



The big picture on inspection: Chief Inspectors meet in Belfast

Chief Inspectors of Education, Health and Social Services as well as Criminal Justice from the four jurisdictions of the United Kingdom met in W5 at the Odyssey Centre in March as guests of CJi. Marion Matchett, Chief Inspector of Education and Training, took the Chair, and the guest speaker was Sir George Bain, author of the recent report on the future of schooling in Northern Ireland.

Inspectorate reform

Northern Ireland already has a streamlined inspection structure in ETI, RQIA and CJi, but other jurisdictions are still struggling with reform. In England and Wales, Ministers have decided to abandon the idea of setting up a single criminal justice inspectorate, and instead the five existing inspectorates are being asked to work more closely together and produce a joint business plan for the coming year. A merger of the Health and Social Care Commissions has been postponed but is still expected to happen.

In Wales two of the existing inspectorates are to merge into a Care Standards Inspectorate, and the Healthcare Inspectorate may join with them in due course. In Scotland a review of inspection and regulation functions is in progress which seems likely to lead to some rationalisation too.

Inspectors also heard from the Audit Commission, which inspects local authorities. It is being required to streamline its operations and move to a lighter-touch approach in which it will draw upon the information

gathered by others.

Ministers in England and Wales are still keen to bring inspectorates together in any way they can. There is a proposal that they should have a joint budget and share support staff, and the Cabinet Office has been asked to do further work on a long-term strategy for the inspection of public services.

National Occupational Standards (NOS)

Inspectors discussed the Occupational Standards for inspection of public services that have recently been prepared by the Sector Skills Council 'Skills for Justice', and there was a general recognition that the Sjf team had done well in what had been a challenging task.

The burden of proof

One of the main dilemmas Chief Inspectors face is striking the right balance between 'broad and shallow' inspection and 'deep and narrow' inspection: how far they can rely on



Inspectors meet in the W5 Boardroom, overlooking the Lagan.

comparative performance indicators, and how far they need to conduct first-hand observation of the service being provided. A balance has to be struck, but it is not straightforward.

A related issue is how armour-plated an inspection report needs to be. At one extreme an inspection can be an informal exercise in which observations are written up but minimal notes are kept. At the other, it can be a quasi-judicial process in which every note of a meeting is cleared painstakingly before being drawn upon for the report. Inspection is based upon sampling and making judgments, and if Inspectors confined themselves to saying only things they could prove their reports would lose a great deal of value.

It was agreed that since Inspectorates were interested in improvement, not blame, they should

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seek to develop a culture in which the inspected agencies did not feel so defensive that they needed to challenge every word of a report. But that spirit of trust was not always the reality: a case was reported where an agency had sought to discipline a member of staff for talking frankly to an Inspector, which it was agreed was completely unacceptable.

Record keeping and disclosure

A related issue is how Inspectorates should respond to requests for disclosure of information, which is generally taken in confidence, and how long should records be kept. Inspectors do their best to maintain confidentiality, but they are not always proof against requests routed through the courts. Likewise, Inspectors do not

want to store superfluous material, but examples were given of inquiries into alleged abuse at children's homes where Inspectorates had been asked to disclose their records of inspections 20 years ago. These are areas where the Inspectorates agreed they needed to do more work collectively to establish their duties and responsibilities. ■

2007-08 Inspection Programme for CJI

CJI has now completed consultation on its inspection programme for 2007-08 and submitted its proposals to the Secretary of State for approval.

The inspection programme was developed from the outline proposals contained in CJI's three-year Corporate Plan, and was further refined by the knowledge and experience the organisation has gained through inspections that have already been completed.

At January's Stakeholder Conference CJI took the opportunity to consult delegates from the statutory, voluntary and community sectors on its initial proposals to establish which topics and themes were most likely to add value and increase confidence in the criminal justice system.

The inspection programme for the incoming financial year has drawn on the debates which took place within the various discussion groups at this year's conference.

In addition to the planned inspections, CJI remains ready to respond to any additional demands directed by the Secretary of State, including inspections of Community Restorative Justice Schemes and the provision of advice to Ministers.

As the exact timings of these inspections will be agreed with the relevant agencies, our proposals are subject to slight amendment.

Inspection Topic	Proposed Dates
Causeway	April 2007
How the criminal justice system manages offenders with mental health problems	May - July 2007
Full Report on Masram in light of the Serious Case Review of the case of Trevor Hamilton	May - June 2007
Roads Policing	June - Sept 2007
Rathgael Juvenile Justice Centre	August 2007
The impact of Section 75 on the criminal justice agencies	August - October 2007
Corporate Governance in the Youth Justice Agency	September - October 2007
Offender Hostels	September 2007
Use of generic Management Consultants	September - November 2007
Young Offenders Centre & Ash House	October - November 2007
Royal Mail Investigations Unit in Northern Ireland	November 2007
The operation and effectiveness of Anti-Social Behaviour Orders	November - December 2007
Enforcement throughout the criminal justice system	December 2007 - March 2008
Policing with the Community	January - March 2008
Disclosure	January - March 2008

CJI will also be conducting Action Plan Reviews of the following inspections:

- Victims and Witnesses
- Benefit Investigation Services
- Office of the Police Ombudsman
- Avoidable Delay
- Volume Crime and Police Bail
- Community Safety Partnerships
- Corporate Governance within the PBNI
- State Pathologists Department
- Procurement

Hate Crime in Northern Ireland



Kit Chivers joins in Policing Board Conference

CJI Chief Inspector Kit Chivers took part in a panel discussion on police oversight and accountability at the international conference “Policing the Future” in Belfast’s Waterfront Hall on 21 February. The conference, which was organised by the Policing Board and the PSNI jointly, drew delegates from around the world, including a particularly strong contingent from North America.

A thematic inspection of the management of hate crime by the criminal justice system in Northern Ireland was published by Criminal Justice Inspection in January.

The aim of the inspection was to review the effectiveness of mechanisms across the criminal justice system to combat hate crime perpetrated against members of an increasingly diverse Northern Ireland community. For the purpose of the inspection, CJI chose to examine hate crime in relation to four particular areas. They were:

- religion/faith;
- ethnic minority/nationality;
- sexual orientation and
- disability.

As part of the thematic inspection a steering group was established. The group was made up of representatives from the Police Service of Northern Ireland (PSNI), Public Prosecution Service (PPS), Northern Ireland Council for Ethnic Minorities (NICEM) and the Coalition on Sexual Orientation (CoSO).

“I appreciated the valuable advice provided by the steering group to help determine the scope of the inspection, and produce the final report” said Lead Inspector John Shanks.

The report made 19 recommendations and called for a more consistent, integrated and systematic approach to the reporting, recording, investigation and prosecution of hate crime offences. In particular the report recommended:

- the Criminal Justice Board co-ordinate the development of a

criminal justice system hate crime strategy;

- an agreed common set of hate crime definitions be developed;
- the PPS develop its own hate crime policy with links to those of other agencies and
- any case presented to court that has been aggravated by hostility or where the hate crime legislation has been applied, should be recorded by both the PPS and Northern Ireland Court Service (NICtS).

Inspectors noted the PSNI had good policies and procedures in place for managing hate crime and that the organisation had endeavoured to engage with communities.

“The PSNI view hate crime as a priority and this was evident through the development of the use of interpreters and the introduction of the Minority Liaison Officers within police District Command Units,” said Mr Shanks.

However, the report also indicated that the clearance rates for hate crime cases could be improved.

“The PSNI clearance rates for racial and homophobic hate crimes have increased but the report has shown the clearance rate for faith/religion and sectarian hate crime could be better especially as sectarian hate crime constitutes the largest proportion of hate crime in Northern Ireland,” added Mr Shanks.

The report concluded by stressing that finding solutions to hate crime did not rest with the Criminal Justice System alone, but that the whole of society in Northern Ireland needed to play their part. ■



The panel on police oversight and accountability.

Kit described the work of CJI and how it fitted in to the overall framework of accountability in Northern Ireland. But he stressed that an Inspectorate can not itself hold agencies to account. That is the task of democratic representative bodies like the Policing Board and in future, hopefully, the Northern Ireland Assembly. All an Inspectorate can do is to provide accurate and informative material for the representative bodies to draw upon when they come to call the agencies to account.

Kit said that he looked forward to the devolution of justice responsibility to the Assembly, which would create fresh interest in CJI’s reports. ■

Justice in a changing community –

Criminal Justice Inspection examined the changing nature of Northern Ireland's justice system and the challenges presented by a changing society at its annual Stakeholder Conference in the Hilton Hotel, Templepatrick in January.

The event was attended by over 100 delegates drawn from Northern Ireland's criminal justice agencies and voluntary and community groups working within the sector.

"This year's conference was one of the most successful events we have held to date. It provided a wonderful opportunity for key players in the criminal justice system to come together and discuss the challenges they are currently facing as well as ways in which these challenges can be addressed," said Kit Chivers.

During his keynote speech CJI's Chief Inspector raised the issue of the problem presented by a rising prison population and the need for additional resources to be put into

mental health management and preventative or diversionary measures for children and young people.

He also spoke of the exaggerated expectations placed on the criminal justice system by the public.

"It cannot make us 'safe:' there are unrealistic expectations of public protection. The agencies of the criminal justice system can help make the streets safer, but a great deal is down to people themselves," he said.

Mr Chivers also looked to the future and the big challenges faced by Northern Ireland.

"Increasing inward migration is likely to bring new sources of organised crime: people trafficking

and drug trading – things which up to now have been a relatively minor part of the crime problem in Northern Ireland".

"In the long run diversity is a strength to a community, but as our recent report on Hate Crime pointed out, the transition to diversity is fraught with problems."

He continued: "In the future under devolution, the economic cost of crime is likely to bear on Northern Ireland more directly."

"At the same time, there is going to be a financial squeeze for the justice system and it will become imperative to find ways of delivering greater effectiveness in terms of law and order with static or diminishing resources," Mr Chivers concluded. ■

An extract from Kit Chivers' speech is included with this edition of The Spec. The full text of his speech can be found on the CJI website - www.cjini.org under 'publications.'

'We must go on improving' – Goggins

Northern Ireland's Minister for Security, Policing and Prisons Paul Goggins, MP spoke of the challenge for the criminal justice system to respond faster and better in protecting the public when he addressed CJI's Stakeholder Conference.

"The criminal justice system in Northern Ireland has undergone major institutional change in recent years. The implementation of the Criminal Justice Review is transforming the way the various agencies work together and it is encouraging that so much has been done in a short space of time," said



Mr Goggins.

He continued: "The criminal justice system in Northern Ireland is committed to constant improvement and development, responding to the needs of a changing society. The determination and dedication of the staff is helping to create a more responsive service which commands increasing levels of public support."

Paul Goggins, MP (second right), talking to Kit Chivers with (left) James Knox and Professor Kieran McEvoy.

During his address the Minister applauded the work of CJI in helping and encouraging improvement in the criminal justice system ■

Stakeholder Conference 2007

Independent Inspection for Garda Síochána

The Chief Inspector of the newly established Garda Síochána Inspectorate Mrs Kathleen O'Toole was one of the speakers who addressed delegates at this year's conference.

Mrs O'Toole, who was appointed following the Inspectorate's establishment in July 2006, described the statutory objectives, functions and protocols shaping the organisation.

She also provided an insight on the work undertaken by the Garda Síochána Inspectorate so far which has included visiting Regional Commissioners; visiting Garda Divisions; meeting with the Minister for Justice and his officials; discussions with the Garda Ombudsman Commission and meeting with the Hayes Group.

Mrs O'Toole also flagged up some of the emerging issues already identified by the Inspectorate including the need to make better technology available to Garda officers; the positive benefits civilianisation could bring and the need for better resources and transport.

During her remarks, Mrs O'Toole spoke of her pleasure at being able to attend CJI's Stakeholder Conference and said she looked forward to the Garda Síochána Inspectorate and CJI forging a relationship that would be mutually beneficial. ■



Mrs Kathleen O'Toole, Kit Chivers, Paul Goggins and Sir Hugh Orde.

A changing community

Mr Brendan McAllister, Director of Mediation Northern Ireland examined the changing nature of Northern Ireland's society during his address at the CJI Stakeholder Conference.

He reflected on the social contract which underpins society in Northern Ireland and the changes it has gone through over the years as well as speaking about the new civic norms that were beginning to emerge as a consequence of the political progress that has been made.

Mr McAllister also spoke about the impact the diversification of Northern Ireland would have on the character of our communities.

During his remarks Mr McAllister examined the concept of Restorative Justice and the contribution it could make to the development of a justice system everyone could be proud of. ■



Brendan McAllister, Mediation Northern Ireland.



Patick Yu (NICEM) and James Knox (CoSo).

DOE Inspection

CJI is conducting an inspection of the Department of the Environment in relation to its criminal justice remit and activities. Most of these activities are delivered through its four Executive Agencies – the Environment and Heritage Service; Planning Service; Driver and Vehicle Licensing Northern Ireland and Driver and Vehicle Testing Agency.

The inspection commenced in late 2006 with research and a review of relevant documentation. This was followed by a CJI workshop on self-assessment attended by staff from the DOE agencies. Completed self-assessments from each of the agencies were provided to Inspectors in January of 2007. These documents provided an important input to the planning of the fieldwork, which commenced in February. The fieldwork involved meetings and focus groups in each agency as well as with the criminal justice organisations and other

stakeholders in the criminal justice system.

Issues such as illegal dumping, environmental pollution, unauthorised demolitions, vehicle tax evasion and unsafe road vehicles are all part of DOE enforcement.

The inspection will evaluate how the agencies are addressing such issues and assess the interaction with the criminal justice partners and other stakeholders. Much of the focus will be on the investigation, enforcement and prosecution activities of the agencies. ■

Complaints

An inspection of complaints handling in the Criminal Justice System has recently been completed by CJI.

The handling of complaints by criminal justice organisations was one of the themes of the Criminal Justice Review 2000. It recommended, "...the workings of the complaints mechanisms should receive coverage in annual reports and, in those parts of the system subject to inspection, be inspected."

A steering group was formed to assist with the inspection and following its advice CJI decided to examine those processes dealing with complaints made by anyone about a criminal justice organisation, the work it does, its employees, or anyone engaged by the organisation to carry out work on its behalf.

Fieldwork included gathering statistical information from all the main criminal justice agencies and speaking to staff at all levels about how complaints are handled. Inspectors also carried out extensive consultation with stakeholders and spoke with a wide range of complainants.

Drafting of the report has now begun and it is expected that the final report will be published in May. ■



Bill Preistly, author of the report on complaints handling.

Inspection of the Resettlement Strategy for Northern Ireland

CJI has commenced an inspection of Northern Ireland's Resettlement Strategy which aims to assist prisoners in dealing with matters such as accommodation, training, employment and benefits, so that they are less likely to re-offend after release from custody.

The Resettlement Strategy is jointly led by the Prison Service and the Probation Service. Other agencies such as the Housing Executive, Department of Education and Learning, the Social Security Agency and voluntary organisations have also signed up to make a contribution.

The Strategy is based on local research and has been operational

since June 2004. CJI's inspection involves interviews with prisoners and ex-prisoners, staff from all the agencies concerned, observation of meetings and the examination of agency records.

It will report directly against the resettlement targets that the agencies have set for themselves, and aims to be completed by summer 2007. ■

Volume Crime and Police Bail

As reported in the October edition of the Spec, CJI has conducted an inspection into how the PSNI deals with volume crime and how it uses police bail.

The report was drafted during September and October and published on 18 December. The report was presented in two sections, one dealing with volume crime issues and the other with police bail.

Volume Crime

Volume crime is those categories that make up the bulk of crime incidents reported to the police. It includes theft, assault, burglary and criminal damage. In 2005-06, offences of this type accounted for two thirds of the total recorded crime. The inspection found the quality of police investigations into offences categorised as 'volume

crime' was erratic and varied from one police district to another. Officers attending volume crime scenes were often inexperienced and lacked the skills to deal with the range of investigations they were expected to undertake.

The report also found that the PSNI were beginning to implement a 'Professionalising Investigation Programme' (PIP), and Inspectors recommended that this should be targeted at areas experiencing the highest level of volume crime.

Inspectors also recommended that National Call Handling Standards (NCHS) should be implemented across all the PSNI call management functions in an effort to improve subsequent investigations.

Police Bail

In certain circumstances a suspect detained by the police can be

released on police bail to report back to a police station after police enquiries have been completed when an informed decision can be made whether or not to charge them.

The inspection into the use of police bail sought to establish if concerns that its improper use by the PSNI was contributing to delay in the criminal justice system were valid, and that the issue was not being properly monitored by the police.

Local Police Commanders had been issued with a list of individuals on police bail and it appeared that this was beginning to have an impact. Inspectors recommended that Custody Sargeants should be reminded that the 28 day period is the maximum permitted period for release on police bail. ■

Middle East visit

by Paul Mageean

Prior to joining CJI I was involved in a training programme for Arab lawyers which was supported by the European Union and delivered by the Law Society of England and Wales. I was invited to participate in the training as an expert on human rights and the rule of law. During the training programme I was fortunate to take part in sessions in Lebanon, Syria and Jordan. As a result of this work I was subsequently asked to take part as an external speaker in a similar training programme for prosecutors in Arab countries. This is part of a United Nations Development Programme (UNDP) project on strengthening the rule of law in Arab states by modernising public prosecutors offices. The project

focuses on four countries – Morocco, Jordan, Egypt and Yemen.

Shortly before Christmas I travelled to Cairo and then to Sana'a (the capital of Yemen) to take part in two seminars dealing with the issue of Human Rights and Pre-Trial Procedures. I spent two days in Cairo and then flew to Sana'a where I spent another three days. The seminars were addressed by a number of international experts and also by lawyers from the countries involved. I spoke specifically about the rights of individuals who have been arrested but not yet charged. I talked about the international standards which exist to protect such rights. In both countries, and particularly Egypt, there are serious concerns about the abuse of human rights in custody and I was able to share with delegates some of the safeguards which have been put in place in Northern Ireland to address



Paul Mageean (5th from left) and Prof John Jackson (right) at the Cairo seminar.

similar concerns here.

Both seminars worked well. In Yemen in particular there was a healthy exchange of views amongst those attending who included prosecutors, defence lawyers and representatives of non-governmental organisations. It is likely that further seminars will take place this year on other topics central to the proper functioning of public prosecution offices. ■

Commencement of baseline inspection of Public Prosecution Service



The first baseline inspection of the Public Prosecution Service is now in progress. The Chief Inspector of Criminal Justice, in exercise of his statutory powers, delegated to the Chief Inspector of the Crown Prosecution Service Inspectorate (CPSI) the responsibility for leading the inspection.

HMCPSI is an independent statutory body established by the Crown Prosecution Service Inspectorate Act 2000: in England and Wales the Chief Inspector reports to the Attorney General on the performance of the CPS. A number of CPSI inspectors will be working on the inspection in Northern Ireland along with CJI inspectors. The CJI input into the inspection will be led by Paul Mageean.

The purpose of the inspection is to assess the extent to which the PPS meets its publicly stated aim of being fair, independent and effective. Inspectors will seek to assess the extent to which the work of the PPS is helping to ensure the fair, efficient and effective delivery of justice, and to improve the level of public confidence in the criminal justice system.

The inspection process provides for examination of a sample of prosecution files and taking the views of local representatives of the criminal justice agencies who have direct contact with the work of the PPS. Inspectors will also be taking the views of representatives of a number of community and minority



Paul Mageean, CJI, second from left, with Di Hurtle, Jonathan Carver and Derek Gibbs of HMCPSI.

ethnic groups, observing the presentation of cases in both the Magistrates' courts and the Crown Court, studying the treatment of victims and witnesses, and discussing their observations with PPS managers and staff.

The aim is to publish this report before the summer holidays. ■

Report shines spotlight on public purchasing in the criminal justice system

Criminal Justice Inspection published its thematic report on the procurement of goods and services in the criminal justice system in January.

It found that around £500 million, or just over one third of the overall budget of the criminal justice system, is spent on non-pay related matters each year, most of which relates to the procurement of goods and services.

In order to obtain better value for money and ensure fairness and equality in purchasing, the report recommended that the criminal justice system should develop its own procurement policy.

This should link into improved

procurement strategies in the various agencies and provide a more consistent approach to purchasing across the system.

"We felt that establishing such a consistent approach to purchasing would help maximise the opportunities where savings could be made which would in turn help increase public confidence in the system," said James Corrigan, Lead Inspector on the Procurement report.

It was recommended that an agreed mechanism to collect and analyse key information on procurement should also be agreed for the criminal justice system as a whole.

Inspectors found that the legacy

of the Troubles continued to impact on procurement, primarily in terms of access to tender opportunities in 2006/07.

Findings from meetings with all of the criminal justice organisations and from an independent survey of suppliers carried out by CJI, showed that more work needs to be done to ensure firms with limited experience of working within the criminal justice system are not disadvantaged.

The increasing importance of procurement, particularly in areas such as tender specification and project management, should be reflected through improved provision for training and career development of staff. ■