

An Inspection of Effective Penalty Enforcement - Review of impact of current fine default strategy and services

Terms of Reference

Introduction

Criminal Justice Inspection Northern Ireland proposes to undertake an inspection of Effective Penalty Enforcement to review the impact of current fine default strategy and services.

The main organisation to be inspected will be the Northern Ireland Courts and Tribunals Service (NICTS) as the core agency responsible for the fine default strategy. However, other parts of the criminal justice system are central to the effective delivery of justice in these areas and the inspection will also include the Police Service of Northern Ireland (PSNI), the Northern Ireland Prison Service (NIPS), the Probation Board for Northern Ireland (PBNi) and the Department of Justice (DOJ) as key stakeholders and service delivery partners.

Context

Public confidence in the justice system depends on whether people believe that justice is being done and that it is fair and effective, and there is a need for a robust and effective enforcement process when someone defaults on the terms of a court order.¹

In an Inspection Report in 2010 Inspectors called for substantial changes to the enforcement process and made recommendations, directed across the criminal justice system, for a stricter regime for the payment of fines to maximise compliance and minimise recourse to police enforcement and imprisonment.²

The 2011 Prison Review report emphasised that prisons should be the last, not the first, resort of an effective criminal justice system; it found that the prison population in Northern Ireland was inflated with fine defaulters, and opportunities to provide supervised activity orders as an alternative to custody for fine default had not been taken up.³

The Public Accounts Committee (PAC) report on the NICTS Trust Statement for 2012-2013 highlighted the value of unpaid financial penalties as significant, and raised concerns about fine collection and enforcement measures in the NICTS and the system for dealing with fine defaulters. The PAC said it was vital that the justice system sent out the right

¹ *The Enforcement of Fines*. Criminal Justice Inspection Northern Ireland. March 2010.

<http://www.cjini.org/getattachment/d11d51ea-501e-45ea-bfe8-0c92f831830d/The-enforcement-of-fines.aspx>

² *Ibid.*

³ *Review of the Northern Ireland Prison Service. Conditions, management and oversight of all prisons*. Prison Review Team. Final Report. October 2011. <https://www.justice-ni.gov.uk/sites/default/files/publications/doj/owers-review-of-the-northern-ireland-prison-service.pdf>

message and it was essential that the NICTS made every effort to fully recover financial penalties.⁴

The Justice Act (Northern Ireland) 2016 created new powers for criminal courts to make a collection order when imposing a financial penalty, and included various measures to collect outstanding debt including deduction from benefits or income, vehicle seizure and powers to access bank accounts. The NICTS had established a Fine Collection and Enforcement Service which commenced operation in June 2018.

A subsequent report⁵ by the Comptroller and Auditor General on the 2018-19 NICTS Trust Statement found that while steps had been taken to address the issues in the PAC report there was still a substantial debt outstanding which was unlikely to be recovered.

Aims of the inspection

The aim of the inspection is to examine and assess the effectiveness and impact of current fine default strategy and services in Northern Ireland, with specific emphasis on the NICTS, and including the PSNI, NIPS, PBNi and DOJ, with a view to securing improvement.

The objectives of the inspection are to:

- Examine the effectiveness of organisational strategies with regard to effective penalty enforcement.
- Review the processes for fine penalty enforcement, how operational delivery is structured to meet the needs and expectations of stakeholders and victims, and to assess effectiveness and potential areas for improvement.
- Examine and assess the outcomes of strategies and delivery mechanisms for penalty enforcement against historic collection rates, targets and expectations.
- Examine management information, resource utilisation and the performance of the justice organisations to enforce court-ordered financial penalties.
- Examine how the above aspects of penalty enforcement are benchmarked against good practice in neighbouring jurisdictions.

Other matters of significance as they arise during inspection will also be considered.

Methodology

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

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

Constants in each of the three framework elements and throughout each inspection are equality and fairness, together with standards and best practice. The inspection methodology can be found at www.cjini.org.

⁴ Report on Northern Ireland Courts and Tribunals Service Trust Statement for the year ended 31 March 2013. <http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/public-accounts-committee/reports-2011-2016/report-on-northern-ireland-courts-and-tribunals-service-trust-statement-for-the-year-ended-31-march-2013/>

⁵ Northern Ireland Courts and Tribunals Service Trust Statement For the year ended 31 March 2019 Laid before the NIA https://www.justice-ni.gov.uk/sites/default/files/publications/justice/nicts-trust-statement-eighteen-nineteen_0.pdf

The Inspection will give due consideration to the relevant human rights laws.

Research and review

Collection and review of relevant documentation such as previous inspection and other reports, the NICTS and criminal justice agency policies and procedures, management information, data, minutes of meetings and related documentation.

Delivery

- Terms of reference will be prepared and shared with the NICTS and the other criminal justice organisations prior to the commencement of the inspection. Liaison officers for each body should be nominated for the purposes of the inspection.
- The NICTS as the primary organisation will be given the opportunity to complete a self-assessment of its approach to effective penalty enforcement, and to provide an outline of current progress and any management information deemed relevant.
- Management information, data and other relevant documentation held by the criminal justice agencies will be examined.
- 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 effective penalty enforcement.
- Progress in the development of performance and management information will be examined.
- Evidence of planning and decision-making leading to performance improvement and recognition of future development will be assessed.
- Where appropriate benchmarking and identification of best practice within and outside Northern Ireland.
- Fieldwork requiring face-to-face contact will be planned and risk assessed in consultation with relevant organisation or individual and public health advice such as social distancing will be followed. All timescales are indicative and dependent on developments with the Coronavirus pandemic.

Feedback and writing

Following completion of the fieldwork, which is planned to take place from October to November 2020, and analysis of data, a draft report will be shared with the inspected agencies for factual accuracy check. The Chief Inspector will invite the organisations to complete an action plan to address any recommendations. If the plan has been agreed and is available it will be published alongside the final inspection report. The inspection report will be shared, under embargo, in advance of the publication date with the NICTS and other inspected bodies.

Inspection publication and closure

- The final report is scheduled to be completed by March 2021.
- The report will be sent to the Minister of Justice for permission to publish.
- When permission is received the report will be finalised for publication.
- The Chief Inspector's press release will be shared with the NICTS and the other criminal justice organisations prior to publication and release.
- A suitable publication date will be agreed and the report issued.