

Change in the Criminal Justice System

Deputy Chief Inspector, Brendan McGuigan takes stock of how much things have really changed



The Criminal Justice system in Northern Ireland is in the process of transformation. Some parts of it are barely recognisable when compared with what existed pre-Good Friday Agreement. The Patten Report on policing and the Criminal Justice Review remain the two main vehicles for organizational and cultural change within the CJS. These were not wish lists to appease political demands but rather templates for the kind of organizations that were required in a society coming out of conflict and sectarian division. The Police Oversight Commissioner and the Justice Oversight Commissioner report regularly on the considerable progress that is being made against the many hundreds of recommendations accepted as part of the change programme.

Changing organisational culture is a complex and challenging task which is made all the more difficult when political development fails to keep apace with the reform programme. Organisations and their leadership are committed to fulfilling their responsibilities, however, the

workforce are also citizens and are not immune from the environmental influences which continue to register little communal change. That is why we believe that inspection becomes a vital tool helping to steer organisations towards their stated goals, Inspection can help maintain momentum which can so easily be lost without the political development which devolution would undoubtedly have brought. By introducing East/West, North/South dimensions to each inspection we in Criminal Justice Inspection will maintain a currency with the change process and continually open up local Criminal Justice Agencies to both national and international best practice and benchmarking.

So what is happening within the Criminal Justice System in Northern Ireland? The police service is being transformed. The policy of 50/50 recruitment is slowly changing the imbalance of the service in terms of community background. Respect for Human Rights is increasingly at the centre of police training, policing

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policies and pre-planned operations. The new accountability mechanisms delivered through the Policing Board and the District Policing Partnerships are attracting increased public confidence. In other parts of the system, the new prosecution service is being developed, the new Youth Justice Agency is already providing range of new services to young people including restorative conferencing, community services and the Juvenile Justice Centre at Rathgael. The prison service has completed its downsizing and is now in the process of adapting to the changed security climate, consolidating and improving its estate and putting resettlement at the centre of its service delivery. The Probation Service have become more public protection orientated and is leading in terms of inter-agency partnerships and collaborative working.

We know that the voluntary sector in Northern Ireland contributes magnificently to the Criminal Justice System and our inspectors, even at this early stage, have recognized their value and will be saying so in forthcoming reports. Through the use of inspection, we will be carrying out an ongoing audit of just what is happening within criminal justice in Northern Ireland. We believe that inspection can help focus the real enthusiasm of many within the system to make a difference.

CHANGE: A VIEW FROM WITHIN THE NORTHERN IRELAND OFFICE

Maura Campbell, Head of Criminal Justice Reform Division in the NIO, gives a personal perspective of her experience of change in the criminal justice system



How long have you been working in criminal justice?

Nearly four years to the day. In that time it has been my privilege to be involved in helping to implement an extensive programme of change across the justice system in Northern Ireland.

What has your role been in the change process?

When I arrived in 2001, the Government was about to publish its response to the "Review of the Criminal Justice System" - a review set up under the Belfast Agreement, which made nearly 300 recommendations for change. Since then, I've produced two implementation plans and taken two bills through Parliament to pave the way for this programme of reform. Nowadays, I'm working with colleagues across the NIO and the various criminal justice agencies to keep the momentum of change going.

What do you think has been your greatest challenge to date?

Taking the first Justice Bill through Parliament. As well as being a long and involved piece of legislation I found it tough being away from home for weeks at a time. I remember the Bill Team escaping from the officials' box in the House of Lords and making for the nearest bar after Third Reading, which meant we had finally negotiated all of the legislative stages. That was a landmark, but we knew even then that it was nothing more than the end of the beginning: there was lots more to do.

What do you look upon as the main achievements of the last few years?

One of the most important reforms was the establishment of Criminal Justice Inspection Northern Ireland, which looks set to make a great contribution to enhancing public confidence in the fairness and effectiveness of the system. We also have in place a new Youth Justice Agency and the pioneering work of its Youth Conferencing Service, Community Safety Partnerships working well across Northern Ireland and co-operation between probation services on the island of Ireland. The Department of the Director of Public Prosecutions is becoming the new Public Prosecution Service in the very near future, and we will soon have in place a Judicial Appointments Commission.

Seeing such tangible realisation of the Criminal Justice Review has been a great boost to all involved.

What have you most enjoyed?

The people I've worked with. Although CJRD is a small team, we achieve a lot and have the flexibility to move with the times. There's a real sense of commitment and professionalism throughout this Directorate and I've developed a great respect for people working in the wider justice field. As a civil servant, you don't always get to see the results of your efforts on the ground.

And looking ahead, what are the key challenges for the future?

There's still a lot to do. Of those recommendations that are capable of being implemented (those that aren't dependent on the devolution of responsibility for policing and justice matters to the Assembly), we reckon that around 60% of them have now been implemented. But this change process is about more than ticking off targets in a plan. As Kit Chivers and Lord Clyde often remind us, it's about embedding a culture of continuous improvement, making the system as joined-up as possible, listening more and being more open. People quite rightly have high expectations of the justice system, and where peoples' safety and liberty are at stake you can never afford to become complacent. The Review may not have all the answers, and we must continue to have a dialogue with the public about what they really want from a justice system in the 21st century. We're in this for the long haul!

Would you like to send us a short article for publication in the Spec? Article should be short, written clearly and relevant to the work of CJINI. We would welcome a picture or image to go alongside your article.

REPORT ON MANAGEMENT OF SEX OFFENDERS PUBLISHED

CJI launched its first inspection report - into the Northern Ireland's MASRAM process (Multi-agency Procedures for the Assessment and Management of Sex Offenders) - on March 3rd at a press event in the Europa Hotel. MASRAM entails the police, probation, social services and prisons working together in order to protect the public by ensuring that sex offenders are effectively supervised and managed. The inspection report found much to praise about the current operation of the MASRAM arrangements, and made a total of 36 recommendations for its future development.

The report's main recommendations were that MASRAM should concentrate on the most serious offenders; it should be widened to include other violent offenders; and that legislation should be introduced to underpin the MASRAM arrangements.

Speaking in Parliament, the Secretary of State for Northern Ireland, Paul Murphy said "...The Government warmly welcome this report which recognises the excellent work in this field being done by those agencies involved in public protection and identifies a number of areas for possible future development. I shall be considering very carefully the inspection's key recommendations. I have no doubt that the report will be of value in informing and reassuring the public about the steps already being taken to manage the risks posed by sex offenders in the community, and in helping managers and staff who are involved in this challenging area of work."

The Press Launch heard comments from a panel comprising senior representatives of the inspected organizations - Police, Probation, Prison Service and Social Services - plus the NSPCC and the Nexus Institute, who represent victims'



Kit Chivers launches the report at the Europa Hotel

interests on the Strategic Committee that oversees management of MASRAM throughout Northern Ireland.

Key points of feedback included:

"We were both encouraged and challenged by the findings of the Inspection Team... It was particularly encouraging to read that the Inspectors were able to see a fully collaborative approach by all the agencies involved in what has often been a difficult task. It was also reassuring to read that our process of disclosing personal data on sex offenders to third parties has been viewed as appropriate. The MAPPAs panels in England and Wales have benefited from having a legislative basis for their work. The Police Service of Northern Ireland welcome consideration being given to the implementation of similar provision here in Northern Ireland..."

"The Probation Board for Northern Ireland look forward to continued and enhanced working with partner agencies, the voluntary sector and the Northern Ireland Office to implement accepted recommendations from this comprehensive report. We recognize that the risk posed by sex offenders can not be eliminated entirely, but can be minimized on the basis of good practice and inter-agency co-operation."

"Sexual violence is a particularly life destroying experience; the long term effects of sexual violence can be devastating for the victim. NEXUS hopes that through the continued development and improvement of MASRAM, our ability to detect, monitor and manage sex offenders in the community will increase. We particularly support the recommendation to extend the MASRAM process to include violent offenders."

The agency representatives welcomed NIO funding for a Coordinator post for MASRAM, which is soon due to be filled, and highlighted the importance of resource issues in any expansion of the scheme:

"Implementation of the recommendations will be a challenge to all involved and will require additional funding from the government. We understand that such funding was made available to the multi-agency public protection partnerships in England and Wales. This will be particularly important if recommendations regarding the extension of the MASRAM process to include violent offenders are accepted."

"We also recognise that MASRAM is chronically under resourced and a heavy burden on participating agencies. We would hope that in light of this report, more resources are found, as a matter of priority."

Copies of the MASRAM report and press release are available at www.cjini.org

WORK IN PROGRESS

Fieldwork on the **Victims and Witnesses** thematic inspection has concluded. With the assistance of the statutory and voluntary sector agencies, community groups, victims and witnesses, the inspection team conducted individual interviews, focus groups and research. Inspectors are currently drafting a report which will be published in June.

An inspection of the **State Pathologist's Department** was undertaken in February and that report will be published in May. An inspection of **Forensic Science Northern Ireland** has concluded as well as a joint inspection with HMIC of **PSNI's use of forensics**. Both reports will be published in June.

In March, an inspector from CJI joined a team of inspectors from H.M. Prisons Inspectorate to carry out an unannounced inspection of **Hydebank Wood Young Offenders Centre**. A report will be published later this summer.

The Police Ombudsman's Office is currently being inspected. This is the first inspection of the organisation since it was established in 2000. The Parliamentary Ombudsman Ann Abraham will be accompanying CJI on this inspection.

Two major thematic inspections are planned for this summer. James Corrigan will lead an inspection of **Delays in the Criminal Justice System**, assisted by CJI inspectors and inspectors from police, prosecution and courts inspectorates.

Kit Chivers will be leading a thematic review of **Target Setting and Performance Management** in the six main criminal justice agencies, examining the coherence of targets within the CJS.

During the summer John Shanks will lead an inspection of **Benefit Security Services**, a division of the Social Security Agency in Northern Ireland, assisted by inspectors from the Benefit Fraud Inspectorate. During this period CJI will also inspect the **Compensation Agency**.

CJI delivers training for outside inspectors

The Criminal Justice Inspection Northern Ireland (CJINI) organised inspector training at the Hilton Hotel, Belfast on 20 and 21 January 2005. The main purpose of the training was to introduce inspectors from England and Wales to the history and current situation, particularly in Criminal Justice matters, within Northern Ireland. The training also provided an opportunity for the inspectors to meet their counterparts within the CJINI.

Participants heard presentations from Professors John Jackson and Sean Doran from Queen's University, Jim Glackin for the Equality Commission, Professor Brice Dickson from the Northern Ireland Human Rights Commission, Sam Pollock from the Police Ombudsman's Office, Barney McNeaney from the Northern Ireland Children's Commission, Marie Smyth from CJI, Brian Gormally, Independent Consultant, Robert Clulow, OFMDFM and Peter Smith, Life Sentence Review Commission. Presentations covered a range of topics, from a socio-economic profile of Northern Ireland, an introduction to the unique features of the Northern Ireland criminal justice system and legislation, to the impact of the Troubles on the population and on the criminal justice system. The course was chaired by CJI's Deputy Chief Inspector Brendan McGuigan. At the end of the course, participants were taken on a political tour of Belfast, and those unfamiliar with the city's divisions and history of the Troubles had the opportunity to see some of the areas worst affected by that conflict, and hear from local people.

Nineteen inspectors (approximately 60%) completed an evaluation form about the training. Here are some of the comments made by participating inspectors about the course:

Generally a very useful, interesting and thought provoking experience that gave a helpful insight. I was very grateful for those from NI who were prepared to 'tread on eggshells' and risk upsetting the conflicting sensitivities.

The whole course was fascinating. All of the things that appear clear cut and possible to solve are then shown to be even more complicated and likely to change. The panel question sessions especially on the last day were very interesting. I really enjoyed all of the historic and statistical background information and it helped to understand all of the other items. Everyone I have spoke to has been very welcoming. Thank you very much.

Provided an excellent overview and identified issues for future consideration. Challenged my previous views on Northern Ireland and put into clear focus the reasons for the present position and the legacy of the troubles.

Collecting the speakers, gathering the delegates to achieve the set aims was shooting at the moon. You hit. Well done. Brendan did an excellent job holding the course together and keeping timing.

However, we also note some improvements that we can make to the programme in the future! Participants told us in the evaluation that whilst some of the presentations were excellent, others were not so relevant or interesting. They also suggested that we send them the background papers in advance, since there was a lot of material to digest. Finally, they suggested that more small group discussions would have been helpful to them in processing the course materials. It may be a while before we need to run a similar course, but we will bear these points in mind for other events.

Target-setting and performance management

CJI Chief Inspector Kit Chivers sets out the thinking behind the proposed thematic review



It may not sound like the most exciting topic, but the proposed study of target setting and performance management is one of the most important on CJI's agenda for the coming year.

Private sector firms use targets as a way of driving up performance. They target things like sales, quality, market share and, of course, the bottom line. Most of the time it is relatively straightforward – they target what they need to target - though even in the private sector there will be tensions between the targets and difficult judgments about the levels at which to set them.

In the public sector – and especially in a complex business like criminal justice – target-setting is more difficult. But it is even more important, because as well as indicating the current priorities for the agency targets have to take the place, to some extent, of the competitive market forces which provide the pressure for performance improvement in business.

Target-setting is at the heart of performance management. Targets need to be:

- The right targets: i.e. the right objects to target from the point of view of optimising the overall performance of the agency;
- Compatible with the relevant targets being set by other agencies in the criminal justice system;

- Carefully selected, so that they amount to a manageable number;
- Simple and understandable, so that they can be communicated to all the staff who need to be guided by them;
- Set at the right level, so that they challenge the organisation without being so ambitious that they are unrealistic;
- Set in consultation with the staff who will have to deliver them, so that they are 'owned' by them.

They then need to be communicated effectively to the staff concerned and to other interested agencies, and a performance management system needs to be built around them which provides the necessary monitoring information to senior management and procedures for responding when performance seems to be falling short. This will normally involve the cascading of targets down into operational plans at divisional and team level and, where appropriate, into individual performance plans.

It is crucial to recognise that targets will never be more than a rough indicator of the current priorities for the organisation. They are not the total management picture, which will always be far more complicated. An organisation could achieve its key targets while failing in any number of other vitally important ways. Management must always be sensitive to the danger that over-concentration on selected targets could distort the functioning of the organisation. There are countless examples of that happening, from hospital waiting lists to the disastrous accounting practices of Enron. Targets must not take priority over the maintenance of a healthy, well-functioning organisation which observes financial propriety and manages its staff as a good employer.

CJI proposes to undertake a thematic review of target-setting and performance management in the six main agencies of the criminal justice system in Northern Ireland:

- Police Service of Northern Ireland
- Office of the Director of Public Prosecutions
- Northern Ireland Court Service
- Northern Ireland Prison Service
- Probation Board for Northern Ireland
- Youth Justice Agency

The review will examine the practices of these agencies as regards the setting of targets in their corporate and business plans, and the way in which targets are used in support of performance management. It will look for a coherent approach appropriate to the individual agency and compatibility with the targets being adopted by other related agencies. It will also look at the process of setting targets for the criminal justice system as a whole as a reflection of Ministers' policies. The review will not question those policies and it will recognise the constraints imposed by Public Service Agreements, but it may comment on the PSA targets if necessary. The purpose of the review will be, as always with CJI inspections, the promotion of improvement in the functioning of the criminal justice system.

The review will be led by Kit Chivers with assistance from members of the CJI team and from other Inspectorates. Field work will take place in the second half of 2005-06, but agencies will be invited before then to send to CJI papers describing their current practice. CJI will aim to report its findings in time to inform planning for the next financial year.

Anyone interested in this subject is invited to send their views and suggestions to Kit Chivers at kit.chivers@cjini.org.

2005 STAKEHOLDER CONFERENCE

CJI held its 2005 Stakeholder Conference in the Hilton Hotel, Belfast on January 19, 2005.

Keynote speaker Duncan Morrow, Chief Executive, Northern Ireland Community Relations Council, spoke on 'Doing justice in a society in transition: challenges, opportunities and steps.' Duncan's thought provoking speech addressed the implications of the legacy of conflict and the reality of a divided society for the criminal justice system, the challenges of achieving a system that embodied and enacted the principles of equality, even-handedness in the context of deep division, and the opportunities to achieve progress.

A full copy of Duncan's speech is downloadable from <http://www.cjini.org/News/CommunityRelationsCouncil.html>

Chief Inspector Kit Chivers then addressed the conference, reporting on the progress made so far by CJI. He set out proposals for the programme of inspections for the coming year. He outlined the achievements of the year including staff appointments, the move to the new offices and the work with partner inspectorates in England and Wales, several of which were represented at the conference.

The various pieces of work undertaken by CJI to date were presented, and Kit emphasised the importance of CJI's ability to get in touch with a wide range of people on the ground and to learn of their concerns about the criminal justice system, and he particularly welcomed the community representatives to the conference. He then set out CJI's approach to inspection and the values of openness, partnership and equality in the work of CJI. Warning that CJI's reports may be controversial from time to time, he argued that the pursuit of a modern, economical and fit for purpose criminal justice system in the new post-conflict Northern Ireland required facing the issues. He noted the legacy of the conflict and its implications for the criminal justice system and the work of CJI. Outlining the changes there had been in policing and the challenges yet to be overcome he explained the importance of being able to:

'elicit a positive response from the public in some of the areas which are most in need of an effective policing service. Everyone needs to understand that policing is not optional: communities cannot be allowed to contract out. But it is worth exploring options for how to bring it about.'



He emphasised the importance of dealing with issues from the past has been hanging over the criminal justice system, and noted the progress being made on this. He detailed the current and future work programme of CJI, which includes a current inspection of victims and witnesses, three main cross-cutting, thematic subjects: delay in the criminal justice system; diversionary schemes for young people; and target-setting and performance management, and invited comment on the proposed programme, pointing out that it is 'not set in concrete.'

Noting the special challenges of establishing partnership in Northern Ireland, he said:

'Organisations have learnt to be defensive here, because they know how unmerciful the tenor of public debate can be. By working with agencies we can help present a united front to the outside world and save one another from being caught up more than is absolutely necessary in the maelstrom of politics.'

The theme of the conference was how CJI can listen to children and young people and reflect their needs and concerns in its work. He pointed to the role of personal and family problems in offending behaviour of young people, saying that 'Punitive measures are not by and large very productive for younger first time offenders, and it is good to see that the courts in Northern Ireland place a relatively small number of children in custody.' Kit expressed confidence that, on ASBOs, the courts in Northern Ireland 'will follow international good practice by giving due weight to the welfare of the child' and welcomed the 'strong provision in the legislation to permit reporting restrictions in respect of children and young people.' He announced his intention to inspect diversionary schemes run by the Youth Justice Agency, the Police, the Probation Service and by voluntary and charitable organisations.

The full text of Kit's speech is available at <http://www.cjini.org/News/KitChiversSpeech.html>



Feedback from group discussions

General points on CJI's inspection plans

- Inspection was seen as a business improvement tool. CJS agencies recognised the need to be more open, but it was difficult in some areas. There were opportunities to learn from mistakes.
- The CJI inspection style should be collaborative and enabling, with no surprises, integrating the community and coordinating all relevant opinion. ETIs "Pastoral Visits" were cited as a good model.
- The value of regular self-assessment between inspections was noted.
- The key to success would be building confidence in CJS. Inspection should have a user focus and be aimed at issues key to the building of public confidence.
- Sharing of good practice should be two-way, from Northern Ireland to England and Wales, not just the other way round.
- Cross cutting thematic inspections were welcomed, especially the inspection of delay. But proposed inspections must not lead to 'planning blight'.
- It was the management of the agency which actually delivered the improvements. The role of those who take delivery of the report needed to be emphasised.
- CJI should scan the horizon to see what types of prevalent offences, affecting a significant proportion of the population, might benefit from being looked at (e.g. domestic violence).

"The discussion on policing that I attended was very challenging. The reason it was so good was that it brought a lot of 'official' people together (PSNI, inspectors, government officials) with a few 'outsiders'. I think maybe having some more 'outsiders' would have made the exchanges even richer, since otherwise a few people have to carry quite a heavy burden. Anything that you can all do to develop and build on these exchanges would be much appreciated."



Points relating to Young People in particular

- Diversionary schemes won broad support: presentations to conference by young people illustrated the value of work in that area.
- It was suggested the proposed inspection examine youth diversion services, rather than youth diversion projects. The Terms of Reference should not be too broad.
- The Education and Training Inspectorate was willing to assist in this inspection. The informal curriculum played an important role.
- It was important to value voluntary sector and community groups' work, including Restorative Justice groups' work with disaffected youth. They felt undervalued and lacked credibility with statutory providers.
- It was important to address diversionary services for both low and high tariff offenders, e.g. those who have served custodial sentences.
- Young people should be involved in design and delivery of this inspection.
- The inspection should benchmark against other regions, and be based on the UN Convention on Rights of the Child.
- There were concerns about the limited provision for child offenders who live in care or have mental health problems. This should possibly be inspected in its own right.
- There was a lack of coordination between agencies in youth justice. Inspection could bring some cohesiveness into how alternative disposals such as restorative justice are used.
- Consultation with young people was being carried out in an unstructured way. Inspection might help find a better way of enabling young people to contribute.
- CJI's future programme (2006-07) should include a review of ASBO implementation.

Staff Profiles



Ian Craig

Assistant Inspector - Ian Craig previously worked as a researcher for over four years with the Police Ombudsman for Northern Ireland. Joined CJINI as an assistant inspector in January 2005. Along with a strong

desire to improve the justice system in Northern Ireland Ian viewed this move as a means to enhance his research skills. His previous role with the Police Ombudsman for Northern Ireland involved more quantitative research by providing statistical tables and support information to the Ombudsman and her staff.

Before returning to Belfast and joining the Police Ombudsman for Northern Ireland Ian worked for five years as an experimental researcher with a research company based in Farnborough, Hampshire, England. Prior to this and directly after University Ian had completed a one-year seconded contract as an ergonomist for a contract company based at Bristol.

Ian holds a BSc (Hons) in Applied Psychology from the University of Ulster at Jordanstown and an MSc (Eng) from Birmingham University. At present he is undertaking a part-time course at the University of Ulster, Jordanstown to gain his Masters in Social Research Methods.



Northern Ireland Affairs Committee visits CJI in Belfast

CJI hosted a visit from Westminster-based Northern Ireland Affairs Committee on 23 February, 2005. The committee was welcomed by Deputy Chief Inspector Brendan McGuigan. The NIAC has taken a keen interest in the establishment of a criminal Justice Inspectorate for Northern Ireland. The Committee heard about the remit of CJI, its work programme, methods and approaches to improving the criminal justice system. The Committee were impressed with CJI's newly refurbished offices, and had an opportunity to meet with CJI staff.



Bill Priestley

Bill Priestley joined CJNI as an Inspector in January 2005 having previously worked with Kent Police and the Police Service for Northern Ireland. Bill was seconded to the Central Police Training and

Development Authority (Centrex) leading on their Quality Approval Award for training organisations. He worked with training departments of criminal justice organisations assessing performance against the Centrex Quality Assurance Framework and advising on development leading to the award of Quality Approval. Later, as head of the Race and Diversity Unit for Centrex he had responsibility for the national programme of work sponsored by the Association of Chief Police Officers in response to the Stephen Lawrence Inquiry. Following the successful completion of this programme Bill led the Centrex response to the publication of the HMIC report 'Diversity Matters'. He formulated and implemented a development programme to address HMIC recommendations and used the Diversity Excellence Model™ to further organisational development.

From October 2003 Bill worked as an independent training and development consultant, designing, delivering and evaluating training in Human Rights, Freedom of Information and Managing Diversity with organisations including the Office of the Deputy Prime Minister and Defence Science Technology Laboratories. During this time he also designed and quality assured assessment centre processes for police promotion in England, Wales and Northern Ireland.

He strongly supports the CJI approach to inspection as promoting organisational development aimed at enhancing the level of service delivered by public bodies.

Bill graduated as Master at Laws (LLM - Human Rights) from the University of Leeds in December 2004 and is legal correspondent for the Police Journal writing quarterly case reviews of recent judicial decisions.

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