these could be resolved.'

- 3.85 The REC in Bishop Street had been in operation since this time, supporting hundreds of young witnesses giving evidence. The REC's full potential to effectively support young people to give their evidence was demonstrated by the YWS during the pandemic when the YWS supported 19 young witnesses in one case to give their evidence from the REC.

- 3.86 The Criminal Justice Board agreed to a phased approach to introduce RECs in accordance with Sir John Gillen's recommendation:

- Phase 1 - establishment of temporary remote evidence facilities in Belfast and Craigavon;
- Phase 2 - establishment of a longer-term REC in central Belfast; and
- Phase 3 - identification of options for the wider roll-out of remote evidence facilities across Northern Ireland, informed by the monitoring and evaluation of existing facilities.

- 3.87 In Phase 1, the DoJ installed a REC with one live link room in a nearby NICS building to service Craigavon Courthouse. This opened in January 2021 with a second live link added in September 2023. In Belfast, no suitable city centre properties were immediately available, so there was agreement to establish a temporary REC facility within the Stormont Estate which opened in February 2021.

31 Victim and Witness Experience of the Northern Ireland Criminal Justice System Key Findings 2022/23, available at: [Victim and Witness Experience of the Northern Ireland Criminal Justice System: Key Findings 2022/23 \(justice-ni.gov.uk\)](https://www.justice-ni.gov.uk/victim-and-witness-experience-of-the-northern-ireland-criminal-justice-system-key-findings-2022-23)

32 National Childrens Bureau Northern Ireland Evaluation of NSPCC Young Witness Service remote live link, published January 2012, available at: [Key stakeholder evaluation of NSPCC Young Witness Service remote live link \(Foyle\)](#)

Usage of both RECs was lower than hoped for but particularly low in the Stormont Estate and the DoJ assessed that the distance from the Belfast Courts was the main factor. The Stormont Estate facility was closed when new facilities opened in Belfast City Centre on 9 May 2023.

3.88 In December 2022 a digital diary was introduced to allow all service users access through their individual line of business IT platforms. This streamlined the REC booking processes and provided an automated method of capturing usage data which would inform Phase 3. From 9 May 2023 to 31 December 2023, 14 witnesses attended the Belfast REC; 11 children and three adults. In addition to this the first Domestic Abuse Contest Court took place on 11 December 2023 and five witnesses attended. During 2023 the Craigavon REC was attended by 15 children and eight adults. Inspectors were informed that the NICS intended to sell the current Craigavon site and the lease for the REC space was due to end on 30 September 2025. Work was underway to consider an alternative location.

3.89 Victims and witnesses who had used the RECs spoke positively about their experience:

"I would not have given evidence if I had to go to Court, so this made it much better".

Feedback from NSPCC YWS was equally positive:

"Both young witnesses benefitted from using the REC, with both advising they felt calm/safe and enjoyed the space the REC provided. Mothers agreed that the REC was much less stressful for the young witnesses than giving evidence from the Courthouse and praised the volunteers for all their support".

3.90 The REC partners in both the criminal justice system statutory organisations and victim support services had been working to promote the RECs and encourage usage. There were guided promotional tours of the REC and familiarisation visits for potential users. A promotional video was also being produced and would be shared on social media and other forums on completion.

3.91 A significant barrier to the use of RECs was so few potential REC cases were being identified by the PPS. The NSPCC advised Inspectors that *"by November (2023) there were 11 cases for the Belfast REC all which were identified by Young Witness Service, which were referred to and approved by PPS"*. The PPS had a dedicated Principal Public Prosecutor who was involved with the RECs from the beginning. Initially this Prosecutor looked at all the files to identify those who may have been eligible to give evidence from the RECs. However, this responsibility had been rolled out to all Prosecutors and it was accepted that when this happened there was a downturn in special measures applications for use of the REC.

3.92 In September 2023 the PPS issued guidance to all staff. Inspectors viewed the guidance and it was very clear not only about the process to be followed at each stage of the case journey but also regarding the purpose of the RECs in assisting vulnerable victims and witnesses to give evidence. In November 2023 Victim Witness Care Unit Case Officers were provided with a script to assist them asking the appropriate questions from victims and witnesses to ascertain if they wished to give evidence from the REC when they were checking their availability for Court. These cases were identified and marked by the Prosecutor as being appropriate for the REC in advance.

3.93 The PPS gave tours of the REC to Prosecutors, staff and counsel in September 2023 and these were ongoing. Inspectors were advised that the uptake was varied. The PPS advised that they were considering face-to-face training for Prosecutors but there was a lot of training currently being delivered to Prosecutors on other subject matter at the time of speaking with Inspectors. One issue raised by both the PPS and defence practitioners was that copies of exhibits that were being referenced in Court when speaking with victims and witness in the REC had not been brought to the REC and proceedings therefore had to be adjourned to allow time for the copy exhibit to be brought to the REC from Court. It was accepted by all that this was a teething problem and would improve with experience as all the correct processes were in place within organisations to avoid this happening. Another issue raised by the PPS was Prosecutors not being allowed sufficient time to get from the Court to the REC to consult with the victims and witnesses prior to hearing. The Bishop Street REC had encountered similar challenges in the early part of their journey which they had overcome.

3.94 The most recent usage and feedback update from the DoJ noted that by 15 January 2024 the number of REC bookings in Belfast for the first two months of 2024 had already almost matched the total for 2023 and Craigavon had remained steady. This was positive but there was still work to be done.

OPERATIONAL RECOMMENDATION 6

Within one month of the publication of this report, the Public Prosecution Service for Northern Ireland should review the process for the effective use of special measures to assure itself that appropriate applications are made for use of the Remote Evidence Centres. Any identified Prosecutor training and information needs should be actioned immediately.

3.95 Another obstacle to REC usage was occurring when a child who was eligible for special measures and their adult parent/guardian who was not, were both trial witnesses and both scheduled to give evidence on the same day. On a number of occasions this had led to both witnesses reluctantly opting to attend the Courthouse because they wished to be together. This entirely undermines the purpose of the RECs and should be incorporated in any review/evaluation of the RECs.

3.96 The DoJ had been running management information reports directly from the digital diary to track usage of the RECs and as their monitoring and evaluation processes have evolved, they have increased their focus to include case outcomes. However, it is necessary for the DoJ to carry out a formal evaluation of the RECs as soon as there is sufficient data and information to inform Phase 3, the roll out of RECs across Northern Ireland. The urgency around this evaluation was twofold; firstly, to identify the cause of the RECs being under-utilised when the feedback is so positive so that the appropriate parties can take action and secondly, as it stands, there is the risk of a two-tier justice system with victims and witnesses across Northern Ireland having to travel to Belfast or Craigavon to use the RECs or not having the option at all. This was symptomatic of the criminal justice system's fragmented approach to improving the rights and entitlements of victims and witnesses as outlined in CJI's October 2022 report³³. The DoJ should also collaborate with those in the Bishop Street REC so that they can benefit from the lessons learned during their experience and how they overcame similar challenges.

OPERATIONAL RECOMMENDATION 7

Within three months of the publication of this report, the Department of Justice should commence a formal evaluation and benefit realisation of the Remote Evidence Centres in Belfast and Craigavon to inform the Phase 3 roll-out of remote evidence facilities across Northern Ireland.

ICOS and Themis

3.97 Themis was the new business transformation programme which would make the ICOS obsolete. However, the ICOS would remain in place until such times as Themis was developed and implemented. The ICOS criminal module was introduced in 2006 and the current version was implemented in 2009. Staff advised Inspectors that the ICOS was outdated and not without issues, however, if a change to the ICOS was required, they could make a request to the ICOS Team who would assess if it was a system-wide or a local problem and whether it would be beneficial to make the change. If there were high costs involved then there was prioritisation of requests which was overseen by the Grade 6 for Modernisation. In addition to making requests for change, all Court users were able to contact the ICOS Team to resolve issues, which they regularly did.

3.98 A lot of user resource was required to manually input information onto the ICOS. This was time consuming and, with the volume of work and the pace at which some Courts operated, this increased the risk of human error and could compromise operational efficiency. Inspectors were told defence practitioners were frustrated with the accuracy of Court records because if incorrect it prevented them from receiving legal aid to which they were entitled.

³³ CJI, The care and treatment of victims and witnesses by the criminal justice system in Northern Ireland: follow-up review of recommendations, published October 2022, available at <https://www.cjini.org/TheInspections/Action-Plan-Reviews-Inspection-Follow-Up-Review/2023/Oct-Dec/Victims-and-Witnesses-Follow-Up-Review>

That said, this was not an ICOS issue but an issue with staff inputting incorrect information. As previously discussed, this was the result of a combination of factors including training and performance management issues which need to be addressed.

3.99 Inspectors heard that the Themis Project will incrementally replace a number of NICTS IT line of business systems including ICOS. The Themis project is expected to deliver wholesale business transformation throughout the NICTS and provide new and enhanced services to citizens, their representatives and the legal profession. Aligned to the NICTS Digital Strategy the NICTS plan to increase the use of digitisation and will significantly reduce the reliance on paper. This includes the digital initiation and tracking of cases, the digital exchange of information and an increasing use of e-bundles³⁴ (e-bundling is already in use within the Court of Judicature and within extradition cases). These functions are planned to be available through the use of an online service portal. The competitive dialogue procurement was underway at the time of drafting this report with award of the contract planned for the Summer of 2024.

3.100 In England and Wales, HMCTS introduced a new case management system, Common Platform, in November 2020 to deliver central access to criminal case information. It allows all parties involved in a criminal case secure access to case information, including:

- the Judiciary;
- solicitors and barristers;
- the Crown Prosecution Service; and
- Court staff.

3.101 Each platform user only sees the material appropriate to them and has immediate access to the most up-to-date information. This reduces the need for manual document handling and improves how criminal cases are accessed, managed and processed. As of 31 January 2024, Common Platform had accepted over 1.3 million cases onto the system and onboarded legal professionals from over 1,650 firms. From 1 April to 30 September 2023 the total number of cases received into the Crown Court were 56,688 of which 37,162 (66%) were received through Common Platform. In the Magistrates' Court 682,526 criminal cases were received of which 308,720 (45%) were received through Common Platform.

3.102 The benefit of Common Platform was that all the information about the case was in one place and this made it easier for legal advisers and Court Clerks to access case details for the entirety of the case and keep a Court log. The system used modern digital technology to keep the right people informed, automate processes and issue reminders. It helped keep cases moving through Court. It also enabled HMCTS to collect data to help better understand the needs of Court users and improve their services.

34 An e-bundle is an organised collection of electronic copies of documents for use at a court hearing.

- 3.103 The NICTS should consider the experience and lessons learned during the development and implementation of Common Platform from HMCTS when developing Themis with their preferred supplier.
- 3.104 A number of staff who had been involved in early engagement around Themis requirements were no longer in post, particularly those in the ICOS Team. The Modernisation Team need to continue to involve staff in the development of Themis and take steps to ensure that the messages regarding change and development were being disseminated to all NICTS staff. Themis phased implementation is expected between 2025-29. The NICTS must ensure that their training programme incorporates quality training and guidance to assist staff at each milestone of implementation including Themis test access before using the live system (see Strategic recommendation 2).

NICTS ESTATE

- 3.105 Parts of the NICTS estate had not been fit for purpose for decades and Inspection Reports by CJI (initially the *2012 Inspection report on the adequacy of the Courts Estate*) and Sir John Gillen's Review in 2019 highlighted deficiencies with the NICTS estate in terms of functionality, design and condition. The new NICTS Estates Strategy was published on 4 December 2023 during fieldwork for this Inspection.
- 3.106 An Estate Strategy Advisory Group comprising senior stakeholders, partners and user group representatives (including CJI), each of whom interact with the NICTS estate and had independent operational knowledge of the justice and legal systems, and those who rely upon and use NICTS buildings informed Strategy development. The NICTS planned to issue an Estate User Experience Survey to staff, Judiciary, stakeholders and justice partners in March 2024.
- 3.107 The NICTS is aware how important it is to take cognisance of service users views so that the estate is designed and developed with their needs in mind. In CJI's 2022 victims and witness Follow-Up Review, while assessing the recommendation for NSPCC and Victim Support Northern Ireland formal input into the NICTS modernisation, we noted *'it would be important to monitor the resulting outcomes in terms of improved services for victims and witnesses.'* Some particular areas of concern being raised with Inspectors that required attention and ongoing monitoring included:
- victims and witnesses having to access Court buildings through the same entrance/exit as defendants and their supporters;
 - inadequate facilities for young people;
 - inadequate waiting facilities and access to refreshments for victims and witnesses;
 - inadequate facilities and access to refreshments for jurors;
 - inadequate cells for holding defendants; and
 - insufficient consultation rooms for defence representatives and their clients.

3.108 The importance of using data to inform decisions is contained within the Estates Strategy; *'The use of data, and evidence-based decision making is a fundamental component of the Estate Strategy.'* In CJI's 2012 Inspection report on the adequacy of the Courts estate, CJI made a recommendation that the NICTS should monitor utilisation levels (based on the sitting times) for individual Courts with a view, if necessary, to transfer business across the Courts estate to achieve a level of utilisation above what was then the average. The NICTS advised that they used Court sitting days data as opposed to Court sitting times to calculate the utilisation rate. Basing utilisation simply on Court days over-estimated the utilisation of the Court. To meet their Estate Strategy aim of 'improved value for money' the NICTS needed to ensure they were using the most accurate data around Court utilisation as their evidence base for informing decisions.

CHAPTER 4: **OUTCOMES**

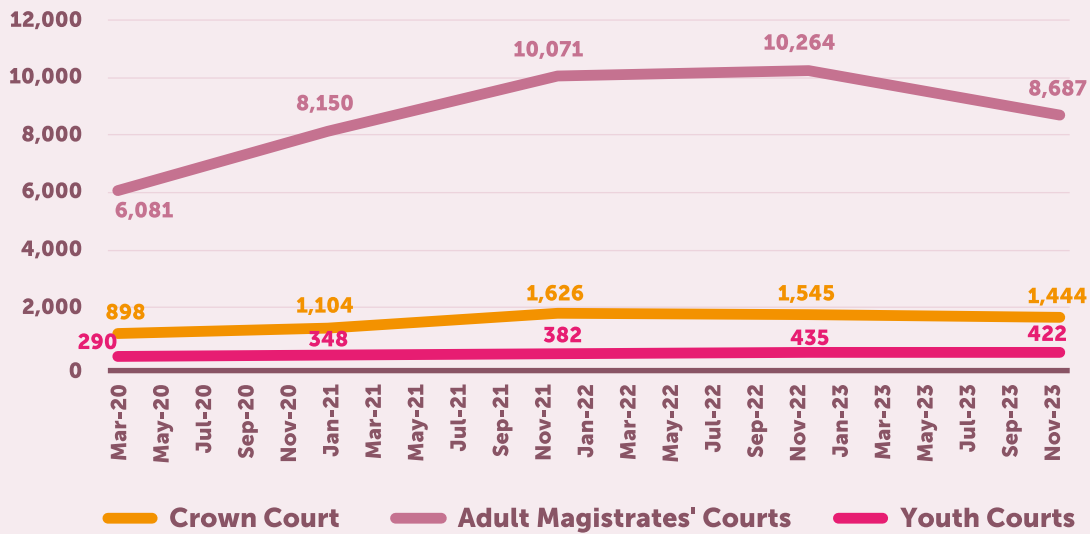
- 4.1 When considering outcomes it is difficult not to take account of outputs that reflect service delivery including the quantum of cases that are processed through the criminal Courts. Provisional figures for 2023 show that there were, in total, 8,721 criminal Court sittings across Northern Ireland. During the week commencing 20 November 2023, the average number of criminal cases listed in the Magistrates' Court across Northern Ireland each day was 817. Of those, on average, approximately 66% were adjourned, 23% were dealt with, 4% were previously dealt with, in 4% of cases the summons was deemed not served and in 3% of cases the outcome was classed as 'other' which included sentences being deferred. In the same period the average number of cases each day in Crown Courts across Northern Ireland was 106. Of those, on average approximately 84% were adjourned, 9% were dealt with, 5% were previously dealt with and 1% of cases were classed as 'other'.
- 4.2 The Document Service Register for 2023 listed 25,144 Court Orders and documents issued by the NICTS. In addition to this, provisional figures showed Court staff processed 10,029 cases where at least one monetary penalty order had been made against a defendant in the Magistrates' Court and 63 in the Crown Court, 2,443 pre-sentence report Orders in the Magistrates' Court and 612 in the Crown Court and 212 driving licence request Orders in the Magistrates' Court.

STRATEGIC OBJECTIVE 1:

Working in partnership, deliver efficient and effective Court, tribunal and enforcement services and support an independent Judiciary.

- 4.3 The NICTS had serviced all Crown, Magistrates' and Youth Courts, across Northern Ireland without exception. In September 2023 Downpatrick Crown Court was re-opened and the Crown Court had been operational since this time, despite significant staffing pressures.
- 4.4 The NICTS role included supporting the Judiciary to reduce the backlog of cases before the Courts. Case backlogs had reduced across the three Court tiers from December 2022, however the Crown Court backlog was 38% higher than in 2020, Magistrates' Court 30% and Youth Court 31% as shown in Chart 2.

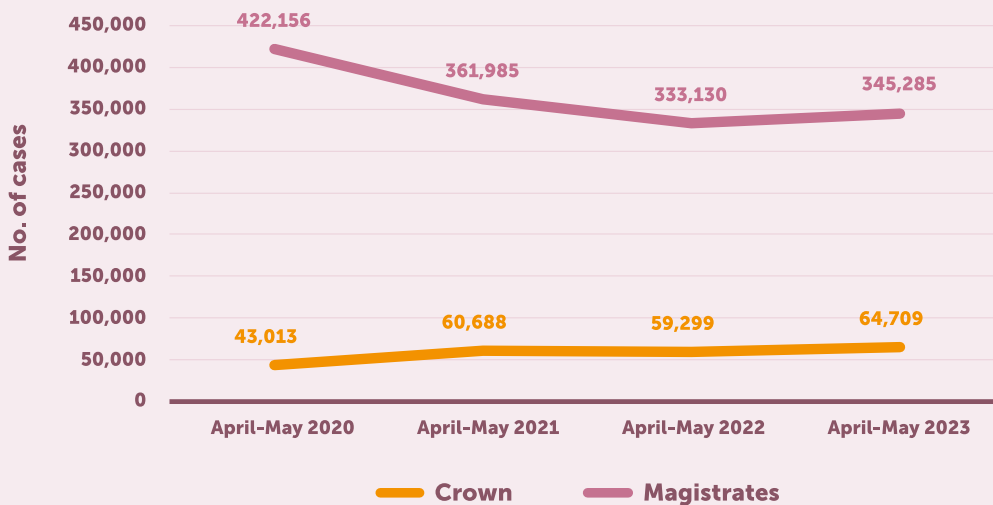
Chart 2: Case backlogs in the Crown and Magistrates' Courts in Northern Ireland March 2020 to December 2023 based on the number of defendants with a live case



Source: NICTS

4.5 In England and Wales, backlog statistics were calculated by case as opposed to the number of defendants in a case. Chart 3 shows that the backlogs in the Magistrates' Court in England and Wales from April - May 2020 to 2023 decreased by 21% and then increased slightly in April - May 2023 by 3%. The Crown Court backlog in England and Wales had increased from April - May 2020 to 2023 by 33% (except for a slight decrease of 2% in April - May 2022).

Chart 3: Case backlogs in the Crown Court and Magistrates' Court in England and Wales Q2 2020 to Q2 2023



Source: Institute for Government and the Chartered Institute of Public Finance and Accountancy (CIPFA)35

35 Performance Tracker 2023, published October 2023, is available at: [performance-tracker-2023.pdf \(instituteforgovernment.org.uk\)](https://www.instituteforgovernment.org.uk/performance-tracker-2023.pdf)

4.6 The criminal business targets set out in the NICTS Business Plan for 2023-24 were Judicial standards but the NICTS were responsible for supporting the Judiciary to achieve them. The progress against Judicial standards for 2023 is set out in Table 4.

Table 4: Progress against 2023-24 Judicial standards- Q3

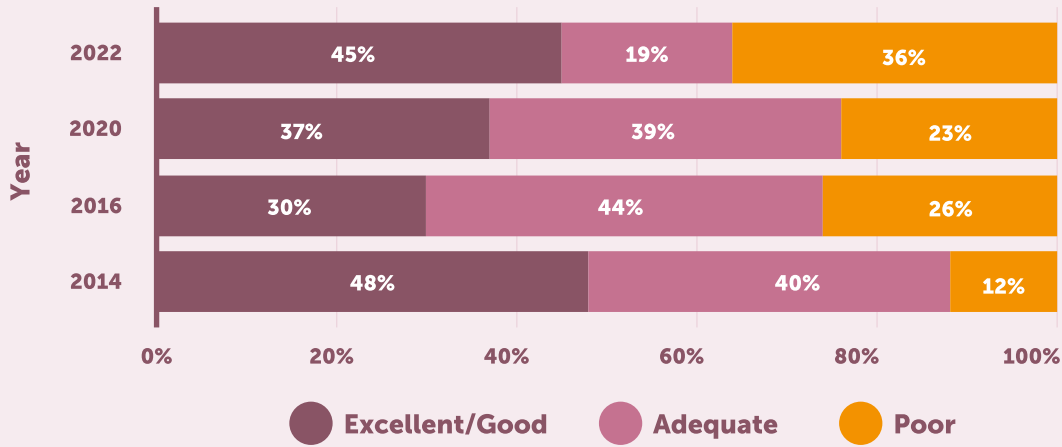
Judicial standard 2023-24	Progress against standard
80% of Crown Court defendants will be arraigned within six weeks of committal.	87%
80% of Crown Court defendants will start their trial within 18 weeks of committal.	77%
80% of Crown Court defendants will be sentenced within six weeks of a plea or finding of guilt.	47%
80% of Magistrates' Courts adult defendants will have their case disposed of within nine weeks of first listing.	76%
A finding will be reached within 12 weeks from first listing for 80% of Youth Court defendants.	70%

Source: NICTS

4.7 The NICTS sat on a number of forums and working groups with the Judiciary, other criminal justice organisations and stakeholders and Inspectors heard positive examples of NICTS partnership working from those outside the Service. The NICTS had also been helping to inform policy development and deliver committal reform, bail and remand reform and implementation of the Gillen Review recommendations. The recruitment issues however had impacted the effectiveness of the operational service being delivered.

4.8 In the 2022 Judicial Attitude Survey Northern Ireland 45% of those who responded assessed the amount of administrative support as excellent/good, which was a decrease of three percentage points from 2014 but there was an increase of 24 percentage points from 2014 for those who considered the amount of administrative support to be poor, as shown in Chart 4.

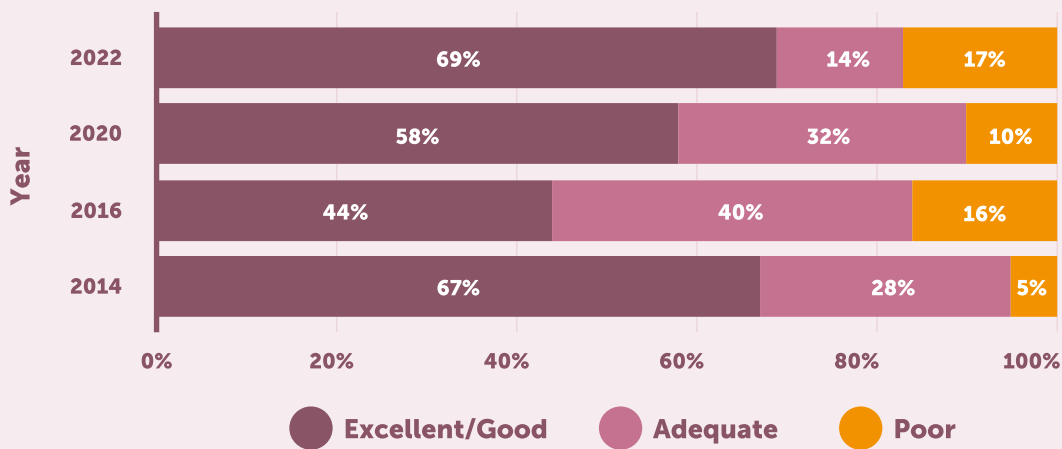
Chart 4: Northern Ireland Salaried Judges' views of the amount of administrative support 2014 to 2022



Source: 2022 Judicial Attitude Survey Northern Ireland

4.9 The Judiciary spoke highly of the experienced, diligent staff who supported them in performing their role but they also raised the lack of experience and training of incumbent staff as an issue. This was reflected in the 2022 survey responses regarding the quality of administrative support. Chart 5 shows that 69% assessed the quality of administrative support as excellent/good, an increase of two percentage points from 2014 but the percentage of the Judiciary who considered the quality to be poor had also increased to 17%, a 12 percentage point increase from 2014.

Chart 5: Northern Ireland Salaried Judges' views of the quality of administrative support 2014 to 2022

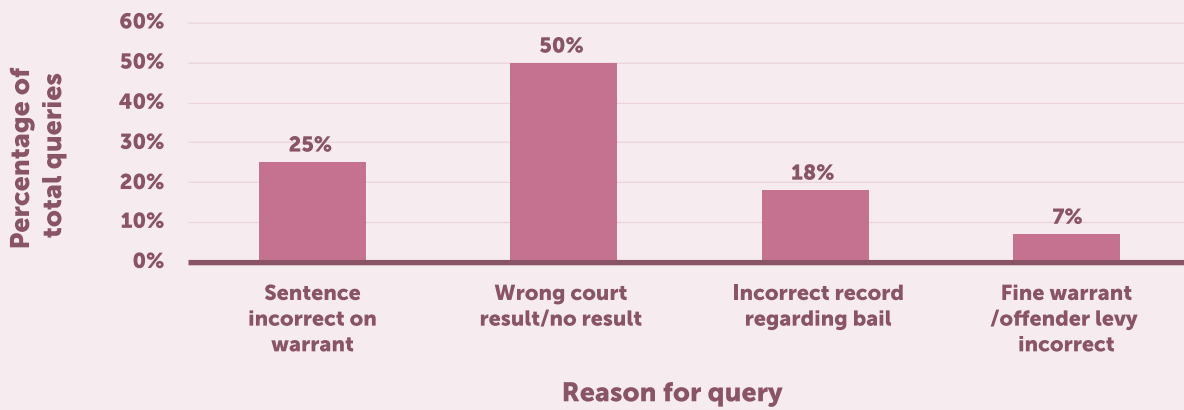


Source: 2022 Judicial Attitude Survey Northern Ireland

4.10 In 2022 and from 1 January - 15 September 2023, more than 50% of the amendments due to staff error were not identified during the confirmation process and were notified from external sources as were more than 45% of the deletions.

4.11 For a four-week period during October to November 2023, the NIPS Central Custody Office in Maghaberry Prison recorded queries they had to raise with the NICTS. The NIPS provided Inspectors with the information around 28 queries raised by them and advised that these were not all the queries they raised during this period but rather the ones that carried the highest risk. Chart 6 shows the reasons the NIPS raised the queries with the NICTS.

Chart 6: High risk queries raised by the NIPS over four weeks from October to November 2023



Source: NIPS

4.12 The NIPS advised Inspectors that had they not raised these queries almost all of them would have resulted in either a prisoner being erroneously released from custody or a prisoner being held in custody longer than they should have been. Inspectors reviewed documentation confirming that two of the errors referenced in the high risk queries resulted in one person being committed to custody in error and another prisoner being held in custody longer than required.

4.13 From January 2020 until 11 December 2023 there were 57 claims made against the NICTS for unlawful detention; broken down as follows:

- 2020 - 11;
- 2021 - 20;
- 2022 - 16; and
- 2023 (to 11 December) - 10.

The figures had decreased from 2021 but it was not known if this was a result of errors being picked up by the NICTS or externally or if fewer errors were being made regarding custodial Orders.

4.14 In 2022-23 there were 60 complaints recorded in the NICTS Complaints Register for all areas of the NICTS. Table 7 shows that this was a reduction of 21 complaints from 2020-21. However, the percentage of complaints that were upheld/partially upheld had increased by 9% from 46% in 2020-21 to 55% in 2022-23.

Table 7: Complaints to the NICTS from 2020-21 to 2022-23

Complaints				
Year	Upheld	Partially upheld	Not upheld	Total
2022-23	16	17	27	60
2021-22	34	11	37	82
2020-21	29	8	44	81

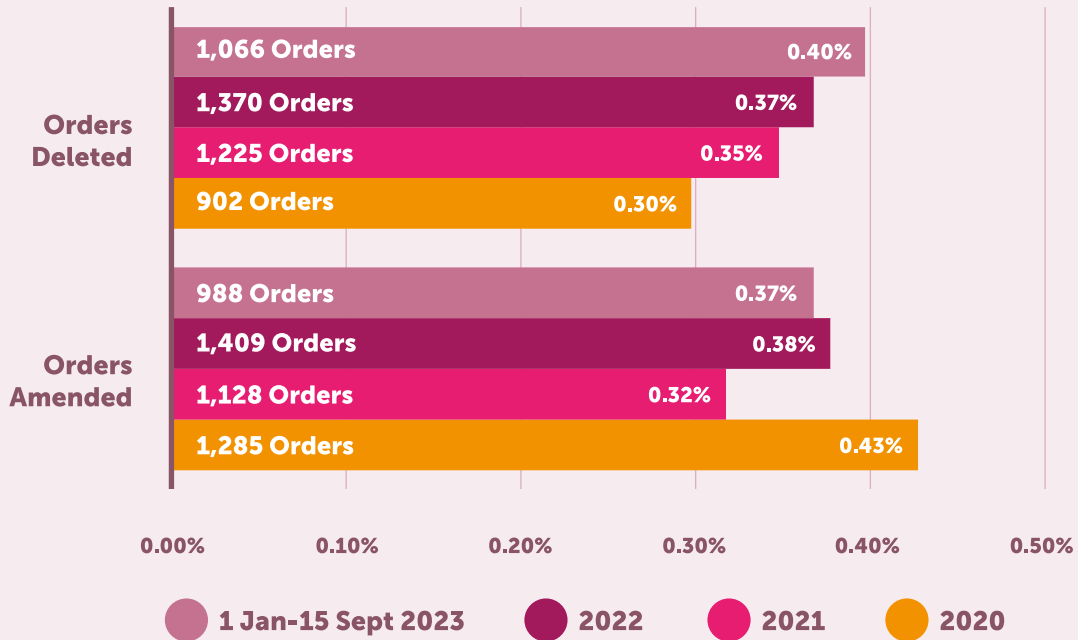
Source: NICTS

STRATEGIC OBJECTIVE 2:

Develop and lead our people to achieve our business objectives.

- 4.15 The NICTS had achieved their objective to deliver their People Strategy under their 2023-24 Delivery Plan and the majority of their delivery targets had been achieved with the exception of targets around training that were due for completion by March 2024. An inclusive approach had been adopted to improve communication and strong groundwork had been completed around the approach to training Court Clerks but there was much work still to be done.
- 4.16 Training, guidance, management and poor staff engagement issues were identified and CJI have made a recommendation for the NICTS to review the People Strategy and the Delivery Plan to ensure all key areas to help staff achieve the business objectives are included together with the actions that will be taken to deliver this.
- 4.17 There were issues with quality assurance and performance management regarding compliance with the internal processes and the Service Level Agreements with the NIPS. There was a year-on-year increase in the percentage of Criminal Court Orders requiring deletion due to error from 0.3% in 2020 to 0.4% in 2023. There had been a reduction in Orders requiring amendment in 2021 (from 0.43% in 2020 to 0.32% in 2021) but this increased again to 0.37% in 2023, as shown in Chart 8. This may not seem a high error rate but the impact can be significant including loss of liberty and unlawful detention potentially leading to compensation claims. Staff must be aware of the importance of accuracy and the consequences of errors.

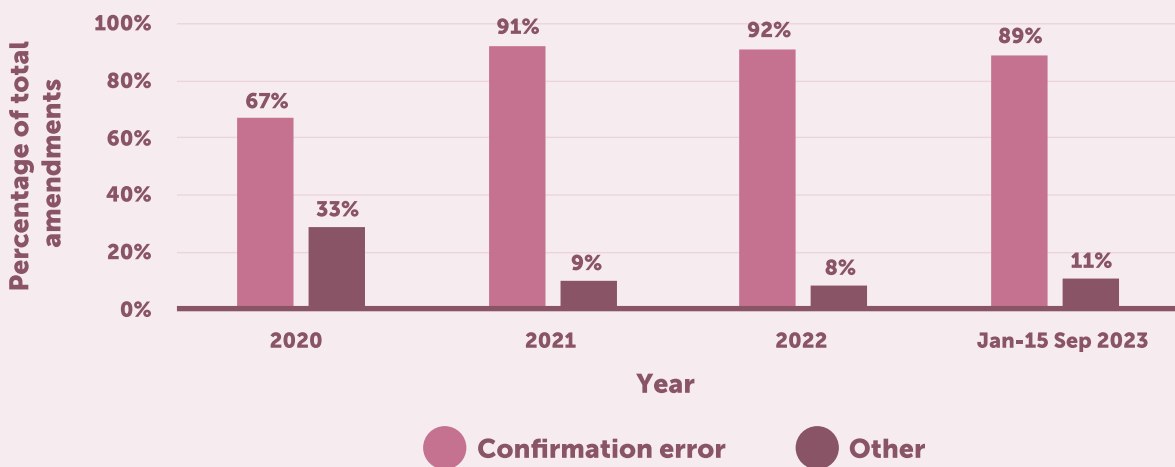
Chart 8: The percentage of Criminal Court Orders amended and deleted from 2020 to 15 September 2023 and the volume in each year



Source: NICTS

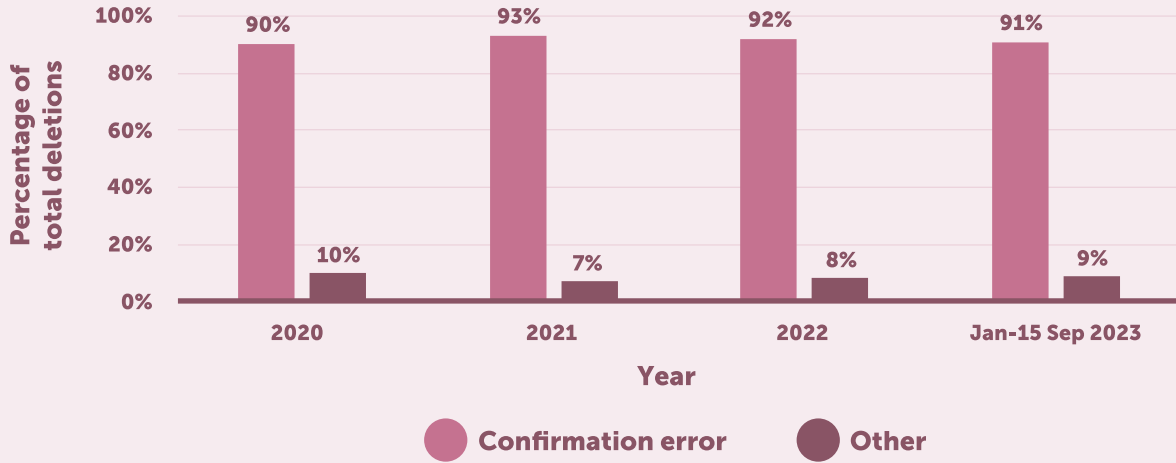
4.18 Chart 9 shows that from 1 January 2020 to 15 September 2023 approximately 90% of amendments made were as a result of staff error and Chart 10 shows that the percentage was slightly higher for deletions of Court Orders.

Chart 9: Percentage of confirmation error versus other reasons for amendment of Court Orders from 2020 to 15 September 2023



Source: NICTS
(The percentages have been rounded up to the nearest whole number)

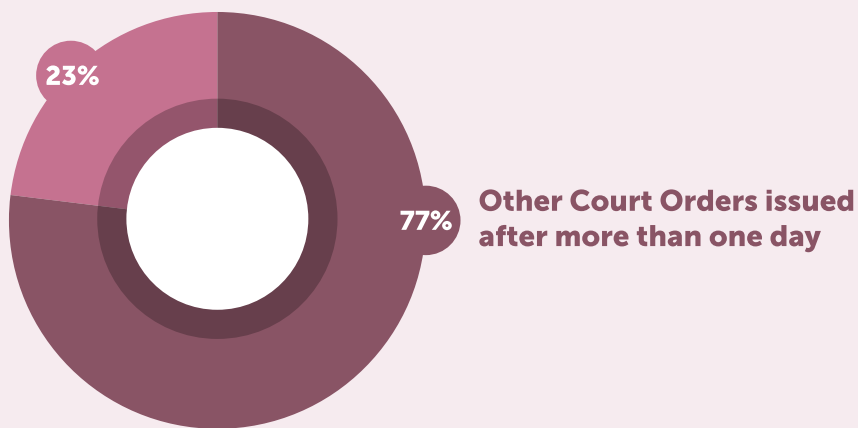
Chart 10: Percentage of confirmation error versus other reasons for deletion of Court Orders from 2020 to 15 September 2023



Source: NICTS
 (The percentages have been rounded up to the nearest whole number)

4.19 In 2023, there were 25,147 criminal Court Orders made across Northern Ireland. Of those, over 8% were issued after more than one day (2,040). Chart 11 shows that of those 2,040 cases, 475 (23%) involved restraining Orders, sex offender registration requirement Orders, serious crime prevention Orders and violent crime prevention Orders which had the potential impact public safety.

Chart 11: Court Orders issued after one day and the percentage involving restraining Orders, sex offender registration requirement Orders, serious crime prevention Orders and violent crime prevention Orders



Source: NICTS

STRATEGIC OBJECTIVE 3:

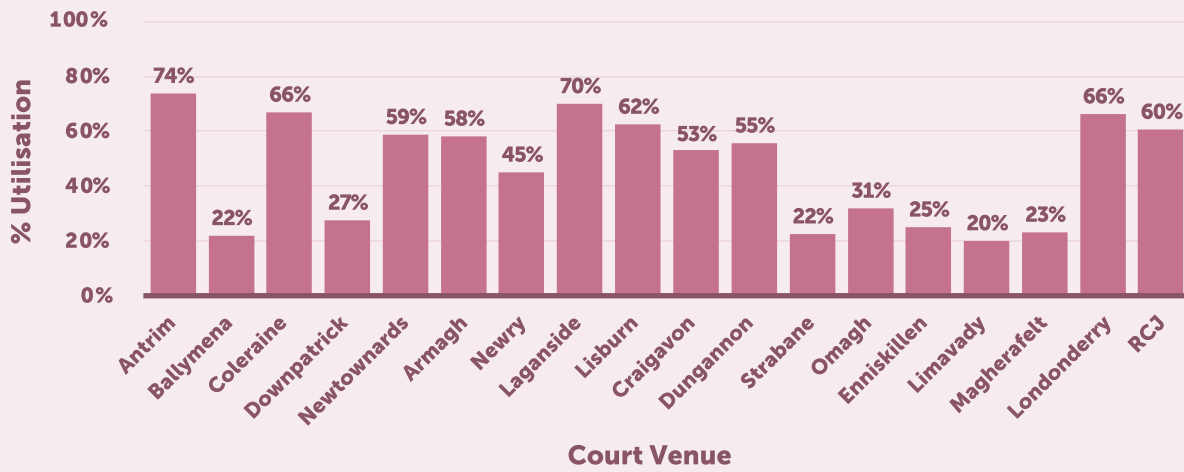
Develop improved Court, tribunal and enforcement services that meet the needs of our stakeholders; and

STRATEGIC OBJECTIVE 4:

Deliver effective corporate governance, finance and procurement arrangements

- 4.20 The availability of appropriate criminal Court and hearing venues and infrastructure to support digital hearings was improved. By January 2024, 67 courtrooms and 25 witness rooms had been upgraded which included the installation of video conferencing equipment in the remote evidence centres. Video conference units had been replaced in legal representative booths across the Court estate. Completion of the remaining two Courtrooms in Laganside, Belfast was planned for summer recess 2024.
- 4.21 The NICTS had been working with the LCJO to implement the use of e-bundles in line with Judicial Modernisation and e-bundles were being used in Extradition cases and in the Court of Judicature. A new Judicial Information Portal and Application was rolled out by January 2024 docking stations were installed in the Royal Courts of Justice Courtrooms on Judges benches. Phase 2 Competitive Dialogue for delivery of Themis had commenced in January 2024 and the NICTS had commenced development of the Full Business Case.
- 4.22 The Estate Strategy was published in December 2023. A fundamental part of the Estate Strategy was to use data to make evidence-based decisions. To assess value for money and effective use of resources the NICTS needed to use the most accurate means of evaluating expenditure. The NICTS advised that they used Court sitting days data as opposed to Court sitting times to calculate the utilisation rate.
- 4.23 The criminal Court utilisation figures for January-September are set out in Chart 12. The figures provided by the NICTS were provisional but show that the average level of Court utilisation during the nine month period in 2023 was 55% (the minimum being Limavady with 20% and Antrim with the maximum at 74%).

Chart 12: Court Utilisation Rate based on Court sitting times January to September 2023



Source: NICTS

Explanatory notes

Only 'Confirmed' sittings have been included;

Methodology:

Sittings are presented on the basis of the Court being utilised at any point in a given day – duration of sitting has not been taken into consideration.

Although Magistrates' Courts sit throughout the year, the higher Courts work according to legal terms.

The non-sitting periods are referred to as recess – approximately 12 weeks per annum. These periods of recess have not been excluded from the data.

Public and Bank holidays have been excluded. Extra Bank holidays in 2023 included Kings Coronation.

This resulted in 247 'available' days over the period which have been applied uniformly across all Court rooms.

4.24 The average sitting times per Court tier from April to September 2023 are set out in Table 6.

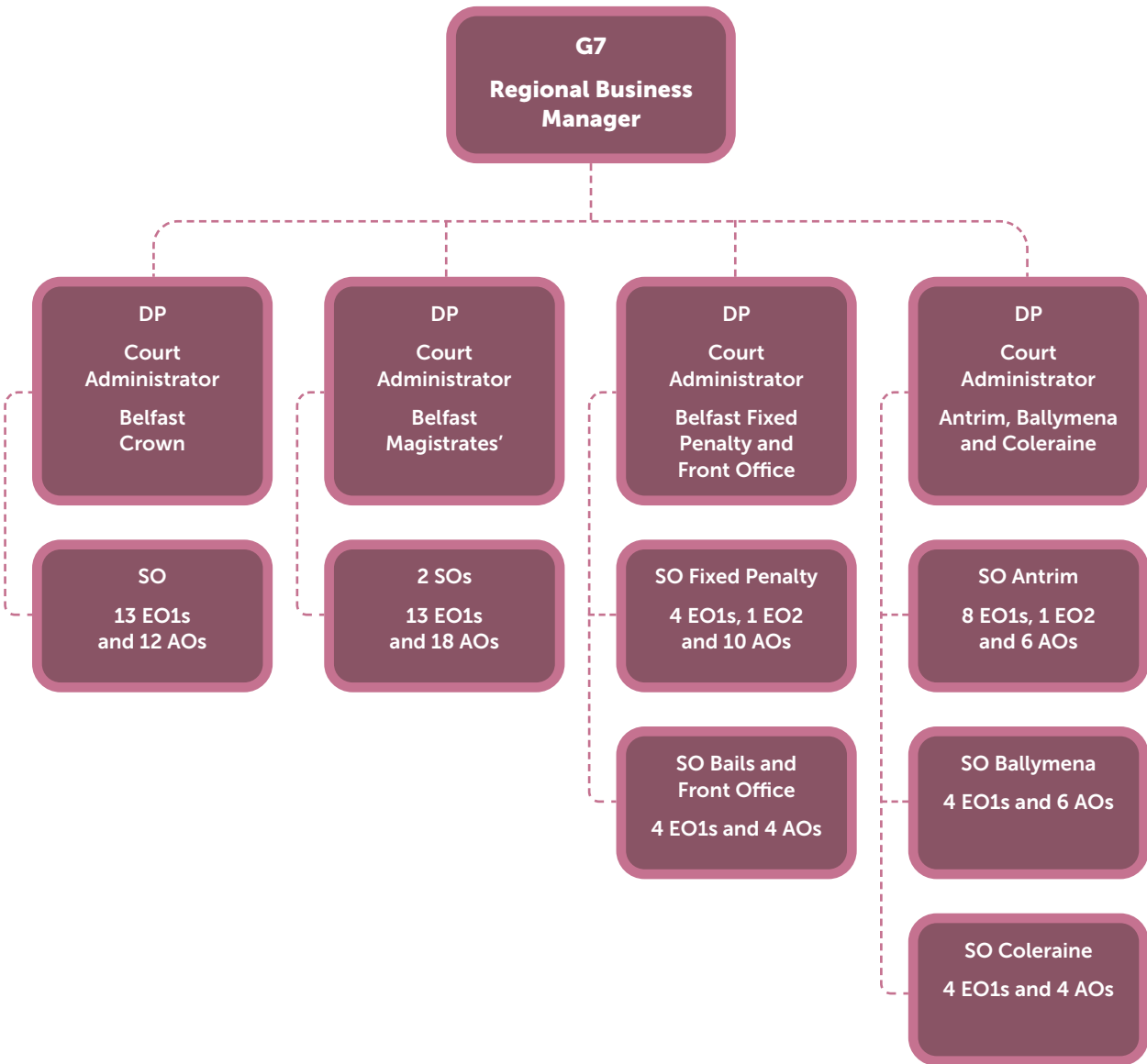
Table 6: Number of Criminal Court sittings and average sitting times from April to September 2023

Court	No. of Court Sittings	Average sitting times (hours)
Crown Court	1,153	01:57
Magistrates' Court	1,569	03:33
Youth Court	131	03:05

Source: NICTS

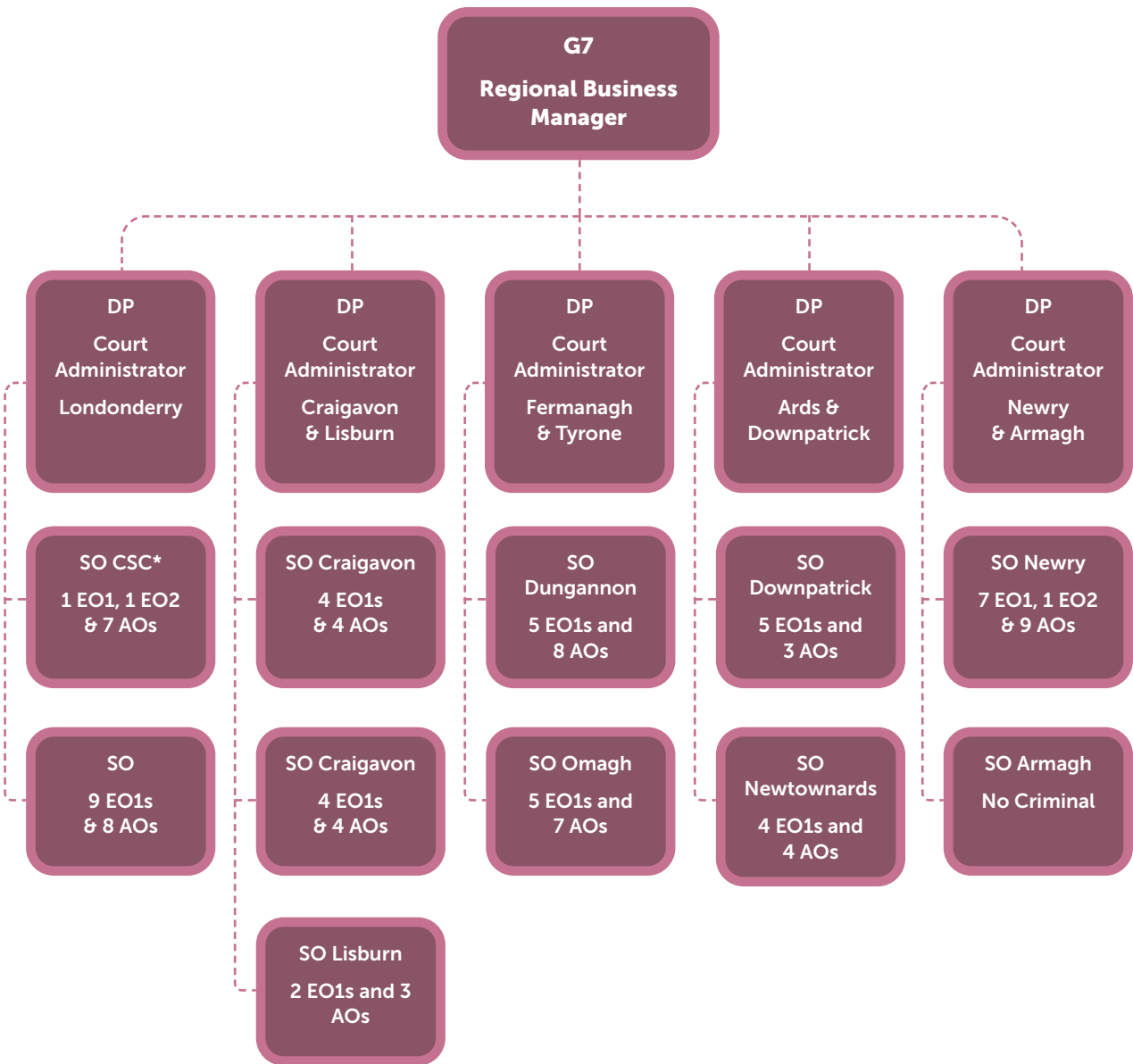
4.25 Basing utilisation on Court days over-estimates the utilisation of the Courts. As an example, although Newtownards Court sat on 59% of the available Court days, as the average sitting time per day in Newtownards Magistrates' Court for criminal business was approximately 46 minutes less than the average sitting time per day in Northern Ireland (03:33 hours), the utilisation rate was in fact lower than 59%. The same applied to any Court where the daily sitting time fell below the average. Inspectors are aware the court sitting time is not reflective of the entire time NICTS staff are involved in administrative work necessary to support criminal court business, for example Court Clerks are required to liaise with the sitting Judge before and after Court.

APPENDIX 1: ORGANISATIONAL CHART FOR CRIMINAL BUSINESS NORTH EASTERN INCLUDING BELFAST COMBINED COURTS



Source: NICTS

APPENDIX 2: ORGANISATIONAL CHART FOR CRIMINAL BUSINESS REGIONAL COURTS



Source: NICTS

Some Courthouse were serviced by staff based at other locations

* CSC - Customer Services Centre

APPENDIX 3: METHODOLOGY

Scoping meetings

Inspectors met with the Chief Operating Officer and Head of Court Operations for the NICTS and key stakeholders including the NSPCC, Victim Support Northern Ireland, the DoJ, the LCJO, the PSNI, the PPS, NIPS, the PBNI, the YJA, the Law Society of Northern Ireland and the Bar Council to determine the scope of the inspection.

Desktop research and documentary review

Research literature and guidance were reviewed in relation to the NICTS. This was used to inform the development of terms of reference for the Inspection and fieldwork planning. A review was also completed of external and internal documentation relating to the effectiveness of criminal Court administration provided to CJJ by inspected agencies. This was used during fieldwork, planning and analysis.

Fieldwork

One to one interviews and focus groups with inspected agencies were completed and Inspectors very much appreciated the time and efforts involved in organising these. The bulk took place with the NICTS and to a lesser degree the PPS, the PSNI, the YJA, the PBNI and the NIPS. Inspectors also met with representatives from the DoJ and the Judiciary and were grateful for the information provided by each. Representatives from the following areas in each agency were interviewed:

Northern Ireland Courts and Tribunals Service (NICTS):

- Director;
- Acting Chief Operating Officer;
- Acting Head of Court Operations;
- Head of People Strategy and Delivery;
- Communications Team;
- Operational Policy Branch;
- ICOS Team;
- Customer Service Centre;
- Grade 7s (Principal Officers);
- Antrim Courthouse – Deputy Principal, Staff Officer, Court Clerks, Court Assistants, Tip Staff and Jury Officer;
- Craigavon Courthouse – Deputy Principal, Staff Officer, Court Clerks, Court Assistants, Case Progression Officer, Tip Staff/Crier and Jury Officer;
- Derry/Londonderry Courthouse – Deputy Principal, Staff Officer, Section Manager, Court Clerks, Court Assistants, Case Progression Officer and Administrative Officers;

- Dungannon Courthouse – Deputy Principal, Staff Officer, Section Manager, Court Clerks, Court Assistants, Case Progression Officer, Tip Staff, Jury Officer and Administrative Officers;
- Laganside Courthouse – Deputy Principal, Staff Officer, Office Manager, Court Clerks, Jury Officer, Court Assistants, Listing Officer and Administrative Officers;
- Lisburn Courthouse – Staff Officer, Court Clerk, Court Assistant and Administrative Officer;
- Downpatrick Courthouse – Deputy Principal, Section Manager and Court Assistant; and
- Newry Courthouse – Deputy Principal and Staff Officer.

NON-EXECUTIVE MEMBERS OF THE NICTS BOARD

Public Prosecution Service for Northern Ireland:

- Principal Public Prosecutor, Gillen and Sexual Offences Policy Lead; and
- Business Managers:
 - Belfast and Eastern – Crown Court, Court Support, Casework Support, Departmental, Case Preparation, High Court and International and Victim Witness Care Unit;
 - Southern Region – Casework Support, Court Support, Case Preparation and Crown Court; and
 - Western Region – Casework Support, Court Support, Case Preparation and Crown Court.

Police Service of Northern Ireland:

- Chief Superintendent Criminal Justice Branch;
- Chief Inspector x 4 Criminal Justice Branch;
- Court Liaison Officer; and
- Contest Liaison Officer.

Youth Justice Agency:

- Youth Conference Co-Ordinator.

Probation Board for Northern Ireland:

- Assistant Director, Urban Teams.

Northern Ireland Prison Service:

- Head of Prisoner Escorting and Court Custody Services; and
- Central Custody Office, Maghaberry Prison.

Department of Justice:

- Lead, Justice Performance;
- Lead, Criminal Justice Policy and Legislation/Legacy;
- Lead, Victim Support Division; and
- Gillen Review Implementation Team.

Lady Chief Justice's Office:

- Lady Chief Justice;
- Recorder of Belfast;
- Presiding District Judge (Magistrates' Court): and
- Crown Court Judge.

Interviews and focus groups were also undertaken with stakeholder organisations:

- The Law Society of Northern Ireland;
- The Bar Council;
- The National Society for the Prevention of Cruelty to Children; and
- Victim Support Northern Ireland.

Inspectors observed the NICTS staff in the Crown Court and Magistrates' Court, including the Substance Misuse Court. They also viewed the Services' computer system, the Integrated Court Operations System (ICOS) and navigated the source of guidance and information for the NICTS staff, the Knowledge Bank.

CJI also conducted an online survey with the NICTS staff working in Criminal Court Operations through Citizen Space, the Northern Ireland Civil Service preferred surveying tool. A copy of the survey can be found at Appendix 4. There were 80 responses to the survey and two respondents were removed from the final survey sample because they did not work in the criminal Courts. Excel was used to filter the responses according to the Court in which the responding staff worked and some of the resulting data is contained in the report. The survey responses are at Appendix 5.

APPENDIX 4: **SURVEY**

SURVEY OF STAFF WITHIN THE NORTHERN IRELAND COURT AND TRIBUNALS SERVICE REGARDING THE EFFECTIVENESS OF CRIMINAL COURT ADMINISTRATION

Overview

Welcome to the survey of staff within the Northern Ireland Courts and Tribunals Service for Criminal Justice Inspection Northern Ireland's (CJI) inspection of the effectiveness of Court administration.

Why your views matter

This survey will seek the views of staff in order to inform the fieldwork for CJI's current inspection of the effectiveness of Court administration and for inclusion in the inspection report.

We are asking all staff who work in criminal business in the Youth Court, Magistrates' Court and Crown Court (including the Jury Management Service) to answer the same questions about their views and experiences.

Your input is vital in understanding what good practice there is or any issues or concerns about the effectiveness of Court administration. These views can be used by us when we inspect your organisation.

Your responses will be confidential and will help us with our work.

Introduction

Criminal Justice Inspection Northern Ireland is an independent statutory inspectorate with responsibility for inspecting all aspects of the criminal justice system in Northern Ireland apart from the Judiciary. You can find out more about our organisation at www.cjini.org.

The Inspectorate is currently conducting an inspection of the effectiveness of Court administration for criminal business in Northern Ireland Courts and Tribunals Service (NICTS). A key aspect of our inspection work is to seek the views of members of staff whose area of work includes any aspect of criminal business, including processing summonses/charges and applications, supporting the Judiciary, attending Court, recording Court outcomes, verifying the records from Court and facilitating the giving and receiving of remote evidence. We will be speaking with some staff members during the course of the on-site fieldwork, but we are keen to give all members of staff an opportunity to have their say directly.

We would like you to complete this online questionnaire, which will take about 5-10 minutes of your time. If you do not feel able to or do not wish to answer any of the questions, you do not have to do so. The questionnaire is anonymous and the information you provide, if used during this inspection or included in the Inspection report, will not be attributed to you. There is no need for you to identify yourself to CJI Inspectors when completing the survey.

Please now proceed to the first section of the survey.

SECTION 1: AREA OF WORK

In what area of criminal business do you currently work? *(Required)*

Please select only one item

- Crown Court
- Magistrates' Court
- Youth Court
- Jury management service
- Other

If you have selected 'Other', please specify the area of criminal business in which you currently work.

What does your role mostly involve?

Please select all that apply

- Case processing
- Preparation of cases for Court
- Court Clerk
- Court Assistant
- Post Court administration
- Jury management
- Case progression
- Allocating resources to support criminal Court hearings
- Other

If you have selected 'Other', please specify what your role mostly involves.

Does your role require you to attend Court? *(Required)*

Please select only one item

- Yes
- No

Approximately how many days per week are you required to attend Court?

Please select only one item

- 5 days per week
- 4 days per week
- 3 days per week
- 2 days per week
- 1 day per week

SECTION 2: NICTS AIMS AND PERFORMANCE MANAGEMENT

In the following questions you will be asked to think about the aims of your organisation, how performance is managed and the extent to which you agree with the statements made.

To what extent do you agree or disagree with the following:

Strongly Agree – Agree – Neither agree nor disagree – Disagree – Strongly disagree

- The aims/objectives of the NICTS are clearly communicated to staff.
- The roles and responsibilities of staff are clearly defined.
- My performance management targets are clearly communicated to me.
- My performance management targets are achievable.
- For those with line-management responsibilities performance management information is available to help monitor and evaluate staff.

SECTION 3: TRAINING AND SUPPORT

In these questions you are asked to consider the organisations approach to training and support as it relates to you individually and to all staff in your organisation.

To what extent do you agree or disagree with the following:

Strongly Agree – Agree – Neither agree nor disagree – Disagree – Strongly disagree

- Induction training provided me with the skills and knowledge needed to perform my job effectively.
- Internal practice guidance is helpful and kept updated when there is a change in practice and policy.
- If I or a staff member that I line manage need particular training to perform our role, it is made available on request.

To what extent do you agree or disagree with the following:

Strongly Agree – Agree – Neither agree nor disagree – Disagree – Strongly disagree

- In my organisation senior leaders are concerned about employee support and wellbeing.
- My immediate line manager demonstrates that they understand the importance of support and wellbeing.
- Managers are confident and sufficiently skilled to have sensitive discussions.
- Managers have the ability to signpost staff to expert sources of help if needed.
- My organisation is much more reactive (taking action when people are absent through sickness) than proactive (promoting good wellbeing).

SECTION 4: NICTS OPERATING PRACTICE

For the following questions please think specifically about the NICTS practice i.e. day to day business and the processes/resources in place to help you do your job.

To what extent do you agree or disagree with the following:

Strongly Agree – Agree – Neither agree nor disagree – Disagree – Strongly disagree

- There is a process in place to report issues that impact my ability to do my job effectively.
- When issues with NICTS business practice are raised, they are acknowledged and addressed.
- Managers/senior managers engage with staff about developments within NICTS so that staff can contribute meaningfully.

The ICOS is fit for purpose and enables me to perform my role efficiently.

- Please select only one item
- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

The following IT resources are effective:

Strongly Agree – Agree – Neither agree nor disagree – Disagree – Strongly disagree

- Staff computer systems
- Telephones
- Video link
- Sightlink

The booking system/diary for video link facilities is effective, with all information being available and up to date for the relevant parties to access when necessary.

Please select only one item

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

The verification/checking system post-Court stage is effective at enabling staff to identify errors and provide re-assurance that the correct information from Court is recorded on ICOS.

Please select only one item

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

The COVID-19 pandemic resulted in a lot of Court business being carried out digitally and once I became familiar with the new practices I was able to work more efficiently.

Please select only one item

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

It is understood that all Court Operations staff are currently office based five days per week due to the paper-based nature of the work. Do you believe any of the work do could be performed remotely if the necessary digital systems were in place?

Please select only one item

- Yes
- No

If there is anything else related to Court administration you would like Inspectors to consider when doing their inspection please detail below.

APPENDIX 5: **SURVEY RESPONSES**

CJI Inspection of the effectiveness of Court administration – NICTS

<https://consultations.nidirect.gov.uk/doj/effectiveness-of-Court-administration-nicts>

This report was created on Monday 05 February 2024 at 12:29

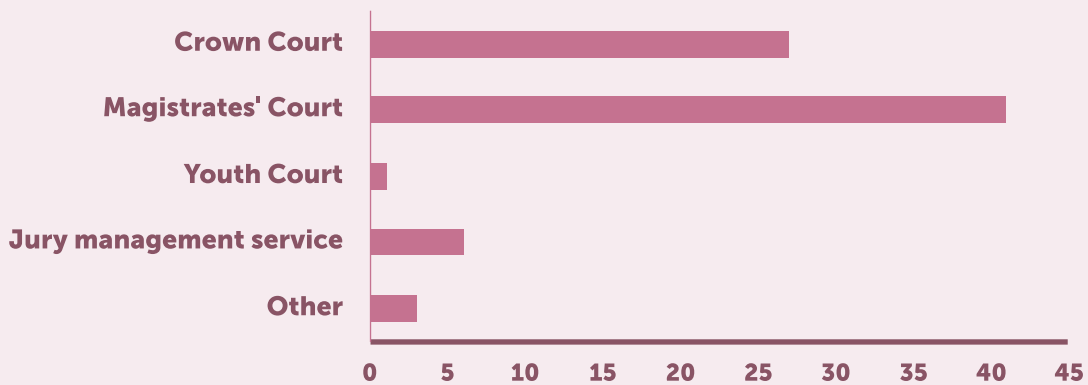
The activity ran from 11 July 2023 to 18 August 2023

Responses to this survey: **78**

(There are approximately 450 staff in Court Operations, of which approximately 246 work in criminal business. Only those in criminal business were invited to complete this survey).

In what area of criminal business do you currently work?

There were 78 responses to this part of the question.

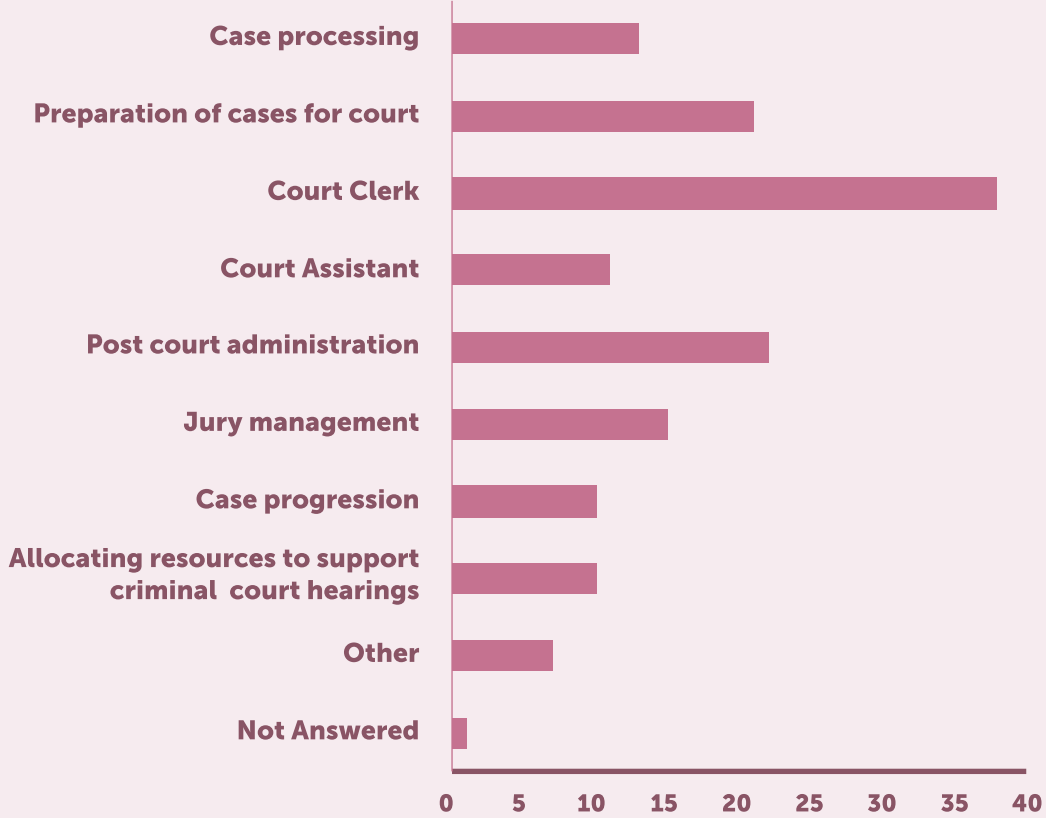


'Other' area of criminal business

There were 4 responses to this part of the question.

What does your role mostly involve?

There were 77 responses to this part of the question.

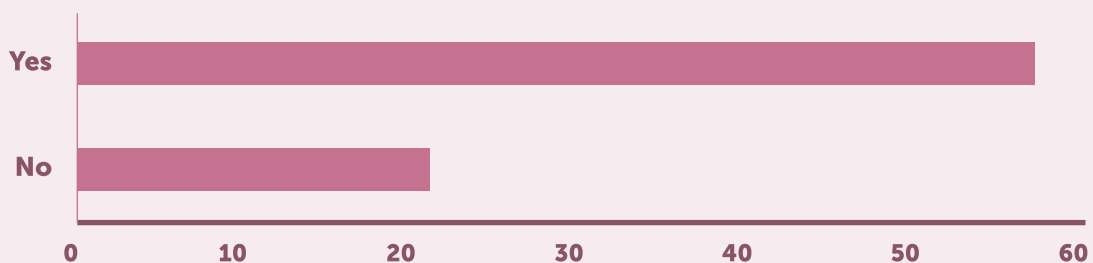


Other specified role

There were 6 responses to this part of the question.

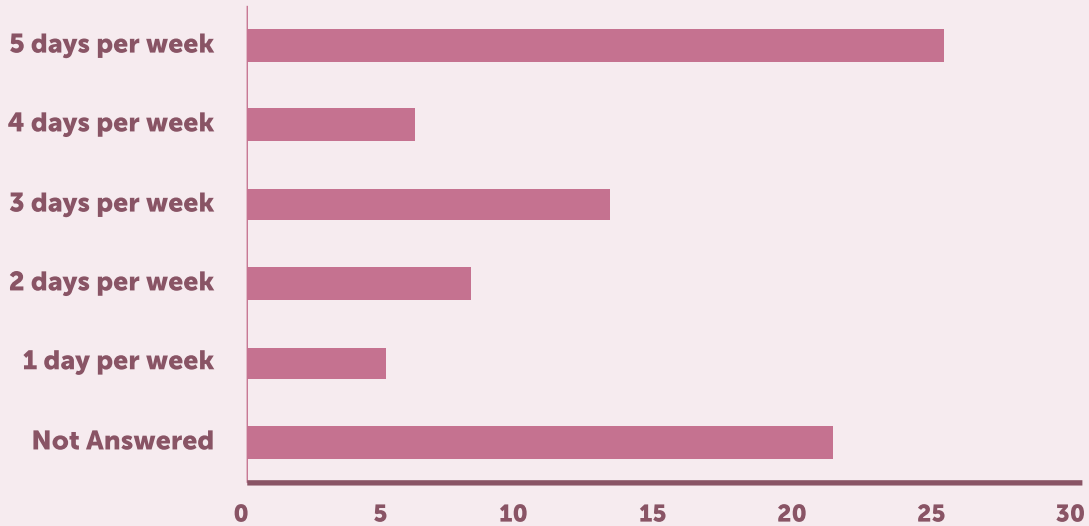
Does your role require you to attend Court?

There were 78 responses to this part of the question.



Approximately how many days per week are you required to attend Court?

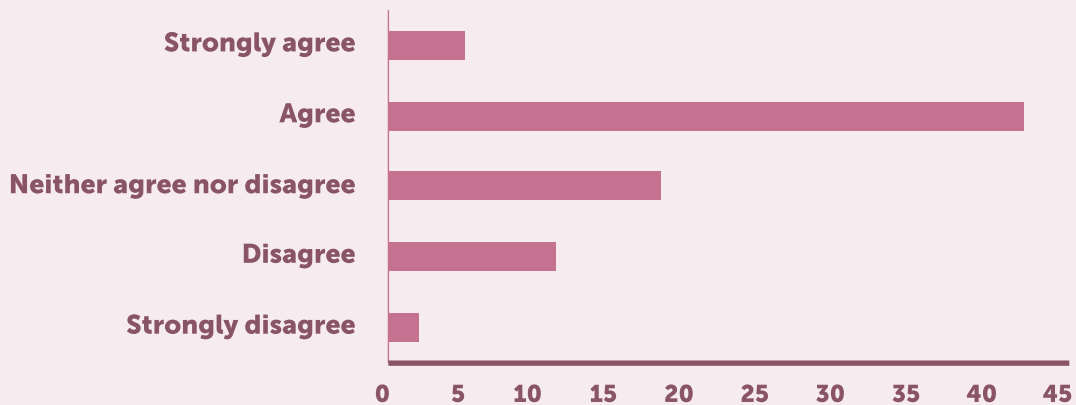
There were 57 responses to this part of the question.



To what extent do you agree or disagree with the following:

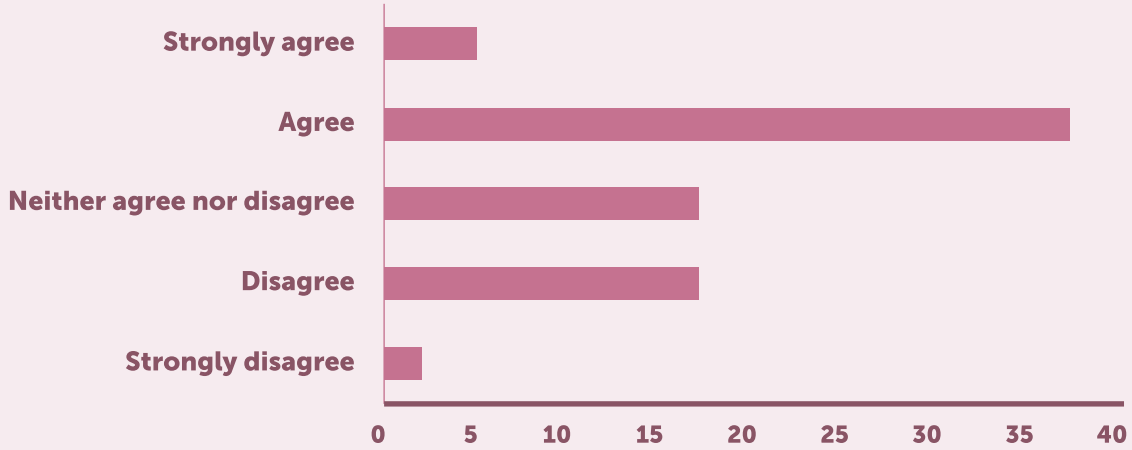
The aims/objectives of the NICTS are clearly communicated to staff.

There were 78 responses to this part of the question.



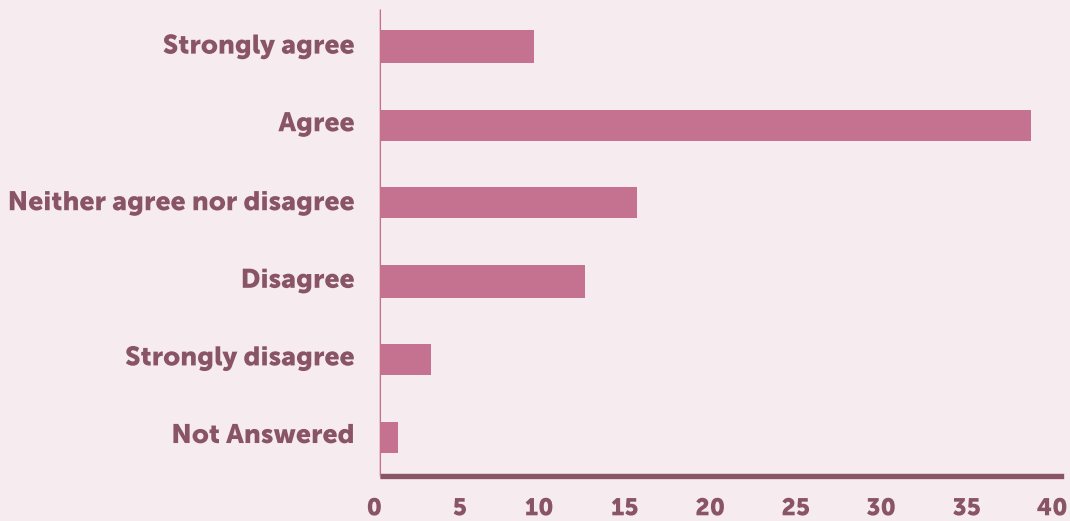
The roles and responsibilities of staff are clearly defined.

There were 78 responses to this part of the question.



My performance management targets are clearly communicated to me.

There were 77 responses to this part of the question.



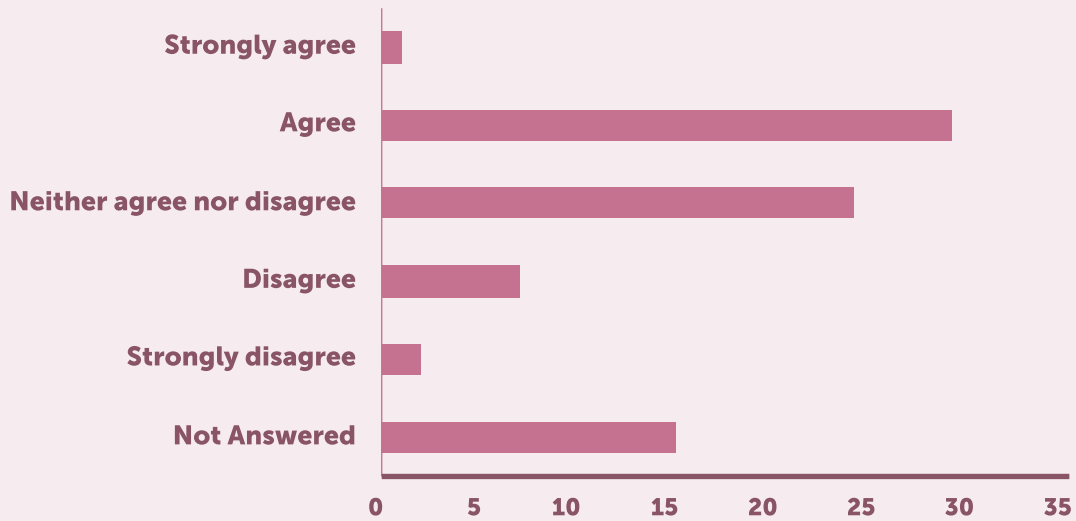
My performance management targets are achievable.

There were 78 responses to this part of the question.



For those with line-management responsibilities performance management information is available to help monitor and evaluate staff.

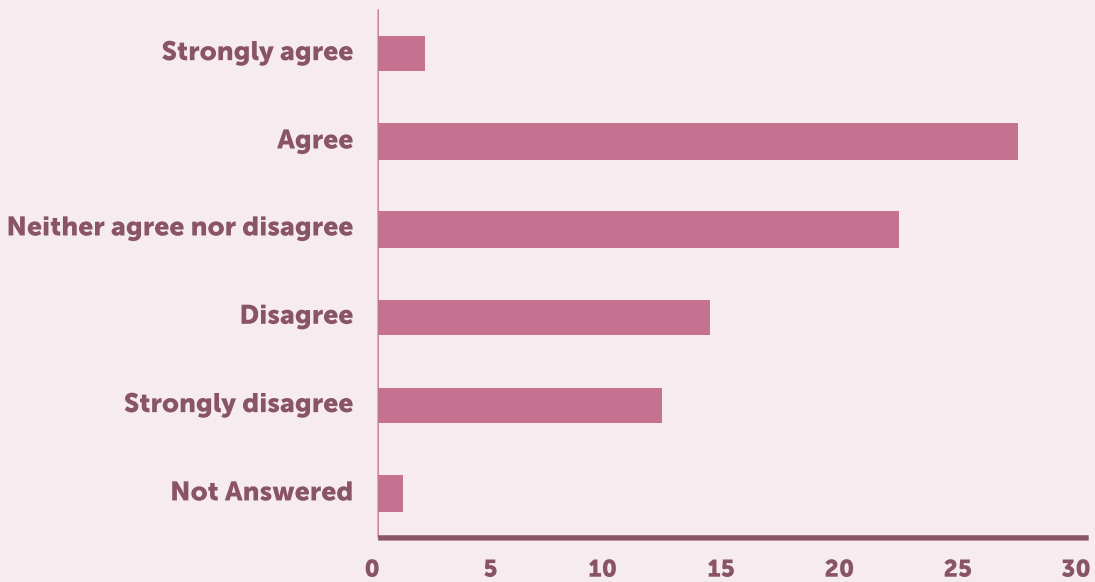
There were 63 responses to this part of the question.



To what extent do you agree or disagree with the following:

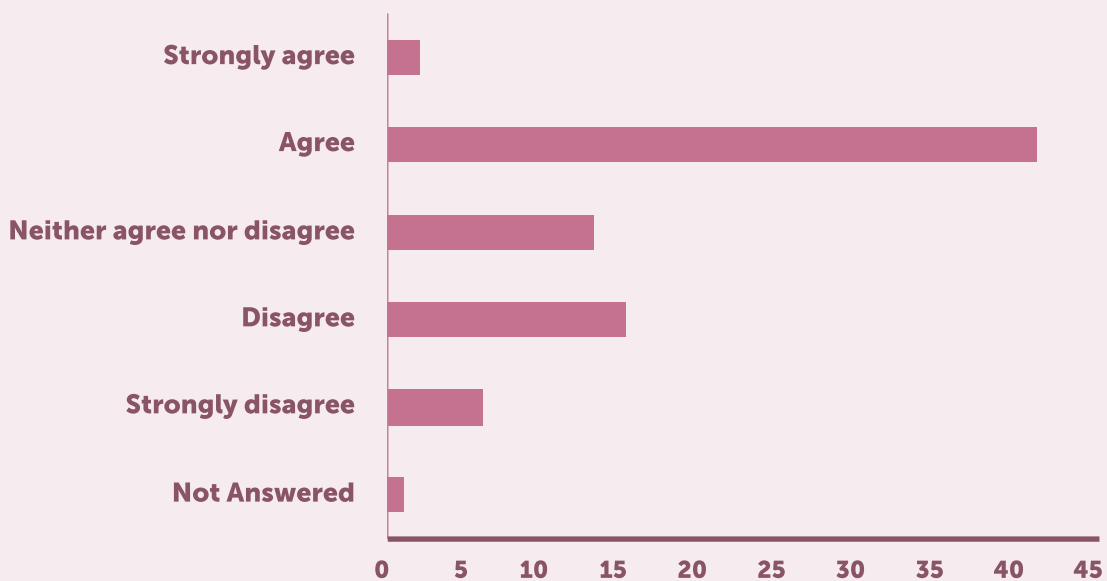
Induction training provided me with the skills and knowledge needed to perform my job effectively.

There were 77 responses to this part of the question.



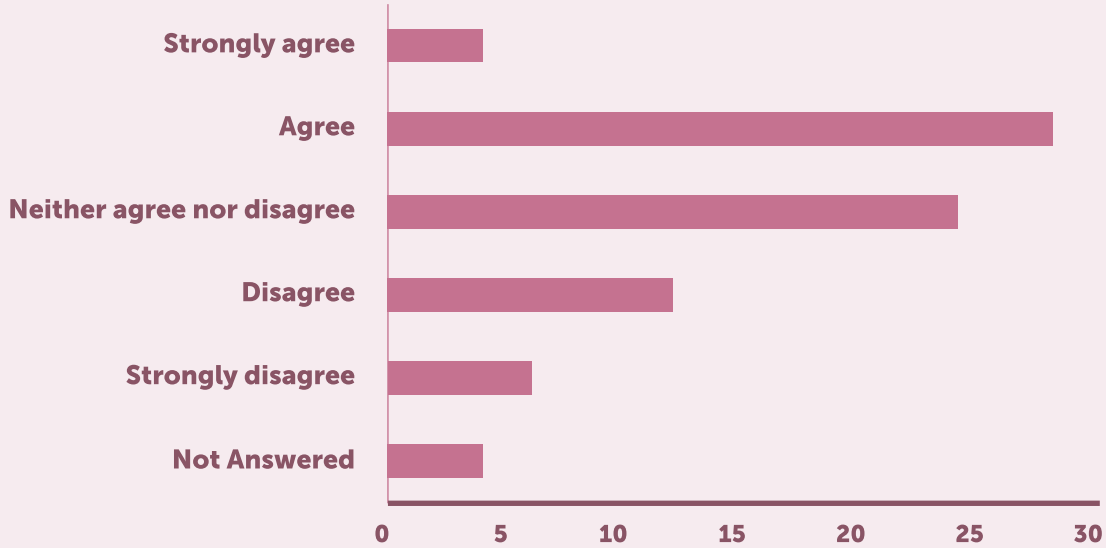
Internal practice guidance is helpful and kept updated when there is a change in practice and policy.

There were 77 responses to this part of the question.



If I or a staff member that I line manage need particular training to perform our role, it is made available on request.

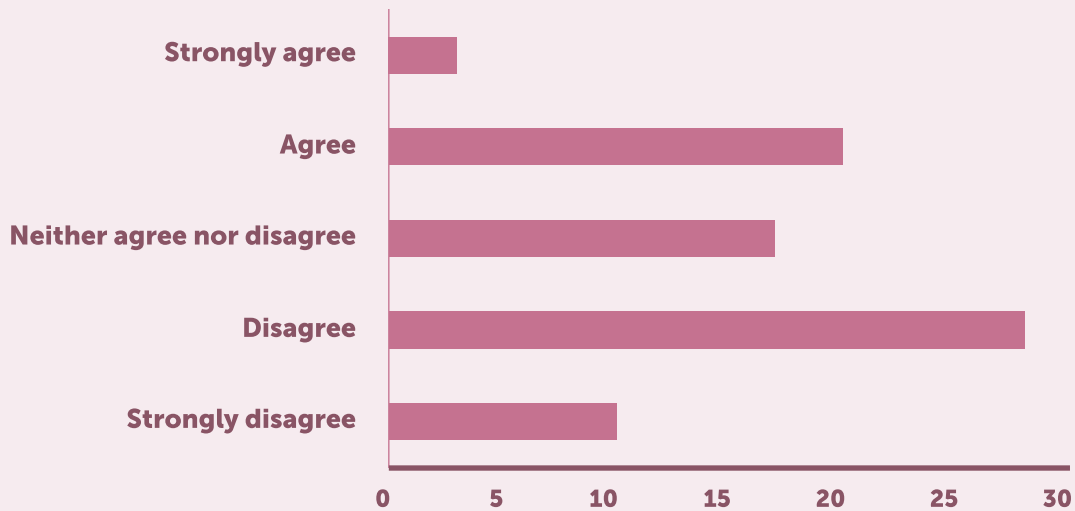
There were 74 responses to this part of the question.



To what extent do you agree or disagree with the following:

In my organisation senior leaders are concerned about employee support and wellbeing

There were 78 responses to this part of the question.



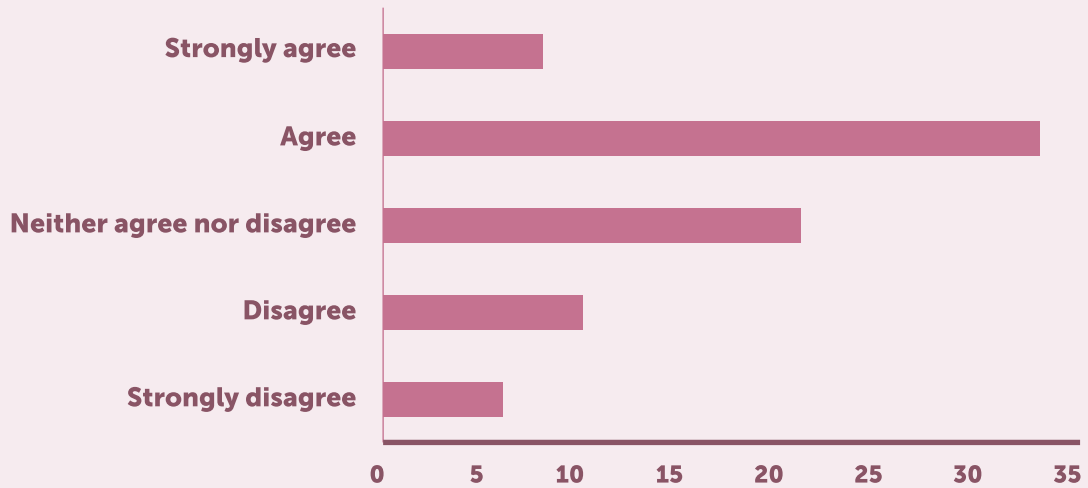
My immediate line manager demonstrates that they understand the importance of support and wellbeing

There were 78 responses to this part of the question.



Managers are confident and sufficiently skilled to have sensitive discussions

There were 78 responses to this part of the question.



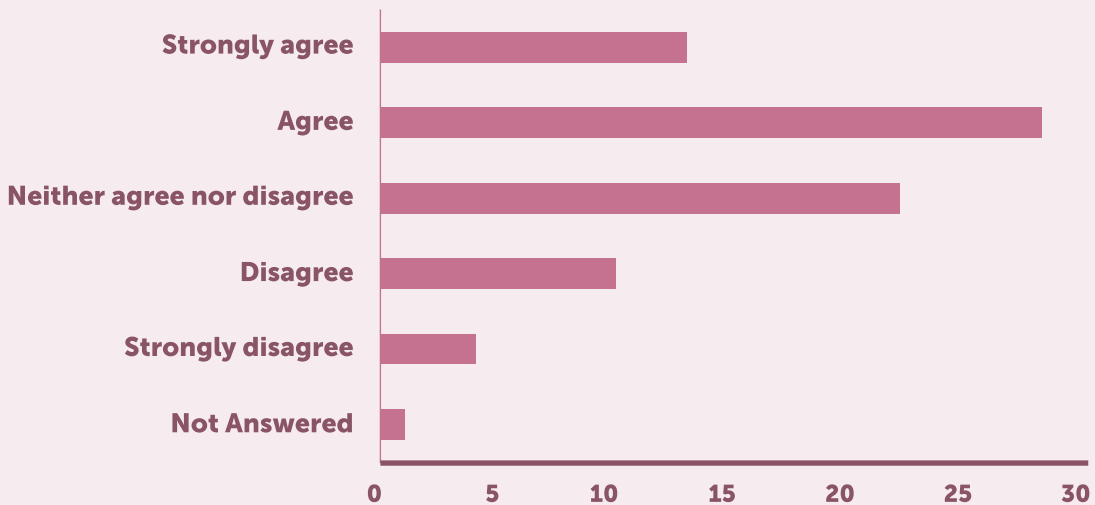
Managers have the ability to signpost staff to expert sources of help if needed.

There were 78 responses to this part of the question.



My organisation is much more reactive (taking action when people are absent through sickness) than proactive (promoting good wellbeing)

There were 77 responses to this part of the question.



To what extent do you agree or disagree with the following:

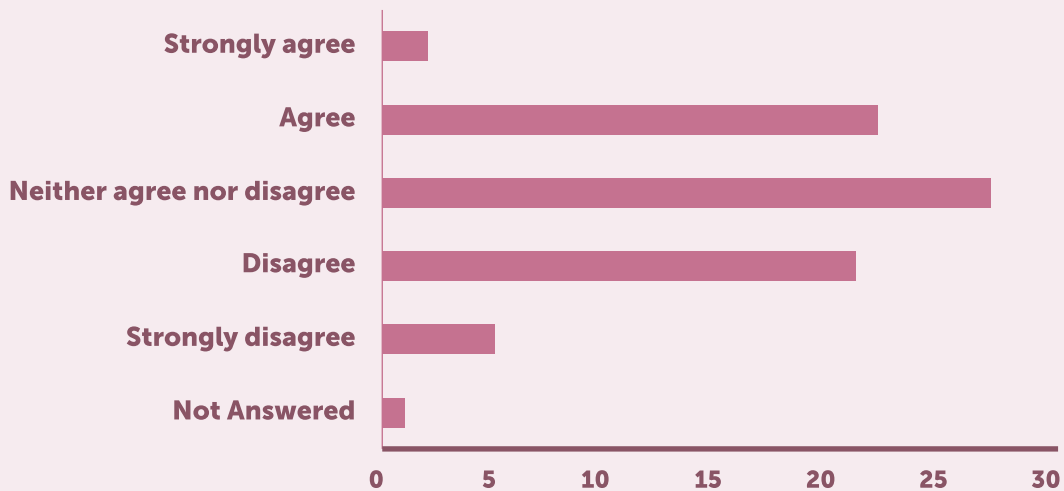
There is a process in place to report issues that impact my ability to do my job effectively.

There were 78 responses to this part of the question.



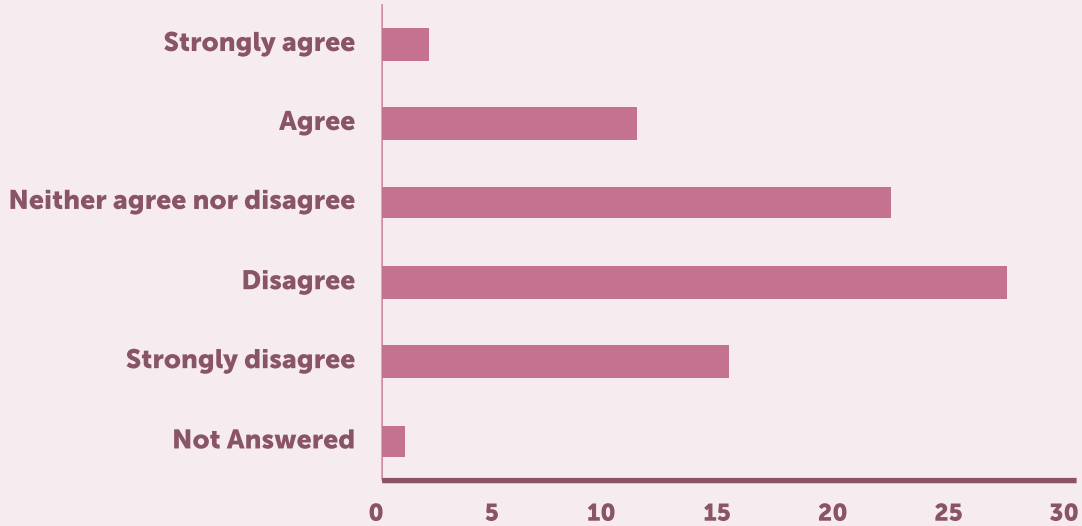
When issues with NICTS business practice are raised, they are acknowledged and addressed

There were 77 responses to this part of the question.



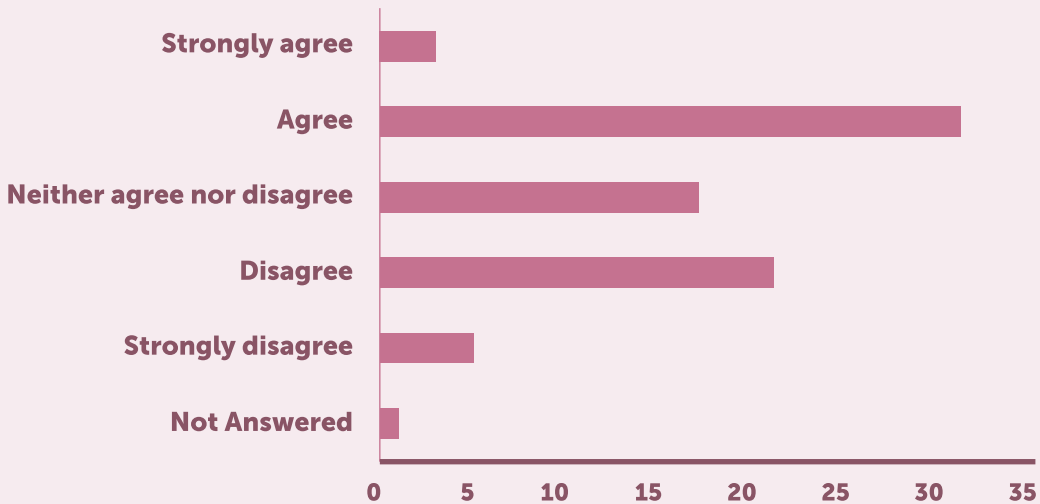
Managers/senior managers engage with staff about developments within NICTS so that staff can contribute meaningfully (eg team meetings, briefings)

There were 77 responses to this part of the question.



The ICOS is fit for purpose and enables me to perform my role efficiently.

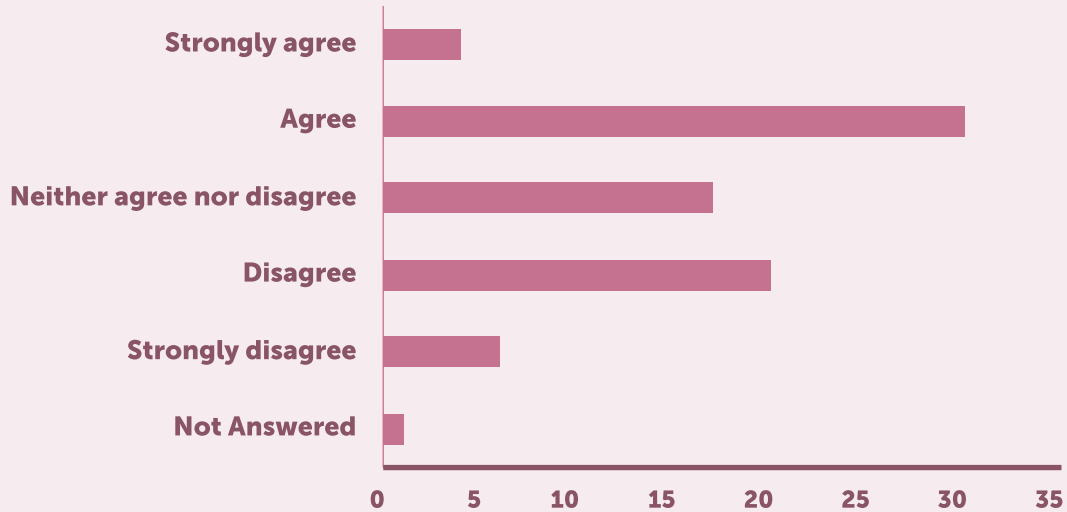
There were 77 responses to this part of the question.



The following Information Technology resources are effective:

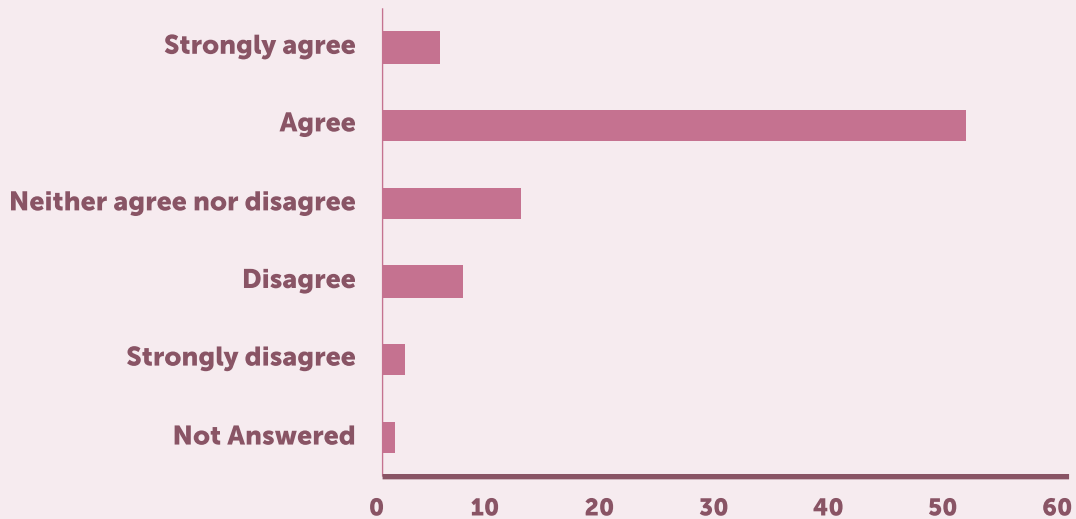
Staff computer systems

There were 77 responses to this part of the question.



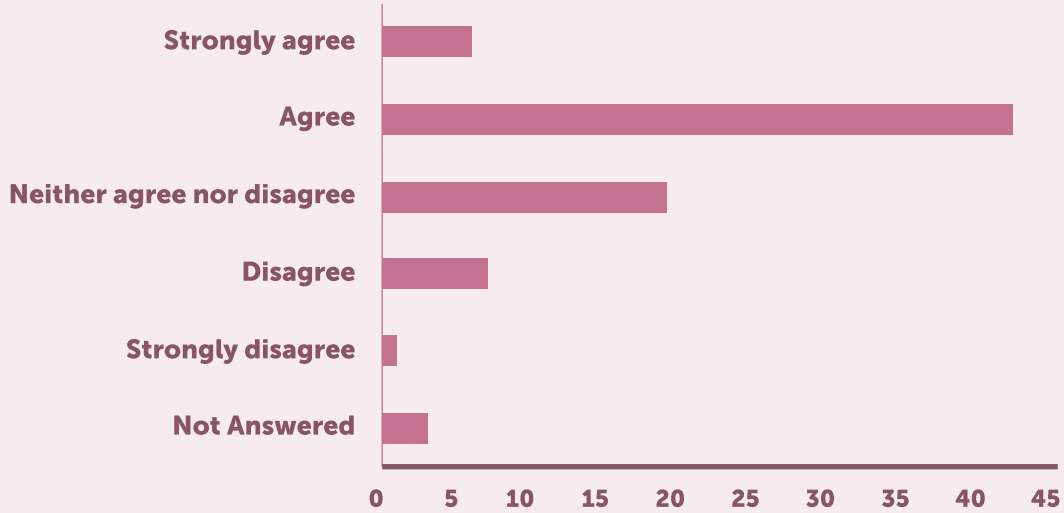
Telephones

There were 77 responses to this part of the question.



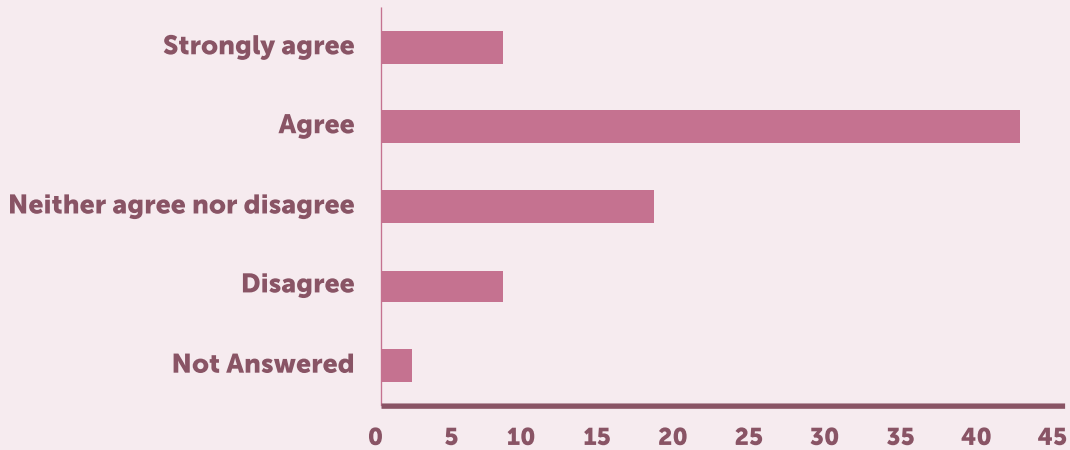
Video link

There were 75 responses to this part of the question.



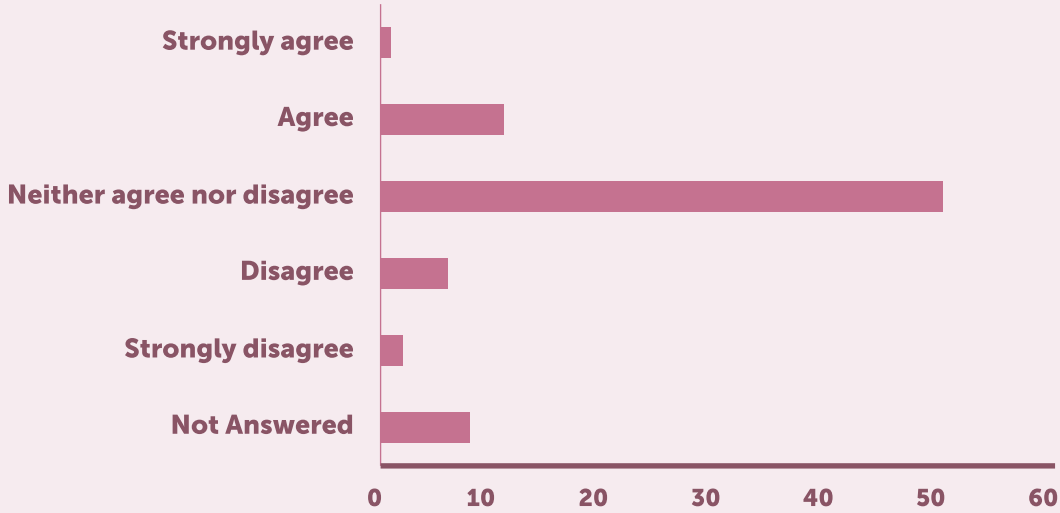
Sightlink

There were 76 responses to this part of the question.



The booking system/diary for video link facilities is effective, with all information being available and up to date for the relevant parties to access when necessary.

There were 70 responses to this part of the question.



The verification/checking system post-Court stage is effective at enabling staff to identify errors and provide re-assurance that the correct information from Court is recorded on ICOS.

There were 76 responses to this part of the question.



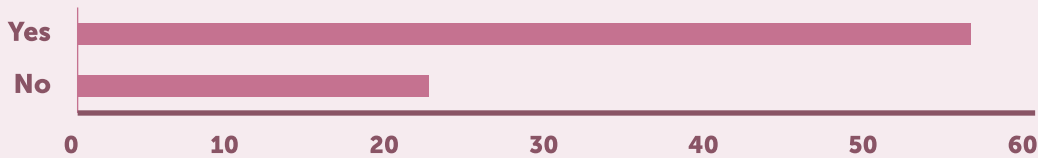
The COVID-19 pandemic resulted in a lot of Court business being carried out digitally and once I became familiar with the new practices, I was able to work more efficiently.

There were 76 responses to this part of the question.



It is understood that all Court Operations staff are currently office based five days per week due to the paper based nature of the work. Do you believe any of the work do could be performed remotely if the necessary digital systems were in place?

There were 78 responses to this part of the question.



If there is anything else related to Court administration you would like Inspectors to consider when doing their inspection please detail below.

There were 11 responses to this part of the question.

APPENDIX 6: **TERMS OF REFERENCE**

AN INSPECTION OF THE EFFECTIVENESS OF CRIMINAL COURT ADMINISTRATION

TERMS OF REFERENCE

Introduction

Criminal Justice Inspection Northern Ireland (CJI) proposes to undertake an inspection of the effectiveness of criminal Court administration by the Northern Ireland Courts and Tribunals Service (NICTS/'the Service'). This will include case processing, preparation of cases for Court, allocation of resources to support criminal Court hearings and the Judiciary, pre, in and post Court administration including the recording and communicating Court decisions and the provision of facilities and equipment for hearings.

The main organisation to be inspected will be the NICTS, however, other criminal justice system organisations that play an important role in the effective delivery of criminal justice, including the Police Service of Northern Ireland (PSNI), Public Prosecution Service for Northern Ireland (PPS), Probation Board for Northern Ireland (PBNI), Northern Ireland Prison Service (NIPS) and Youth Justice Agency (YJA) will be interviewed as part of this inspection. Representatives from the legal profession, voluntary and community sector organisations providing services for the criminal Courts and other key stakeholders will also be interviewed.

Context

The NICTS is an agency within the Department of Justice (DoJ) sponsored by the Access to Justice Directorate. The role of the NICTS includes, among other things, the provision of administrative support for Northern Ireland's Courts and tribunals and supporting an independent Judiciary.

The NICTS have over 900 members of staff, support a Judicial complement of over 70 salaried and 600 fee paid Judicial office holders and in 2021-22 supported 72,000 criminal, civil, and family cases, 9,700 tribunal cases, 17 legacy inquest hearings and 70 Coroners' inquest hearings.³⁶

³⁶ Northern Ireland Courts and Tribunals Service, *Business Plan 2022-23*, available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/nicts-business-plan-2022-23.pdf>

The focus of this inspection will be the effectiveness of the administration of criminal business by the NICTS across the Crown, Magistrates' and Youth Courts. In 2021-22, the Service received 39,974 criminal cases and supported the disposal of 38,754 criminal cases.

CJI does not inspect the Judiciary, therefore this inspection focuses on the administrative processes, systems and services that support Judicial decision making in the criminal Courts.

Impact of COVID-19 on the NICTS

In March 2020, due to the public health restrictions and lockdowns of the COVID-19 pandemic, the NICTS initially closed all but five of its Courthouses and drastically reduced the number of physical hearings. Most criminal Courts migrated to digital video links between police stations, prisons, Courthouses and defence representatives which took time to stabilise. From September 2020, criminal Courts had resumed sitting at most Courthouses – albeit initially with reduced in person capacity due to the requirement for social distancing.

A programme of work was initiated in April 2020 to manage criminal justice system recovery from the impact of the COVID-19 pandemic. It was overseen by the Criminal Justice Programme Delivery Group which reported to the Criminal Justice Board.

In April 2021 the Department of Finance provided additional funding to criminal justice organisations, including the NICTS, to facilitate an uplift in the disposal of cases through the criminal Courts over three years. The NICTS funding was used to support the introduction of additional staff across a range of Court locations, costs associated with Deputy Judges, enhanced cleaning and security across the estate, Information and Communication Technology enhancements as well as meeting capital costs such as providing additional 'Nightingale' Court facilities. There was significant delay in recruiting Court Clerks which placed pressure on the NICTS.

In August 2020, operational Crown Court jury trial Courtrooms were increased to 15, enhanced multi-defendant facilities across all Crown Court venues were introduced, there was extensive use of remote hearing facilities enabled through IT, mixed in-person and video link hearings and an increase in sitting times across Magistrates' and Crown Court.

In 2021-22, the average time taken for a case to be dealt with at the Crown Court and Magistrates' Court had increased from average time taken in 2019-20. For charge cases in the Crown Court it took, on average, 535 days (increase of 125 days) and for summons cases, 1,029 days (increase of 168 days). In the Magistrates' Court it took on average 108 days (increase of 36 days) for a charge case and 288 days (increase of 110 days) for a summons case.³⁷

³⁷ Department of Justice key statistics summary updated November 2022 available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/doj%20key%20statistics%20summary.pdf>.

'Speeding up justice' initiatives have been led by the DoJ through law reform and by criminal justice organisations through the implementation of administrative and practice improvements. These were the subject of a recent CJI Inspection Report on File Quality, Disclosure and Case Progression and Trial Recovery from the COVID-19 pandemic, published on 5 June 2023. The NICTS have an important role in ensuring that criminal Court business is progressed efficiently through effective administration and providing the Judiciary with the necessary support.

Moving forward

The NICTS 2022-23 Business Plan states that business recovery is the overriding priority:

'COVID-19 required us to change the way in which many aspects of Court and tribunal business are delivered, with an increasing reliance on the use of technology. As we emerge from the pandemic, it will be important that we do not default to a pre-COVID model for Court and tribunal business.'

The Service will also continue with the delivery of their *Vision 2030* Portfolio³⁸ which is focussed on digital modernisation³⁹, improved service design, the development of their workforce through their People Strategy⁴⁰ and the modernisation of their estate.

CJI have previously inspected specific areas of the NICTS including inspections on Management of Jurors published in April 2010,⁴¹ with the Follow-Up Review in 2014,⁴² The accuracy of Court Orders, September 2013⁴³ and Effective Penalty Enforcement, July 2021.⁴⁴

This inspection will examine the effectiveness of the administration of criminal business which includes the provision of facilities for giving and receiving evidence remotely to allow victims and witnesses to give their best evidence and the use of technology to effectively progress cases and make best use of resources.

Aims of the Inspection

The broad aims of the Inspection are to:

- examine the effectiveness of the administration of criminal Court business in supporting the achievement of strategic business objectives, support to the Judiciary and improved service delivery;

38 Vision 2030 is the NICTS portfolio of Modernisation Programmes.

39 *The Northern Ireland Courts and Tribunals Service Digital Strategy 2021-2026*, available at

<https://www.justice-ni.gov.uk/sites/default/files/publications/justice/nicts-digital-strategy-2021-2026.pdf>.

40 *The Northern Ireland Courts and Tribunals Service People Strategy 2022-2027, Year One Delivery Plan 2023 – 2024*, internal document.

41 CJI Inspection Report on the Management of Jurors, published April 2010, available at: [PBNI Report \(cjini.org\)](#).

42 CJI Follow Up Review on the Management of Jurors, available at: [Follow-up Review on the Management of Jurors](#)

43 CJI Inspection Report on the accuracy of Court Orders, available at:

www.cjini.org/getattachment/d1a6c000-9164-431c-8fdc-c9c137057bd6/report.aspx.

44 CJI Inspection Report on Effective Penalty Enforcement, available at: [Effective Penalty Enforcement – A Review of the impact of current fine default strategy and services \(cjini.org\)](#).

- review how operational delivery and staff resourcing is structured and organised to meet business needs, the needs and expectations of stakeholders and service users and assess effectiveness, continuous development and potential areas for improvement;
- examine the utilisation of resources to include criminal Court capacity, the availability of Court rooms, particularly for Crown Court business, and the provision of facilities for giving and receiving evidence remotely;
- examine the availability and use of technology to effectively progress criminal Court business;
- examine the performance of the criminal justice organisations in facilitating criminal Court administration;
- examine how effective criminal Court administration is benchmarked against good practice in other jurisdictions; and
- any other matters arising during the inspection if considered appropriate by CJI may be included.

Methodology

The review will be based on the CJI Inspection Framework, the three main elements of the inspection framework are:

- Strategy and governance;
- Delivery; and
- Outcomes.

Design and Planning

Preliminary research

Data and initial information has been sought from the NICTS to inform the scope of this inspection.

Stakeholder consultation

Consultations have taken place with stakeholders to determine the scope of the inspection to include:

- the Judiciary;
- the National Society for the Prevention of Cruelty to Children (NSPCC);
- Victim Support Northern Ireland; and
- the Law Society of Northern Ireland.

A meeting with the Bar Council of Northern Ireland is also planned, and if required these terms of reference will be revised.

CJI is cognisant of the current operational models of inspected organisations and this will inform fieldwork for this review (see below) and may impact timing.

Benchmarking, research and data collection

Collection of benchmarking information and data and review of inspection and research reports will be undertaken.

Contact with organisations

Terms of reference will be shared with the NICTS, the NSPCC, the PPS, the Bar of Northern Ireland, the DoJ, the Lady Chief Justice's Office, the Law Society of Northern Ireland, the NIPS, the PBNI, the PSNI, Victim Support Northern Ireland and the YJA. Liaison officers from the relevant organisations should be nominated for the purposes of the inspection.

Policies and procedures, management information, minutes of meetings and related documentation from the organisations will be requested and examined.

Stakeholder consultation

The following stakeholder organisations will be consulted:

- NSPCC;
- PPS;
- the Bar of Northern Ireland;
- the DoJ;
- the Lady Chief Justice's Office;
- the Law Society of Northern Ireland;
- the NIPS;
- the PBNI;
- the PSNI;
- Victim Support Northern Ireland; and
- the YJA.

Other stakeholders may be consulted as required.

Self-assessment

The NICTS will be asked to undertake a self-assessment, which will be reviewed by CJI prior to the commencement of fieldwork.

Development of fieldwork plan

Interviews and focus groups will be conducted with the NICTS and other criminal justice agency staff, and relevant stakeholders to give an insight into the issues affecting the effectiveness of criminal Court administration. Inspectors will also issue a questionnaire to all staff facilitating criminal business in the Crown, Magistrates' and Youth Courts.

Fieldwork requiring face-to-face contact will be planned and risk assessed where necessary in line with public health advice.

Initial feedback to agency

On conclusion of the fieldwork the evidence will be collated, triangulated and analysed and emerging findings will be developed. CJI will then present the findings to the NICTS and the DoJ.

Drafting of report

Following completion of the fieldwork and analysis of data, a draft report will be shared with the NICTS, the DoJ and any other relevant stakeholders for factual accuracy check. The Chief Inspector will invite the NICTS, or other organisations where appropriate, to complete an action plan within two weeks to address the recommendations and if the plan has been agreed and is available, it will be published at the same time/alongside the final inspection report. The review report will be shared, under embargo, in advance of the publication date with relevant bodies.

Publication and Closure

A report will be sent to the Minister of Justice or DoJ Permanent Secretary, in the absence of a Minister, for permission to publish. When permission is received the report will be finalised for publication. A press release will be drafted and shared with the NICTS, the DoJ and any other relevant stakeholders prior to publication and release. A publication date will be agreed and the report will be issued.

Indicative Timetable

Scoping, research and self-assessment:	April - July 2023
Fieldwork:	August - November 2023
Draft report to the NICTS and other appropriate organisations for factual accuracy:	January 2024
Publication (subject to permission to publish):	February/March 2024

The above timetable may be impacted by factors outside CJI’s control. Organisations will be kept advised of any significant changes to the indicative timetable.

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