

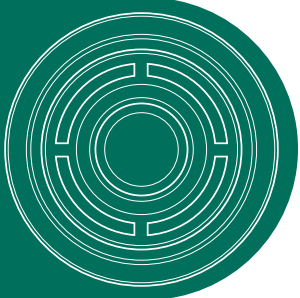


NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE: ADEQUACY OF THE COURTS ESTATE

A follow-up review of inspection recommendations

July 2015





NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE: ADEQUACY OF THE COURTS ESTATE

**A follow-up review of inspection
recommendations**

July 2015

**Criminal Justice Inspection
Northern Ireland**
a better justice system for all





Contents

List of abbreviations	4
Chief Inspector's Foreword	5
Follow-up Review	
Chapter 1 Introduction	7
Chapter 2 Progress against recommendations	9
Chapter 3 Conclusion	16
Appendices	
Appendix A Provisional utilisation rates for individual courts, 2014	17



List of abbreviations

CJI	Criminal Justice Inspection Northern Ireland
DoJ	Department of Justice
NICTS	Northern Ireland Courts and Tribunals Service
NIPS	Northern Ireland Prison Service
PECCS	Prisoner Escort and Court Custody Service
SIB	Strategic Investment Board



Chief Inspector's Foreword

This is a follow-up review to our report on the adequacy of the court estate in Northern Ireland which was published in 2012.

In the intervening period all publicly funded services have been faced with reducing budgets and increasing costs. This fiscal environment is set to continue and the necessity for rationalisation and finding new ways of delivering essential services has added impetus to these longer term strategies.

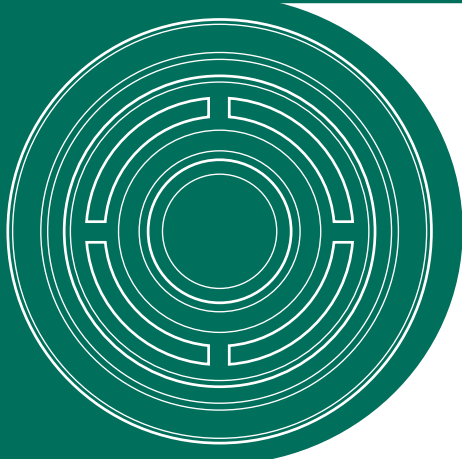
The costs of maintaining a significantly under-used court estate has hastened the closure of some courthouses and more must follow, particularly those where the facilities do not reach current standards.

The report confirms that good progress has been made against the recommendations and that the future decisions around rationalisation will be based on affordability and need.

This follow-up review was conducted by Stephen Dolan. My sincere thanks to all who contributed to this work.

Brendan McGuigan
Chief Inspector of Criminal Justice
in Northern Ireland

July 2015



Follow-up Review



Introduction

Background to the follow-up review

In 2012 Criminal Justice Inspection Northern Ireland (CJI) completed an inspection looking at the adequacy of the Northern Ireland Courts and Tribunals Service (NICTS) estate and proposed development strategy. The inspection reported that although £44 million was spent on court infrastructure in the previous eight years, the court estate showed considerable variations in the quality of the facilities available. The level of utilisation ranged from 91% to 27%, and overall utilisation averaged 67% in 2011.

The inspection report found that the NICTS faced serious challenges at around half of its court venues including the provision of custody facilities, segregation of offenders, provision for victims and witnesses, consultation rooms and support for ICT. The transfer of the overall responsibility for the support of a number of tribunals, including infrastructure, to the NICTS had compounded the issue.

Although CJI acknowledged that the NICTS had developed options to improve the estate at an indicative cost of £75 million, the report concluded that this financial demand was unlikely to be met. In the current financial climate, the NICTS faced a reduction of £4.4 million (10.8%) in its 2014-15 revenue budget and a further £3 million cut in 2015-16.

Following the inspection CJI recommended an alternative approach where the NICTS focused on a strategy to deliver those elements of the preferred option that were affordable within its annual capital funding. This involved realising savings by closing the least efficient court venues, increasing productivity at the others and preparing separate business cases for new build projects in Derry/Londonderry and North Down to take advantage of any reallocation of the Department of Justice (DoJ) capital budget. The rationale for closure of certain courthouses was supported by the very low utilisation levels and high costs incurred at these venues. The report concluded that as the NICTS could no longer meet user demands and comply with statutory requirements at every court venue, the development of an Estate Strategy based on user needs rather than legacy assets, was essential.

Changes since the 2012 inspection

Since the original inspection the DoJ commissioned the Strategic Investment Board (SIB) to carry out a review of the departmental estate and incorporate the NICTS estate into that review. The NICTS has also established a Modernisation Programme with five main projects. These are:

- service delivery;
- rationalisation of the estate;
- income generation;
- reform of Courts Funds Office; and
- workforce planning.

The follow-up review

Prior to the CJI fieldwork for this follow-up review the NICTS completed a self-assessment of the recommendations from the original report. Inspectors validated the information provided through interview with NICTS staff and visits to selected court venues. Interviews were also conducted with the SIB and personnel from the Prisoner Escort and Court Custody Service (PECCS), operated by the Northern Ireland Prisons Service (NIPS).



Progress against recommendations

Strategic recommendation 1

The DoJ and the NICTS need to make an immediate decision whether or not to move to the development of an outline business case seeking investment in the preferred option or develop an alternative strategy.

Status: Achieved

Agency response

The Courts estate development is being taken forward as part of the DoJ Estates Strategy.

Inspectors' assessment

The key point of the recommendation was to recognise that the dependence of the original strategy on significant sums of capital investment was not sustainable and an alternative was needed. The NICTS has recognised this and developed an alternative approach that incorporates the reorganisation of the NICTS estate into a wider ranging departmental review that aims to realise efficiencies by increasing shared accommodation to meet the needs of all DoJ users.

The Development Strategy proposed by the NICTS is the subject of public consultation¹ with the main points being the creation of three court divisions and reorganisation of the estate within these divisions:

- **North Eastern**

Within the North Eastern court division the NICTS has proposed that Lisburn and Newtownards Courts would close and their court business would transfer to Old Townhall in Belfast. It is also proposed that Ballymena Court would close and its court business transfer to Antrim Court, and Limavady Hearing Centre would close with its business transferring to Coleraine Court.

¹ <http://www.dojni.gov.uk/index/public-consultations/current-consultations/consultation-document-rationalisation-of-the-court-estate.pdf>.

- **South Eastern**

In the South Eastern division the NICTS has proposed that Armagh Court would close with its business transferred to Newry.

- **Western**

The NICTS confirmed that the announced closure of Magherafelt will proceed with business transferred to Dungannon. The future of Strabane Hearing Centre will be considered following a public consultation and the NICTS has proposed the closure of Enniskillen Court with the transfer of its business to Omagh Court.

Strategic recommendation 2

By the end of 2012 the NICTS should develop an Estate Strategy based on a series of individual projects that deliver those elements of the preferred option that are affordable within the capital funding available to the NICTS.

Status: Partially achieved

Agency response

The Estates Strategy Programme Board agreed to appoint a number of advisors from the Strategic Investment Board. These are now in post. A Project Initiation Document has issued to Programme Board members setting out the direction of the two projects.

Workshops were held to identify HQ need across the department and its agencies/public bodies. SIB appointed PricewaterhouseCoopers to carry out the Business Case and a draft was scheduled for consideration at the end of October. NICTS identified key personnel to attend the Service Delivery Workshops.

The Strategy continues to be DoJ led and a draft business case on HQ accommodation options is nearing completion. A separate capital bid will be made by the DoJ to fund any proposals.

Inspectors' assessment

The proposed development has moved away from major court hubs requiring significant capital investment and is more focused on meeting user needs across the three new court divisions, whilst recognising the reorganisation of local Government and the new PSNI district structure. The development of the Strategy is a partial achievement of the recommendation as it is over three years since the recommendation was made and there is no guarantee that the proposals will be accepted or that the Strategy will be implemented.

Strategic recommendation 3

By the end of 2012 the NICTS should develop separate contingency business cases for the development of the Londonderry and Newtownards court venues incorporating options to co-locate the functions of other DoJ agencies.

Status: Partially achieved

Agency response

The NICTS has proposals currently out to public consultation to rationalise the court estate. These will be considered in conjunction with the DoJ Estate Strategy. DoJ/SIB will take the lead to identify co-location options.

Inspectors' assessment

Achievement of this recommendation was unlikely in the time frame and the ongoing public consultation offers the possibility of challenge to the NICTS proposals. Progress to date centres on the consultation document that makes proposals concerning the future of court business in Derry/Londonderry and Newtownards.

Strategic recommendation 4

The NICTS should bring forward proposals to close the five hearing centres within two years of this report by transferring the work of these courts to other suitable court venues.

Status: Achieved

Agency response

On 22 November 2012 the Minister announced the decision to close four of five Hearing Centres, namely Bangor, Larne, Limavady and Magherafelt. Bangor and Larne Courthouses closed in March 2013. The closure of Limavady and Magherafelt is dependent on the 'single jurisdiction' provisions being carried in the new Justice Bill, which is progressed through the Assembly.

The future of Strabane Courthouse forms part of a wider 12-week consultation period on the rationalisation of the court estate, which is due to close on 30 April 2015.

Inspectors' assessment

The NICTS has brought forward proposals to close the five Hearing Centres and the recommendation is achieved. Two Hearing Centres are already closed. Two others are definitely ear-marked for closure and the future of the remaining Hearing Centre in Strabane is subject to public consultation. The four Hearing Centres that are closed or closing had limited opening hours, low levels of utilisation and required disproportionate resources to maintain them to the higher standards demanded of public service buildings. The closures to date are to be welcomed.

Strategic recommendation 5

The DoJ, in collaboration with the NICTS, should advance proposals to create a single jurisdiction (supported by administrative arrangements) for both County Courts and Magistrates' Courts in the next suitable justice legislation.

Status: Achieved

Agency response

The new Justice Bill creates a single territorial jurisdiction in Northern Ireland for the County Courts and Magistrates' Courts. The Bill removes the statutory divisions, and so allows the County Courts and Magistrates' Courts to exercise their jurisdiction throughout the whole of Northern Ireland, bringing them into line with the High Court, the Crown Court and the Coroners' Courts.

The Bill also provides for the single jurisdiction to be supported by an administrative framework, the purpose of which is to provide a reasonable degree of certainty to court users about where their cases will be heard. Under the framework the Department will determine new administrative court divisions (after appropriate consultation) in place of the current statutory ones; and the Lord Chief Justice will issue directions detailing the arrangements for the distribution and transfer of court business.

It is intended that current listing arrangements will be largely unchanged – so, for example, an offence which would currently be dealt with in the County Court division where the offence occurred, or where the defendant resides, will instead be dealt with in the administrative court division where the offence occurred, or where the defendant resides.

A key benefit of the new system will be the ability to transfer cases between administrative divisions. This flexibility, which does not exist at present, will allow cases to be moved where a good reason exists. Details of what a 'good reason' is will be set out in the Lord Chief Justice's directions, and will include, for example, where a transfer would better suit the needs of victims or witnesses – perhaps to avail of particular facilities which may not exist in all courthouses; to move the case to a court which is more convenient for the parties or witnesses; or even to allow a case to be disposed of more quickly where another court has better capacity.

Maintaining court users' access to local justice has been a key consideration during the development of these proposals. It is considered that the Lord Chief Justice's ownership of the listing directions as well as a requirement for judicial approval and the opportunity for parties to make representations in relation to the transfer of a case between administrative court divisions, ought to provide appropriate safeguards in this regard.

Inspectors' assessment

The move to a single jurisdiction provides the flexibility to assist the rationalisation of the court estate.

Operational recommendation 1

The NICTS, in conjunction with the Northern Ireland Statistics and Research Agency (NISRA), should use projections of business volumes across the courts estate to plan the required future capacity in developing an estates strategy.

Status: Achieved

Agency response

NISRA statisticians are seconded to the NICTS Central Management Team. Statisticians and colleagues have created a number of management information reports to assist business volume projections. Business volumes, historic and current, have been regularly shared with the DoJ Estates Strategy Project Team.

Inspectors' assessment

A comprehensive series of reports with statistical data was provided to Inspectors. This data is being used in the development of the Estates Strategy and the analysis of the volumes of business being handled in the various courts.

Operational recommendation 2

The NICTS should monitor utilisation levels for individual courts with a view, if necessary, to transfer business across the courts estate to achieve a level of utilisation above the current average of 67%.

Status: Partially achieved

Agency response

The provisional utilisation rates for 2014 are attached at Appendix A. The figures need to be moderated to reflect recess periods. The utilisation rates, court calendars and business volumes have formed an integral part of the development of the NICTS Estate Strategy and the proposed rationalisation of the court estate.

Inspectors' assessment

The figures provided by the NICTS show average utilisation across the entire estate has fallen from 67% to 56%. Although there were minor increases in utilisation at Armagh and Dungannon courts, all the other courts showed reduced utilisation rates since 2012. The recommendation is deemed partially achieved on the basis that the NICTS are recording detailed utilisation rates and using this data to inform the development of the Estate Strategy.

Operational recommendation 3

The NICTS should develop performance measures, and where possible, benchmarks to identify efficiencies to be delivered in the forthcoming spending review period.

Status: Achieved

Agency response

This is on-going.

Inspectors' assessment

Notwithstanding the vague response from the NICTS there has been development of statistical data to analyse usage across the estate and evidence that this is being used in long term planning. Also the most recent spending review imposed significant budget cuts on the NICTS that were met through a combination of expenditure reductions and other efficiencies.

Operational recommendation 4

The Strategic Planning Group should incorporate a programme/project management role for capital works in its Terms of Reference and have a governance role in respect of any post-tender variations.

Status: Achieved

Agency response

NICTS Senior Management approval is sought before any business case is drafted and capital budget is allocated.

Inspectors' assessment

The project management arrangements put in place to manage the development and implementation of the NICTS capital works programme are adequate. All expenditure is approved prior to commitment and any variations to contractual conditions are subject to separate approval.

Operational recommendation 5

By the end of 2012 the NICTS should prioritise the use of court room venues over leasing of premises for the hearing of tribunals.

Status: Partially achieved

Agency response

Listing in the four named venues has continued but at times attracts opposition from some local sources. Short videos have been produced at three venues to help appellants prepare for their tribunal hearing. Listing will extend to Strabane. An outreach event was organised in advance with local groups following meeting with Sinn Féin representatives.

Listing of benefit appeals has now extended to Strabane Courthouse in conjunction with a local venue. An outreach event was held in May 2014 and although not well attended feedback was positive. Consultation continues with Newry Citizens Advice Bureau to improve the experience of tribunal users using a court venue. The Social Security Commissioner and Lands Tribunal member continue to list hearings in local court venues.

Inspectors' assessment

The use of court venues for tribunals has been extended and the Estate Strategy includes plans to further extend the usage of court venues for tribunal hearings. The NICTS staff have adapted specific court rooms across the estate to lessen the formal settings and make the venues more suitable for tribunals. Some tribunal hearings continue to be held in short term leased premises and this practice should cease.



Conclusion

By its nature an Estate Strategy is a long term process and this follow-up considers the development of the Strategy and associated measures rather than the delivery of the actual estate infrastructure. On that basis it can be said that the NICTS has made significant progress since the original report in 2012. The achievement of the recommendations made in the original report assessment is summarised below.

Recommendation	Achieved	Partially achieved
Strategic	3	2
Operational	3	2

The engagement of the SIB to carry out the DoJ Estates Strategy has integrated the NICTS estate into the consideration of the wider departmental estate. This has identified the potential to share the court venue facilities with other agencies within the DoJ family and is to be welcomed.

Whilst acknowledging that progress in developing the estate strategy has been made, the conclusions of the original report that the courts estate was of mixed suitability remains the case. Although the NICTS has closed courts at Bangor and Larne, the fall in average utilisation rates from 67% to 56% and the reduced NICTS funding requires immediate action. It should also be borne in mind that even 100% utilisation of a court as measured by NICTS does not mean there is no additional capacity, as courts do not sit for a complete day in most instances.

The NICTS could consider the reduced utilisation at Laganside and Lisburn as an opportunity to transfer business from a court building (Lisburn) that has very poor custody accommodation and vehicle access to one of the most modern courts in the NICTS estate. Similar conditions pertain in the case of Armagh and Newry courts and these changes could be implemented without influencing the longer term proposals for the remainder of the estate.

Whatever action the NICTS decides to take, the facts remain that utilisation has fallen and the cost of maintenance and the need to upgrade the court buildings to meet modern standards, is beyond the resources available to the NICTS. Retaining the current estates infrastructure is not an option.

Appendix A: Provisional utilisation rates for individual courts, 2014

Division	Venue	Courtroom	% Utilisation 2014-15	% Utilisation 2012
Antrim	Antrim	Court 1	65.7%	
		Court 2	58.1%	
		Court 3	49.2%	
		Total	57.7%	64%
	Ballymena	Court 1	22.2%	
		Court 2	69.0%	
		Court 3	25.8%	
		Total	39.0%	60%
	Coleraine	Court 1	69.8%	
		Court 2	32.7%	
		Court 3	41.5%	
		Total	48.0%	65%
Ards	Downpatrick	Court 1	70.2%	
		Court 2	56.5%	
		Court 3	39.9%	
		Court 4	1.2%	
		Total	41.9%	55%
	Newtownards	Court 1	31.0%	
		Court 2	99.6%	
		Court 3	51.2%	
		Court 4	69.4%	
		Total	62.8%	74%
Armagh and South Down	Armagh	Court 1	29.8%	
		Court 2	40.3%	
		Court 3	19.0%	
		Total	29.7%	27%
	Newry	Court 1	83.9%	
		Court 2	87.1%	
		Court 3	49.2%	
		Court 4	47.2%	
		Court 5	54.8%	
		Total	64.4%	82%

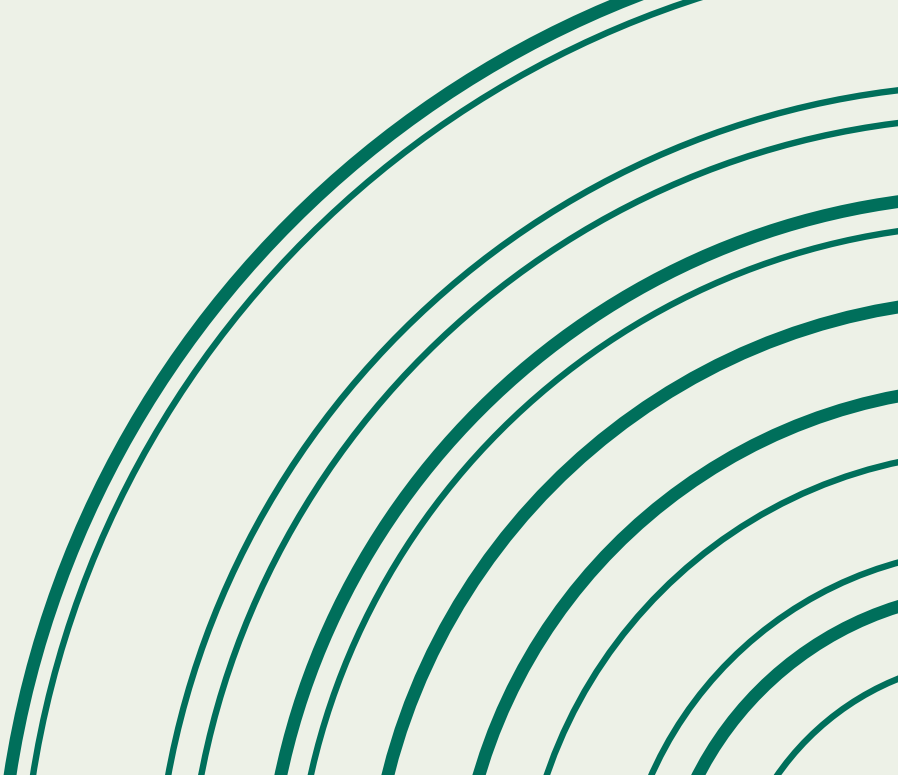


Division	Venue	Courtroom	% Utilisation 2014-15	% Utilisation 2012
Belfast	Laganside	Court 1	89.1%	
		Court 2	79.0%	
		Court 3	31.5%	
		Court 4	88.7%	
		Court 5	55.6%	
		Court 6	97.2%	
		Court 7	99.2%	
		Court 8	14.9%	
		Court 9	69.8%	
		Court 10	100.0%	
		Court 11	80.2%	
		Court 12	48.4%	
		Court 13	50.8%	
		Court 14	86.7%	
		Court 15	65.7%	
		Court 16	76.6%	
		Total		70.8%
	Old Townhall	Court 1	0.4%	
		Court 2	83.5%	
		Court 3	5.6%	
		Court 4	61.3%	
		Total		37.7%
Craigavon	Lisburn	Court 1	67.7%	
		Court 2	52.4%	
		Total		60.1%
	Craigavon	Court 1	79.4%	
		Court 2	66.1%	
		Court 3	89.5%	
		Court 4	34.7%	
	Total		67.4%	74%

Division	Venue	Courtroom	% Utilisation 2014-15	% Utilisation 2012
Fermanagh and Tyrone	Dungannon	Court 1	79.0%	50%
		Court 2	77.4%	
		Court 3	52.4%	
		Court 4	19.0%	
		Total	57.0%	
	Strabane	Court 1	48.4%	35%
		Court 2	11.3%	
		Total	29.8%	
	Omagh	Court 1	49.6%	40%
		Court 2	43.1%	
		Court 3	7.3%	
		Court 4	58.5%	
		Total	39.6%	
Enniskillen	Court 1	29.0%	48%	
	Court 2	56.9%		
	Total	42.9%		
Londonderry	Limavady	Court 1	23.4%	42%
		Total	23.4%	
	Magherafelt	Court 1	33.1%	29%
		Court 2	8.5%	
		Total	20.8%	
	Londonderry	Court 1	60.5%	91%
		Court 2	98.4%	
Court 3		84.3%		
Court 4		80.6%		
	Total	80.9%		

Division	Venue	Courtroom	% Utilisation 2014-15	% Utilisation 2012
Royal Court of Justice	Royal Courts of Justice	In Nisi Prius Court	71.0%	
		In the Appeal Court	73.4%	
		Family Court 1	74.6%	
		In Queens Bench Court No.1	81.0%	
		In Queens Bench Court No.2	70.2%	
		In Queens Bench Court No.3	48.4%	
		Judicial Review Court	63.3%	
		In Queens Bench Master Room 1.01	56.0%	
		In Queens Bench Master Room 1.02	50.0%	
		In Chancery Masters Room 1.18	71.0%	
		In Bankruptcy Master Room 1.21	77.8%	
		In Family Masters Room 2.10	8.9%	
		Matrimonial Masters Room	56.9%	
		Family Court 2	29.0%	
		Chancery Court	71.4%	
		Commercial Court	64.9%	
		Masters Courtroom	26.2%	
		Deputy Masters room 2.17	8.1%	
		Other RCJ	96.4%	
			Total	57.8%
Total		55.7%	55%	

Source: Integrated Court Operations System (ICOS)



Copyright© Criminal Justice Inspection Northern Ireland
All rights reserved

First published in Northern Ireland in July 2015 by
CRIMINAL JUSTICE INSPECTION NORTHERN IRELAND
Block 1, Knockview Buildings
Belfast BT4 3SJ
www.cjini.org

