

# **An inspection of the accuracy of Court Orders**

Accuracy, Administration and Assurance

September 2013

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



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**Accuracy, Administration and Assurance**

Laid before the Northern Ireland Assembly under Section 49(2) of the Justice (Northern Ireland) Act 2002 (as amended by paragraph 7(2) of Schedule 13 to The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010) by the Department of Justice.

September 2013

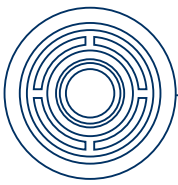
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## List of abbreviations

|              |   |
|--------------|---|
| <b>ACPO</b>  | Association of Chief Police Officers          |
| <b>CC</b>    | County Court                                  |
| <b>CoA</b>   | Court of Appeal                               |
| <b>CMS</b>   | Case Management System (in the PPS)           |
| <b>CRC</b>   | Crown Court                                   |
| <b>DoJ</b>   | Department of Justice                         |
| <b>FTR</b>   | For the Record                                |
| <b>HC</b>    | High Court                                    |
| <b>ICOS</b>  | Integrated Court Operations System            |
| <b>LSC</b>   | Legal Services Commission                     |
| <b>MC</b>    | Magistrates' Court                            |
| <b>NI</b>    | Northern Ireland                              |
| <b>NICS</b>  | Northern Ireland Civil Service                |
| <b>NICTS</b> | Northern Ireland Courts and Tribunals Service |
| <b>NIPS</b>  | Northern Ireland Prison Service               |
| <b>OLCJ</b>  | Office of the Lord Chief Justice              |
| <b>PBNI</b>  | Probation Board for Northern Ireland          |
| <b>PECCS</b> | Prisoner Escort and Court Custody Service     |
| <b>PPS</b>   | Public Prosecution Service                    |
| <b>PRISM</b> | Prison Record and Inmate System Management    |
| <b>PSNI</b>  | Police Service of Northern Ireland            |
| <b>SLA</b>   | Service Level Agreement                       |
| <b>SOPO</b>  | Sexual Offences Prevention Order              |
| <b>UK</b>    | United Kingdom                                |
| <b>YJA</b>   | Youth Justice Agency                          |



## Chief Inspector's Foreword

This inspection arose from concerns surrounding the sexual abuse cases in Donagh, Co Fermanagh. The subsequent Criminal Justice Inspection Northern Ireland inspection in 2010 highlighted a number of weaknesses in the administrative arrangements governing court orders.

Although the errors did not have any material effect on the outcome of the disposal in the case, the Northern Ireland Courts and Tribunals Service (NICTS) undertook an extensive review of the factors leading up to the errors. Since then it has invested in the development of its systems and interfaces with other criminal justice agencies and alongside the Office of the Lord Chief Justice, it has co-ordinated a development programme for the Judiciary.

This inspection has shown that the NICTS has made significant improvements to its administrative arrangements and in doing so recorded an accuracy rate of 99.2%. The remaining 0.8% where errors were detected, were subject to remedial action to ensure that no adverse outcomes arose from the erroneous orders.

Inspectors concur that the NICTS should continue to strive for an accuracy rate of 100% in serious cases where an error may have a significant adverse outcome impacting on either a person's liberty or imprisonment or, where protective measures need to be applied before an offender is released from custody.

Such has been the response and attitude of the NICTS to this issue that we have no recommendations to make though have identified a small number of areas for improvement. In these circumstances, I do not intend to conduct a follow-up to this inspection.

This inspection was led by Stephen Dolan. My sincere thanks to all who participated.



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**Brendan McGuigan**

Chief Inspector of Criminal Justice in Northern Ireland  
September 2013



## Executive Summary

### Improvement in Accuracy of Recording

A court order is a legal instrument through which the court makes its wishes manifest. Over 70% of court orders issued have a direct impact on individuals and/or the public at large to a lesser or greater extent, the remainder are of an administrative nature. The inaccurate recording of a court order and its subsequent implementation might have a catastrophic impact on an individual or a community. In the past prisoners charged with the most serious crimes were mistakenly set free and a number of sex offenders were sentenced without appropriate licence conditions upon release being imposed. The possible consequences for public safety are self-evident. Court orders are also vehicles for the administration of court business, for example adjournment orders and legal aid applications, where inaccurate recording can disrupt or delay court business.


The sheer volume of court orders in itself poses a risk to accurate recording as the courts issue almost 360,000 court orders each year. In a single month, January 2013, Inspectors found that 302 different types of order were issued with a total of 33,000 orders confirmed in that month. The complexity of orders is an issue and a recent report commissioned by the Association of Chief Police Officers (ACPO) found that the civil prevention orders designed to prevent sexual offending against children in the UK and abroad were “*over-complicated*” and “*should be replaced by a single civil order*”. Something that might be worthy of consideration by the Northern Ireland Department of Justice (DoJ).

It is therefore encouraging that a series of internal reviews by the Northern Ireland Courts and Tribunals Service (NICTS) identified the main risks to the accurate recording of court orders and set in train a programme of improvement supported by the Office of the Lord Chief Justice (OLCJ). This inspection confirms the significant improvements that have been made with the number of detected errors in the 12 months to September 2012 standing at 0.8% (2,756 errors out of 357,409 orders). Alongside this overall assessment a quarterly review of high risk orders in sexual offence cases is carried out by the NICTS. Inspectors reviewed a recent assessment and found that out of 132 orders issued, there were five errors (3.8%) each of which was quickly rectified by the NICTS administrators in conjunction, where appropriate, with the relevant judge. There was no serious adverse outcome in any of these instances.

The results of the latest review of Sexual Offences Prevention Orders (SOPOs) compares favourably with the NICTS review of SOPOs issued during 1997 to 2011, where 18.4% of SOPOs had some form of discrepancy: progress has been very significant. This improvement entailed increased cost with additional checking of all court orders by courts’ staff, extensive training of the NICTS staff and the judiciary, a revision of procedures, the introduction of checklists, audits, enhancements to the NICTS IT system and monitoring of performance metrics.

### Assessment of Risk of Error

Against this back drop of improving performance and lowered levels of error, the most recent DoJ Internal Audit report of court orders only gave a limited level of assurance. This suggested to Inspectors that a higher risk of error was present than evidenced by the NICTS internal reviews. One way to assess this was to look at the number of errors detected by parties other than the NICTS. Since November 2012 the NICTS recorded amendments to court orders notified to them by external parties (most notably the Northern Ireland Prison Service (NIPS)). During the period December 2012 to February 2013 the NICTS received notification of 93 amendments out of a total of 80,000 orders (0.11%). This indicates that of the 2,700 or so amendments detected each year 300 or so of these were detected by external parties. It is fair to draw the conclusion that



the accuracy of court orders is high and that the NICTS systems capture the majority of errors before any adverse outcomes are realised. Notwithstanding this commendable performance, the key issue remains that a single error could result in the release of a dangerous prisoner and an Internal Audit report detected a non-compliance in the administration of a SOPO which suggested a potentially higher level of risk than those promulgated by the NICTS analysis.

Inspectors reviewed the non-compliance failures detected by Internal Audit and discussed these with the NICTS management. Although the non-compliance with procedure was disappointing, it should be pointed out that the failure in question did not reflect inaccurate recording of a court order but rather an oversight in correctly recording the implementation of a particular order. This is an issue that could be addressed through a continual process of analysing lessons learned from non-compliance reports and appropriate remedial action. In other words if the NICTS correctly implement the current procedures they could avoid the need to introduce a new layer of checking.

One of the emerging risks to the NICTS following its integration into the wider Northern Ireland Civil Service (NICS) is the increased movement of staff into and out of the agency. With the reforms to the quality assurance system and the enhancements to the IT system, the demands on NICTS staff, and court clerks in particular, have increased. The level of expertise required by a court clerk is substantial and coupled with the pressures of the court environment requires on-the-job and technical training of at least a year. This risk is being managed through a recruitment and development campaign and also the proposed reduction in the number of courthouses will lessen the pressure on court clerks having to travel to different venues. As a further aid to balancing the use of experienced court officials, Inspectors suggest that the NICTS consider a pilot programme of peer checking to lessen the administrative workload on Court Managers. This could be linked to the risk assessment of the court orders so that the most serious court orders are initially still subject to a 100% check by senior officials.

### **Integrated Court Operations System (ICOS)**

The benefits of the ICOS system were evident in the speed of processing, the consistency in recording court orders and the accuracy of the orders. It also provided a portal for other agencies and in particular the PBNi and the NIPS to receive notification of requests for Pre-Sentence Reports and warrants for detention in a timely manner. The system also provides a range of reports that form the basis for management information used by the NICTS. The range of data used in the NICTS management reports might benefit from rationalisation by brigading those court orders with very low levels of activity into over-arching categories that focus on management issues for the NICTS.

The ICOS system can also contribute to a degree of inflexibility where, for example, the Public Prosecution Service (PPS) make late changes to the bill of indictment outwith the case management system, usually by way of informal written requests to the clerk. The resultant change will not be recorded on ICOS with an increased risk of inaccurate recording as a manual system of checks and counter-checks must be instigated in lieu of the ICOS-based process. As this is simply a result of the ICOS records and the court listings not being contemporaneous the remedy is obvious - all changes to the bill of indictment should be processed through the appropriate system. A draft Memorandum of Understanding between the NICTS and the PPS includes this protocol and should be immediately implemented.



## Areas for improvement

All changes to the bill of indictment should be actioned through the PPS Case Management system to avoid undue manual intervention by the NICTS. The draft MoU between the PPS and the NICTS should be implemented. Secure access to the CMS from terminals in the court should be given consideration. The potential to create a mobile app giving both defence and prosecution lawyers updates on the status of their cases should be explored (paragraph 2.20).

Bail orders should be signed in the relevant court office. The NICTS and PECCS/NIPS staff should agree arrangements to ensure this happens at Laganside Courts (paragraph 2.31).

To reduce the cost of resources dedicated to the quality assurance regime the NICTS should consider piloting a programme of peer-checking by court clerks for the lower risk court orders (paragraph 3.13).

The NICTS should immediately introduce a record of lessons learned from internal audit non-compliance reports and disseminate this within the NICTS to limit the potential for reoccurrence (paragraph 3.17).



Section



# Inspection report

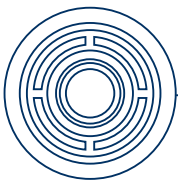
## CHAPTER 1:

# Strategic context

### Background to the inspection

- 1.1 The NICTS is responsible for providing administrative support to all of Northern Ireland's courts. Historically, Northern Ireland has been divided into seven jurisdictional areas known as county court divisions and 21 petty sessions districts. Within these jurisdictional boundaries there are 19 operational courts (Appendix 1). The DoJ for Northern Ireland has concluded a public consultation on the future shape of the jurisdictional boundaries<sup>1</sup> and legislation is pending.
- 1.2 Each county court division is managed by a Court Administrator and each court is managed by an Office Manager. There are two business managers with responsibility for the Laganside Courts and regional courts, respectively. Magistrates' Courts (MC) are held in every petty sessions district and Crown Courts (CRC) are held in 13 locations throughout Northern Ireland. During a typical year NICTS staff record around 360,000 criminal court orders. The majority of criminal court orders are issued electronically through the Causeway IT system with some, such as orders administered by third parties, issued by secure e-mail or by post.
- 1.3 Court clerks in the CRC are civil servants and are normally at Executive Officer 1 (EO1) grade. In the MC, the EO1 court clerk is accompanied by an Administrative Officer grade (AO) court assistant. Court clerks and court assistants are not required to be legally qualified. They sit in court and provide administrative support for the court throughout the proceedings. At the conclusion of the case the court clerk's principal duty is to complete the court records and to prepare and issue copies of the orders made by the court. This process – known as 'resulting' a case – is undertaken using the NICTS Integrated Court Operations System (ICOS) IT system which was introduced into the criminal courts in Northern Ireland in 2006.
- 1.4 This inspection undertook a review of the management of court orders by the NICTS. The major elements of the Inspection were a comparison of the levels of performance since the last NICTS review, noting the changes to the process since last inspected, the efficiency of the recording process, the potential impact of any errors, and an overview of the risks to the process. (See Appendix 2 for Terms of Reference).
- 1.5 As a general definition a court order is the instrument that makes manifest the directions of the judge. Its seemingly commonplace title belies its underlying importance. There is a wide range of court orders covering everything from administrative type orders, such as the fixing of dates for hearings and applications for legal aid, to punitive orders setting periods of detention or imposing fines to protective orders such as registration on the sexual offences register. It follows that the impact of inaccurately recording a court order ranges from the inconvenience of, say, rescheduling a court date to much more serious consequences such as an increased risk of harm

<sup>1</sup> 'Redrawing the Map' - A Consultation on Court Boundaries in Northern Ireland; NICTS March 2010.




to the public. In the past there were examples of prisoners charged with the most serious of crimes being mistakenly set free and a number of sex offenders were sentenced without appropriate licence conditions upon release being imposed. Thankfully these were very rare occurrences.

- 1.6 The sheer volume of court orders in itself posed a risk to accurate recording. In the 12 months to September 2012 almost 360,000 court orders were issued and this was typical of the annual volume of court orders processed by the courts.
- 1.7 The variety of court orders was also significant and in one month alone 302 different types of order were issued by the courts. Central to the accurate recording of courts orders was the ICOS IT system and the court clerks who operated it.
- 1.8 ICOS provides a menu driven interface to the court clerk. The interaction between the judge and the clerk is the pivotal element in the accurate recording of court orders. Some of the instructions to the clerk are based on the receipt of formal applications to the court upon which the judge rules - such as written applications for legal aid, bail variations and so on - and others are verbal requests from prosecutors and counsel. There are also interchanges between the judge, prosecutors and counsel and in many instances, these result in a court order and the court clerk will be actively recording these as the business of the court progresses. As expected the court orders dealing with the loss of liberty such as revocation of bail, breach of licences, remands and the imposition of a custodial sentence are among the most important court orders and consequently any inaccuracy could have serious ramifications.
- 1.9 Although all court tiers produce court orders, the business environments of the Magistrates' and Crown Courts differ in nature and scale. The MC account for 84% of court orders and

the flow of business is rapid with large court lists being handled in a matter of hours against a throng of people continually entering and leaving the court room. The CRC deal with lower volumes of more serious matters and the pace of business is not so brisk but the clerk has the added role of recording a time line of key events as the court business unfolds. This 'For the Record' (FTR) account of the proceedings is then available to view on ICOS. Reflecting the more serious nature of the CRC business, the number of cases may be lower but in any given case there may be multiple charges on the bill of indictment. The court clerk will be mindful of the need to ensure each and every charge is dealt with.

- 1.10 In 2010 an investigation of serious historic sexual abuse in Donagh, Co Fermanagh exposed a number of weaknesses in the administrative arrangements governing court orders. A CJI report<sup>2</sup> reviewed the approach of the criminal justice agencies to the handling of these cases and identified errors in the administrative arrangements undertaken by the NICTS.
- 1.11 Although the errors did not have any material effect on the outcome of the disposal, in this case they did undermine public confidence in the system and indicated that other errors may have been committed. Subsequent to these errors being identified, the NICTS undertook an extensive review of the factors leading up to the errors and identified the following major causes:
  - the failure of court personnel to maintain a timely and accurate case record at each stage;
  - limitations within the IT system;
  - human error in transcribing;
  - assurance checking against original court records that were inaccurate in the first place;
  - some technical errors; and
  - failure to issue notification orders to defendants.

<sup>2</sup> Donagh sexual abuse cases inspection, CJI, November 2010.



1.12 Since then the NICTS has invested in the development of its systems and interfaces with other criminal justice agencies and in the training of its staff. Alongside this the OLCJ has co-ordinated a development programme for the Judiciary and in its most recent review of court orders, the NICTS recorded an accuracy rate of 99.2 %. The 0.8% of orders classified as ‘errors’ includes errors detected by external agencies which are estimated to account for 0.1% of the total errors detected. All of the detected errors are subject to remedial action taken meaning that no adverse outcomes arose from any of these erroneous orders. Within the context of these low levels of error and considering that the higher risk court orders – custody and sexual offences – are subject to 100% checks, the risk of undetected errors giving rise to serious adverse outcomes was deemed to be low.

1.13 Around the same time there were three erroneous releases from prison that were due, in part, to failures in the checking of outstanding warrants and some misunderstandings by prison service staff. A CJI report<sup>3</sup> into these erroneous releases of prisoners concluded that subsequent improvements to procedures by the NIPS, additional staff in the custody office and training had reduced the risk of reoccurrence.

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<sup>3</sup> Northern Ireland Prison Service Mistaken Prisoner Releases: CJI, November 2010.

## CHAPTER 2:

# Delivery

### Volume and type of Court Orders

- 2.1 In any given year around 360,000 court orders are issued and in the criminal courts there are in excess of 600 different types of court order. In the month of January 2013 the NICTS court records show that over 33,000 court orders were issued with 302 separate types of order resulted, although over 70% of court orders could be categorised under 10 general headings. Court orders dealing with adjournments of one kind or another accounted for over 20% of the total followed by remands, legal aid issues and monetary penalties which accounted for a further 33% between them. There were slightly in excess of 500 court orders imposing prison sentences (including suspended sentences) representing 1.6% of the total orders (5% of CRC orders).
- 2.2 A comprehensive list of court orders for January 2013 is given in Appendix 3.

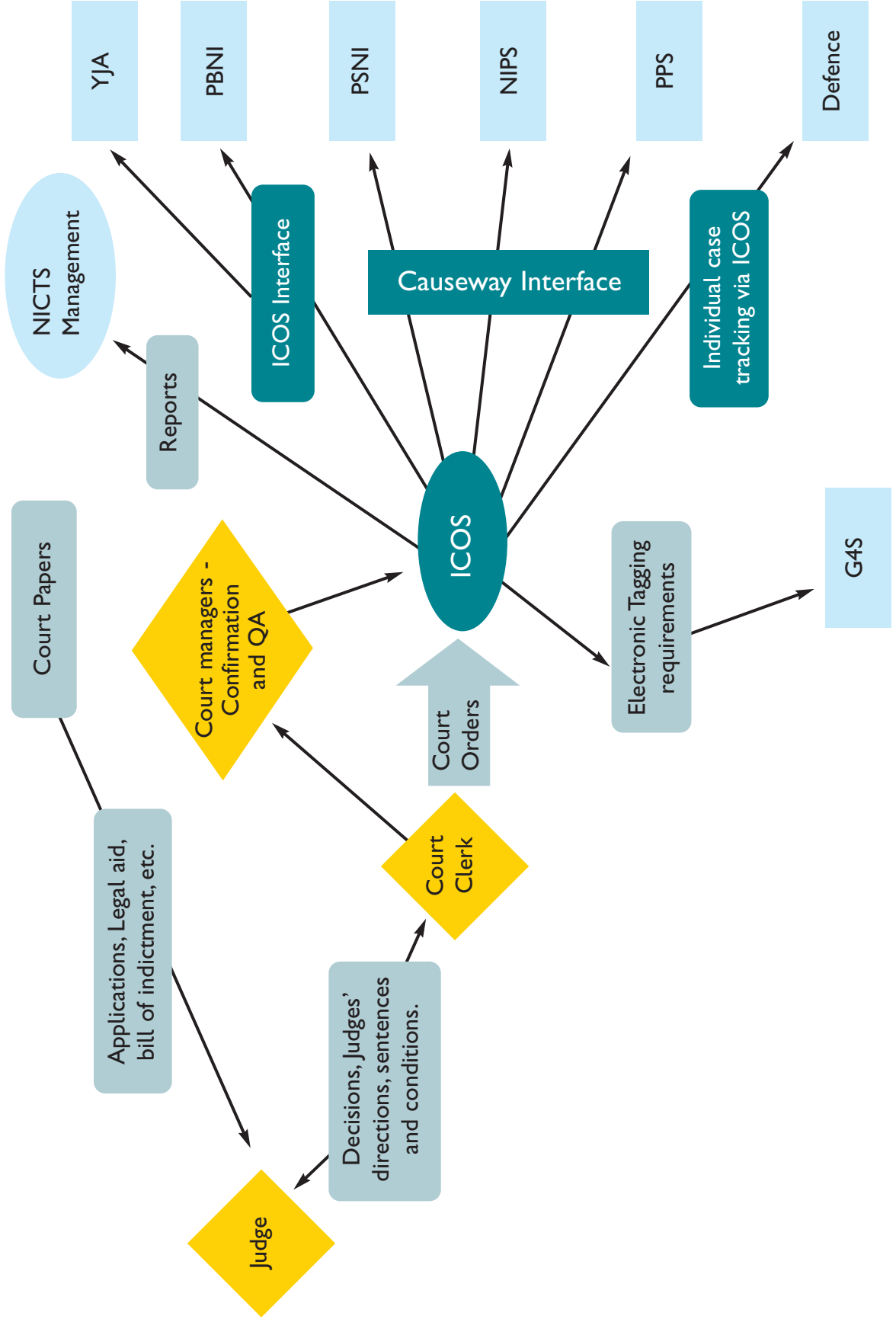
**Table 1: Categories of Court Orders accounting for more than 2% of total orders confirmed. (Crown and Magistrates' Courts)**

| Category of Order   | % of Total   |
|---|--------------|
| Adjournment   | 21.9%        |
| Remand on bail or custody                                 | 14.8%        |
| Legal Aid orders  | 9.9%         |
| Monetary penalty  | 8.3%         |
| Bail issues   | 5.2%         |
| Withdrawn   | 4.4%         |
| Disqualification (driving)                                | 2.5%         |
| Time extension  | 2.5%         |
| Penalty points  | 2.3%         |
| Pre-Sentence Report Request                               | 2.1%         |
| <b>Sub Total Orders accounting for 2% of total orders</b> | <b>73.9%</b> |

- 2.3 Aside from the main categories above there were other court orders of note including 146 court orders imposing an offender levy on custodial orders reflecting the introduction of the Offender Levy and the Victims of Crime Fund on 6 June 2012. In the month in question there were 864 applications for time extensions of which 844 were granted and 2,969 applications for legal aid of which 67 were refused. Of the total 33,000 orders issued 84% were issued in the MC, 13% in the CRC with the High Court (HC), Court of Appeal (CoA) and the County Court (CC) (acting in its role as a criminal appellate court) accounting for the remainder.
- 2.4 Once the similar types of court orders are brigaded under overarching categories the number of orders dealing with adjournments, remands and legal aid is striking. Interestingly, the number of court orders dealing with sentencing (custodial or suspended is only 0.5% of the total). A regular analysis of the usage of various court orders might provide some insight for assessing the effectiveness of court orders and perhaps informing future drafting of legislation to reduce the complexity of court orders, whilst still giving effect to the wishes of the courts and legislators.



Diagram 1: Process of Court Orders



## Recording and checking court orders

- 2.5 In the normal course of events the court receives court papers detailing the nature of the business before the court. The role of the court clerk, alongside managing the court business, is to accurately record the order issued by the judge and input this to the court IT system. Diagram 1 gives an outline of the processing of court orders. There are a number of quality assurance checks built into the system.
- 2.6 In the MC results are recorded manually by the court clerk onto the court order sheet, then resulted on ICOS by the Court Assistant. Depending on the type of results, results are then confirmed by the court clerk or the office manager/court administrator. For CC orders all final crown matters and crown bails and other specific interim orders are confirmed by the office manager/court administrator. The office manager/court administrator – in the CRC – also has access through ICOS to a verbatim recording of the judge's decisions to ensure the court order is accurately recorded. A checklist (Appendix 4) defines the specific MC orders that are also checked by a court manager and if there are issues the clerk will check with the District Judge. In exceptional circumstances (for example Saturday courts), a court clerk may have to issue a court order independently without it first having been checked. All of these orders will be checked on the subsequent Monday and an ICOS exception report records these orders. In addition, a monthly retrospective sample check is performed by court office managers. These checks are required as set out in operational guidance issued to staff.

## Controls

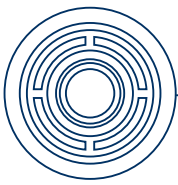
- 2.7 Inspectors noted that once a court result was confirmed it could not be amended or deleted by staff in the court office. Instead a Criminal Data change form was completed and authorised by the Office Manager (Staff Officer grade) and copied to the Court Administrator. This form was then forwarded to the ICOS Support Team

who completed the amendment or deletion on ICOS and informed the court office that the change was completed. ICOS records that an amendment was completed and the type of amendment. It was this report of the number of changes and deletions that was used to determine the possible error rate in recording orders. (0.8% in the most recent period).

- 2.8 Once a person is assigned the 'court clerk' user role on ICOS they can confirm the court result on the ICOS system, other staff cannot access the system. If the court clerk results and confirms the same result, the system will prompt the court clerk to enter a reason for confirming their own results. These details are then displayed on the ICOS court confirmation exception report which is validated by the court manager.
- 2.9 There are a suite of management control reports which are checked daily, weekly and monthly depending on the importance and priority of the report.
- 2.10 The Peer Reviews completed by Court Administrators/Office Managers – see Appendix 7 for the checklist – are a further compliance control process. Reflecting the importance placed on accurately recording Sexual Offences Orders the NICTS carry out a quarterly review of all Sexual Offences Orders and the results of this review are forwarded to the OLCJ.
- 2.11 An additional safeguard is the FTR audio recording of all CRC proceedings. This recording can be listened to at any time by the court clerk and the court manager. It allows the court manager to review the court orders presented for confirmation against the verbatim judgments issued by the court.

## Timeliness of court orders

- 2.12 The NICTS have put in place a series of Service Level Agreements (SLAs) to measure their performance in resulting and confirming court orders – see Appendix 5. The NICTS also prioritise the resulting and confirming of a



**Table 2: Management Control reports**

| Report   | Daily                        | Weekly   | Monthly                     | Annually |
|--|------------------------------|--|-----------------------------|----------|
| Confirm Court Result (Screen Shot required as evidence on weekly basis)  | ✓<br>Office Managers         | ✓<br>Section Managers                                |                             |          |
| Confirm non court results (Screen Shots)   |                              | ✓<br>Section Managers                                |                             |          |
| Court Confirmation Exception Report  |                              | ✓<br>Office Managers                                 |                             |          |
| Suppressed Enforcements  |                              | ✓<br>Section Managers                                |                             |          |
| Unidentified Payments  | ✓<br>Section Managers        | ✓<br>Section Managers                                |                             |          |
| Notional Payments  |                              | ✓<br>Section Managers                                |                             |          |
| Sums Imposed Report  | ✓<br>Court Clerk             | ✓<br>Section Managers<br>Random Sample to be checked |                             |          |
| Bail Lodgement Report  |                              | ✓<br>Section Managers                                |                             |          |
| Extension of Time Applications   |                              | ✓<br>Section Managers                                |                             |          |
| Incomplete OP Creditor Details   |                              | ✓<br>Section Managers                                |                             |          |
| Confiscation Details   |                              | ✓<br>CMU   | ✓<br>Office managers        |          |
| Unallocated Summons  |                              | ✓<br>Section Managers                                |                             |          |
| Payments made in error   |                              | ✓<br>Section Managers                                |                             |          |
| Refunds report   |                              | ✓<br>Section Managers                                |                             |          |
| Criminal Cases not listed report (MCP/MCD, CRC)  |                              | ✓<br>Section Managers (MCP/MCD)                      | ✓<br>Section Managers (CRC) |          |
| Outstanding Appeals No future Listings /(ACC)  | ✓<br>Section Managers<br>ACC |  |                             |          |
| EM Bails Report  | ✓<br>Office Managers         |  |                             |          |
| EM Community Based Order Report  | ✓<br>Office Managers         |  |                             |          |
| Service Register   |                              | ✓<br>Office Managers                                 |                             |          |
| Cases with Interpreter Request   |                              | ✓<br>Office Managers                                 |                             |          |
| <b>LPS</b> -check affidavit has been endorsed, monies taken from correct acc and affidavit has been sworn                                |                              | ✓<br>Section Managers                                |                             |          |
| <b>LMLO</b> - cross check the daily attendance sheet against the Fees Earned report (taken from Jasper) against MIS Sitting Times Report |                              |  | ✓<br>Office Managers        |          |



range of the most important court orders such as custody orders, bail orders, electronic monitoring orders and arrest warrants. Table 3 summarises the SLA targets and performance achieved in December 2012 and the cumulative performance for the year 2012 - 2013.

**Table 3: SLA performance December 2012 and 2012-13 to date.**

| SLA Targets - December 2012 and 2012-13 year to date |               |         |
|--|---------------|---------|
| SLA Summary  | December 2012 | 2012-13 |
| SLA1 - Court results (target 98%)                    | 99.44%        | 99.28%  |
| SLA2 - Custody results (target 98%)                  | 99.47%        | 99.23%  |
| SLA3 - Bail results (target 98%)                     | 99.65%        | 99.18%  |

### Experience of Court Clerks

- 2.13 The NICTS are meeting the SLA delivery targets and without doubt the benefit of an experienced court clerk in meeting these standards should not be underestimated. Paradoxically, the reliance upon experienced court clerks presents a potential risk to the NICTS if this resource became constrained in some way. One possible instance of this might arise following the devolution of justice to the local assembly in 2010. As a result of this integration of the justice system, the NICTS became an agency within the NICS and adopted the NICS Grades.
- 2.14 Prior to devolution the NICTS was a separate entity within the Lord Chancellor's Office and there was a limited amount of movement from the NICTS to other parts of the NICS. Within the NICTS the post of court clerk was graded at EO and it was possible for an AO (court assistant) to be directly promoted to court clerk (which is EO grade). Following assimilation the NICS grades of EOII and EOI were introduced with court clerk being graded as the latter. One consequence of this was to render the direct promotion of experienced court assistants to the court clerk role as highly unlikely. Thus as well as increasing the potential number of external candidates for the court clerk role, the direct route for home grown talent was severely reduced.

### Staff Movements - Court Operations – 2010-11 & 2011-12

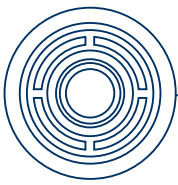
#### 2010-11

| Grade        | Entrants  | Leavers  |
|--------------|-----------|----------|
| AO           | 10        | 5        |
| EOI          | 0         | 1        |
| <b>TOTAL</b> | <b>10</b> | <b>6</b> |

#### 2011-12

| Grade        | Entrants | Leavers  |
|--------------|----------|----------|
| AO           | 2        | 3        |
| EOI          | 1        | 1        |
| <b>TOTAL</b> | <b>3</b> | <b>4</b> |

- 2.15 In the last two years there has been an increased movement of AOs into the NICTS although only two EOI grades have left. Whether the increased staff movement translates into an adverse impact on administering court orders depends on the volume of movement and the response of the NICTS. There is a lead time to adequately replace and train an experienced court clerk and the drive to improve efficiency and meet performance measures exerts certain pressures on the NICTS to manage this resource.
- 2.16 The court clerk is responsible for administering the business of the court which is a busy environment overlain with traditional processes. For staff with no experience of the court system adapting to the rigours of a court clerk position is demanding. Whilst formal training provides the foundation to a court clerk's knowledge of court business only the daily exposure to the fast-moving and at times unstructured nature of court-work completes the transformation from ingénue to adept. Similarly, the relationship between a clerk and the judge is formed over a period of time to get to the point where a court clerk would feel confident in pointing out to the judge a potential error, for instance in licensing conditions. Although the processes and procedures governing court orders may be taught, managing a busy court and developing relationships with the judiciary requires time spent in court.



**Table 4: Court orders issued by business area/court tier - December 2012**


| Business Area / Court Tier            | County Court | Court of Appeal | Crown Court | High Court | Mags Court | Total       |
|---------------------------------------|--------------|-----------------|-------------|------------|------------|-------------|
| Court of Appeal Criminal              |              | 242             |             |            |            | 242         |
| Criminal Appeals to County Court      | 239          |                 |             |            |            | 239         |
| Crown Court                           |              |                 | 326         |            |            | 326         |
| Fixed Penalty Registration            |              |                 |             |            | 23         | 23          |
| High Court bail                       |              |                 |             | 33         |            | 33          |
| Magistrates' Court Departmental (MCD) |              |                 |             |            | 300        | 300         |
| Magistrates' Court Police (MCP)       |              |                 |             |            | 402        | 402         |
| Penalty Notice for disorder           |              |                 |             |            | 8          | 8           |
| <b>Total</b>                          | <b>239</b>   | <b>242</b>      | <b>326</b>  | <b>33</b>  | <b>733</b> | <b>1573</b> |

2.17 Table 4 is a snapshot of the range of court orders available to a court clerk on a given day. The business area is attributed at the point of case initiation and the system will automatically display the court orders associated with the business area - reducing the possibility of errors. In the MCP business area the court clerk is given 402 orders to select from, for CRC cases 326 orders are available and so on for the other court tiers/business areas. The total figure of 1,573 types of orders issued does not represent distinct court orders as identical court orders may be issued by different court tiers; rather it is the product of combining the number of court orders with the court tiers. There are in fact only 638 different court orders from which to choose. Nonetheless it is a potentially bewildering array of options and an unintentional error, especially by an inexperienced court clerk is not unforeseeable.

2.18 It is possible that an increased movement of staff into and out of the NICTS could place pressure on the availability of experienced court clerks. To its credit the NICTS has responded to this with a training programme for court clerks. The training regime includes procedural training with on-the-job training and a period of mentoring. This is the most suitable form of training for the position as it requires more than a simple knowledge of the type of court orders.

### Changes to the Bill of Indictment

2.19 In the normal course of court business there were instances where prosecutors wished to make changes to the Bill of Indictment. There were established processes for this with charging frames that ensure consistency and reduce potential error. Unfortunately, problems arose, usually due to last minute changes, because prosecutors created or amended the Bill of Indictment outside the PPS Case Management System (CMS). This gave rise to a number of problems; the court clerk is presented with a written Bill of Indictment because the NICTS system can only present electronic information that was added via the CMS. The upshot of this is the absence of an automatic record on ICOS and court clerks were left clinging to a written Bill of Indictment that formed the only court record. The courts are loathe to adjourn a case so that amended Bills of Indictment are input to the system, so the NICTS staff had to introduce a specific control and checking process outwith the ICOS regime and also issue manually produced papers for jurors and the judge. This increased the risk of error. Another possible consequence of late changes to the Bill of Indictment outwith the CMS and ICOS system was the failure to notify defence counsel of the changes and in some cases defence counsel were appearing in court for cases only to find



that the charges had been dropped. The NICTS and the PPS were in the process of agreeing a Memorandum of Understanding that should prevent this occurring and Inspectors would enjoin the PPS to implement the agreed procedure. The NICTS and the PPS could investigate the potential to give access to the PPS CMS system from the courts so that a prosecutor – using a PIN code – could instruct the court clerk to amend the Bill of Indictment and create a contemporaneous record on CMS and ICOS.

- 2.20 A more prosaic remedy might be a pre-court meeting with defence and prosecution to discuss the relevant issues and then avoid making last minute changes on the day. Where last minute changes were inevitable, a number of defence lawyers suggested that creating a mobile app providing access to the court lists would allow them to keep abreast of developments in their cases.

**All changes to the bill of indictment should be actioned through the PPS Case Management system to avoid undue manual intervention by the NICTS.**

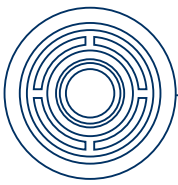
**The draft MoU between the PPS and the NICTS should be implemented.**

**Secure access to the CMS from terminals in the court should be given consideration.**

**The potential to create a mobile app giving both defence and prosecution lawyers updates on the status of their cases should be explored.**

## NIPS

- 2.21 The court result information is shared between the NICTS ICOS system and the NIPS Prism system via the Causeway messaging system. This interface between the NIPS and the NICTS presented a potential risk due to the volume of orders and the significant impact that any errors or failures of communication could have. There are a number of court orders of particular significance to the NIPS.
- 2.22 Sentencing is a major area with the deprivation of liberty the most serious sanction in the justice system. Consequently, the NIPS carries out a series of checks on custody court orders. The process begins when the court result is confirmed and an alert is forwarded to the custody office in the NIPS via the NIPS Prison Record and Inmate System Management (PRISM). Shortly afterwards the court manager confirms the result - it is the confirmed court order that is the official instrument for the NIPS.
- 2.23 Upon receipt, the NIPS custody office categorised the court orders by type: remands, bails and so on to facilitate checking. A cross-check of the electronic warrant (presented in PRISM) with the Crown Court Order Sheet printed out from ICOS is performed for every Crown Court sentence. The warrant gives the total sentence imposed whereas the Court Order papers give a break down of the sentence for each charge. As an example, a prisoner may be sentenced to a Determinate Custodial Sentence of two years with a second separate six month sentence to run consecutively (a total custody period of 30 months). The judge makes a specific order that the defendant is to serve 15 months in custody and 15 months on licence. It is possible to interpret the legislation as dictating that the sentence should be 15 months in custody and 12 months on licence, as the sentencing threshold for licensing is a 12 months custodial sentence and the separate six month custodial sentence could be considered ineligible if imposed in isolation. The NICTS and the NIPS have an agreed work around for these instances (defined as the totality principle) so that the interpretation of the court is put into effect.
- 2.24 Other complications may arise where a defendant is sentenced under two separate orders, such as the Criminal Justice (Northern Ireland) Order 2008 and Article 26 of the Criminal Justice (NI) Order 1996 giving rise to two sets of prison licensing requirements. Court orders that include sentencing under different orders are checked by the NIPS after receipt from the court. Where an anomaly



arises the custody office staff will revert to the NICTS ICOS support team for clarification and agreement.

2.25 All custodial sentences at all court tiers are checked and confirmed by a court manager. Alongside the formal cross-check of the warrants and the Crown Papers the custody staff review the prisoner escort form completed by the Prisoner Escort and Court Custody Service (PECCS) staff. Although not a formal or 100% record of the events in the court it forms a useful piece of intelligence for the custody staff who are not present in court. There were examples cited where the information from the PECCS staff supported the investigation by the custody staff into anomalies and helped them to clarify with the Court Team. Although not formally recorded, there were a reasonable number of instances where a defendant was sentenced to a custodial sentence, say six months, and this triggered unexpired elements of earlier suspended sentences, for example of one month and two months respectively. The judge may order that the suspended elements must run consecutively to the more recent custodial sentence. There were instances where this was recorded by the clerk as a nine month custody - the six months plus the one month and the two month suspended sentences running consecutively. However, the correct sentence is eight months custody as the one month and two month elements of the suspended sentence run concurrently to one another meaning only the longest sentence – the two months – is additional to the six month sentence. In the examples observed by the Inspectors it was the PECCS prisoner escort form that recorded this and provided a useful validation tool to the custody team who were able to rectify the court order with the court staff.

## Bails

2.26 Bails were a complicated area and posed some problems of interpretation for the NIPS custody staff. There are no issues when a defendant is granted bail for the first time as

the person is not in the care of the prison service and is not recorded on the NIPS system.

2.27 The potential problems are more likely to arise in cases where bail conditions are imposed. Examples include defendants being asked to sign recognizance (or sureties) prior to release and being remanded into custody until it is signed. When there are delays in signing recognizance there are problems created for the NIPS staff who have a court order indicating release that can only be put into effect once a signature is received.

Through the Causeway IT solution the NIPS receive all confirmed court orders including bail orders. However, the NIPS will only have access to the bail order on PRISM once the court order has been confirmed on ICOS.

If the defendant is in court (in person) then it is the responsibility of court staff in the court office to have the bail conditions entered onto ICOS and then the recognizance signed by the defendant (and sureties if required) prior to release of the defendant. The production of the recognizance and the signing of bail does not require the bail order to be confirmed on ICOS and hence there are no delays from a NICTS perspective in getting bail signed if the order has not been confirmed. Confirmation of bail orders are given priority and the SLA is for bail orders to be confirmed on the day of court.

This procedure means that the NIPS do not have to wait on a confirmed bail order prior to commencement of any further checks they are required to complete – particularly if it is the court office that is signing the recognizance.

However, if bail is being signed at the prison (for example for video remands) then the NIPS do require the order to be confirmed in order to have access to the recognizance and bail conditions on PRISM for signing purposes.

2.28 In an effort to circumvent any delays arising following the granting of bail and signing of

recognizance, the PECCS staff will usually phone the prison to tell them that bail was granted and this allows the NIPS to initiate their checks and reduce delay. Even so some delays did occur whilst the NIPS carried out their checks. In the mind of the defendant they had being released on bail and this led to complaints by defendants' counsel that clients were being over-held in custody.

**Table 5: Cumulative time to confirm custody and bail results**

| Volume           | Custody Results<br>(Time in minutes) | Bail Results –<br>(Time in Minutes) |
|------------------|--------------------------------------|-------------------------------------|
| 10%              | 11:39                                | 11:53                               |
| 20%              | 12:15                                | 12:37                               |
| 30%              | 12:52                                | 13:23                               |
| 40%              | 13:46                                | 14:12                               |
| 50%              | 14:23                                | 14:39                               |
| 60%              | 14:51                                | 15:03                               |
| 70%              | 15:21                                | 15:28                               |
| 80%              | 15:51                                | 15:56                               |
| 90%              | 16:29                                | 16:29                               |
| 98% (SLA target) | 17:25                                | 17:23                               |
| 100%             | 18:51                                | 18:59                               |

2.29 The table above shows the cumulative time taken to confirm the court orders for custody and bail results. In both instances the SLA target of 98% was achieved by around 5.30pm which is a reasonable response but as most of the sentencing and bail hearings occur in the morning if the NICTS did not action bails before confirmation of the orders there would be a significant delay.

2.30 One possible area of risk arose where a prisoner was on remand for a number of charges. On one of the remand charges the prisoner was granted bail but not on the other charges. In this instance the prisoner was remanded to prison on one charge but with a court order directing that the prisoner signed bail for another charge. If the prisoner refused to sign the bail form for that charge they

effectively remain on remand and instead of a 'bail order' being issued it should be a 'remand in custody bail fixed order'. Thus, although the court clerk issued the correct order this required an amendment to the original order which was recorded as an error. There was also the possibility that the prisoner could have a remand period taken into account at sentencing even though the court order granted bail.

2.31 A solution to this problem is to ensure that bail orders are signed in the court bail office - which is the practice in all the regional courts. Inspectors understand that signing bail orders at the Belfast Courts presented an issue for PECCS staff. This issue should be resolved with the aim of all bail orders being signed at the court bail office.

**Bail orders should be signed in the relevant court office. The NICTS and PECCS/NIPS staff should agree arrangements to ensure this happens at Laganside Courts.**

## CHAPTER 3:

# Outcomes



### Accuracy of Orders Confirmed

3.1 Following what is now known as the Donagh<sup>4</sup> case a comprehensive review of court orders from 1997 to 2011 was undertaken and established that:

- **5.9%** of SOPOs did not fully and accurately reflect the order made by the court (22 out of 372);
- **11%** of the court records where notification was required were not consistent with the relevant legislation (217 out of 1,953);
- **57%** of disqualification orders disqualifying a defendant working with children had neither being made nor were reasons given for not making the order (278 out of 484); and
- **5** cases were identified where licence conditions imposed on a sex offender were not accurately reflected in the court record.

Out of a total of 2,809 orders examined 517 (18.4%) had some form of discrepancy.

3.2 This was a particularly worrying outcome and the NICTS and the OLCJ instituted a programme of action including additional training and a more robust checking mechanism with enhancements to the NICTS ICT system. The NICTS now produces a quarterly report on sexual offence cases and in a recent review of orders for the period July to September 2012 established that:

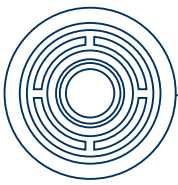
- **100%** of the 22 SOPOs issued fully and accurately reflected the order made by the court.
- **98.4%** of disqualification orders were accurate with one administrative error identified in a sample of 62 cases. It is

worth noting the error in this individual case. Originally a defendant was placed on the child-barred list. As the injured party was 21 at the time of the offence and not classified as a child this was not appropriate. Staff compounded this by incorrectly recording the result on ICOS as a disqualification order. The result has now been deleted.

- **92%** of 48 notification cases were correct with four potential errors identified. The details of the four potential errors are as follows;
  - In one case a defendant received a probation order and the court specified the notification requirements for seven years. The correct duration should have been five years, the defendant's notification requirements were amended;
  - a defendant was placed on the sex offenders register at the point of conviction although the relevant sentencing threshold had not been met;
  - a defendant convicted of sexual assault was not placed on the sex offenders register and the NICTS had requested that this order be amended; and
  - staff failed to record the duration of the notification requirements. This has now been corrected.

3.3 The results of SOPO cases reported by the NICTS are an improvement on the earlier analysis and indicative of the progress they have made. In particular, the actual SOPOs issued in this period were 100% accurate and the other errors were of a lesser nature. Although a totally error free environment would be most

<sup>4</sup> Donagh sexual abuse cases inspection, CJI, November 2010.



welcome all the time the complexity and volume of court orders entails an element of unavoidable risk. The complexity of certain orders was highlighted as a risk in a recent report commissioned by ACPO. In the specific instance of civil prevention orders designed to prevent sexual offending against children in the UK and abroad the report found that the orders were “over-complicated” and “should be replaced by a single civil order”. A similar review might be worthy of consideration by the DoJ in NI with the aim of reducing the complexity of the current system.


- 3.4 Alongside the volume of court orders the number of charges on a Bill of Indictment can create problems for the court clerk who is attempting to follow the business of the court and the pronouncements of the judge. A recently appointed court clerk informed Inspectors that the explicit sentencing of decisions against the adumbrated charges on the Bill of Indictment practised by some judges aided their recording of the outcomes and seemed to be a useful praxis.
- 3.5 Alongside the review of SOPOs the NICTS conducted a more comprehensive analysis of amendments to orders that were classified as errors. This review showed that of the 357,409 orders issued for the year from October 2011-September 2012 there were 2,756 amendments or deletions to resulted orders – an error rate of 0.8%. The definition of error is relevant in this context as the quality assurance checks conducted by the NICTS identified 90% of the errors, which were rectified, and thus from an outcome point of view, one can argue that few inaccurate or incomplete court orders were put into effect. On the other hand, the 2,756 court orders subject to amendment or deletion reflect detected errors and this raises the question was there a level of undetected or unknown errors?
- 3.6 One possible way of assessing this was to quantify the court orders in the Incident Reporting Process identified by external parties. Since November 2012 the NICTS has recorded amendments notified by external

parties. Table 6 gives the figures for the most recent three month period. During the period almost 80,000 court orders were issued. There were 590 errors (0.74%) during that period of which 497 (0.62%) were internal notifications and 93 (0.12%) were external notifications. Firstly, this tallies with the 0.8% error rate detected in the earlier reporting period and secondly indicates that the NICTS is detecting the majority of errors in the system with a relatively small number (about 350 per annum detected by other parties such as the NIPS and the Legal Services Commission (LCS)).

**Table 6: External notifications of amendments since November 2012**

|   | Dec 12      | Jan 13      | Feb 13      | Total       |
|---|-------------|-------------|-------------|-------------|
| Reason - Confirmation Error (internal notification) | 128         | 171         | 198         | 497         |
| Reason - Confirmation (external notification)       | 25          | 38          | 30          | 93          |
| Total of all amendments (% of total orders)         | 153 (0.65%) | 209 (0.67%) | 228 (0.90%) | 590 (0.74%) |
| <b>Total number of orders issued</b>                | 23,570      | 30,972      | 25,384      | 79,926      |

- 3.7 **Notifications from NIPS:** Most recently an analysis of the errors detected by the NIPS reported that the majority of errors was the omission of the offender levy on immediate custodial sentences (around 150 out of 350 according to NIPS figures). These omissions fall to the judiciary as the clerk cannot record an offender levy if it is not pronounced in court. The NICTS and the OLCJ have surfaced this issue and the Judicial Studies Board has issued additional guidance. The other three main areas of error were minor changes to remand warrants (such as Changing a Remand in Custody order to a Remand in Custody Bail Fixed Order) and consecutive/concurrent not being recorded on the warrant. Another common change notified by the NIPS to the NICTS is to change remand warrants from ‘appear in person’ to ‘appear via video-link’. The hearing type information is correct but the information displayed in the warrant needs amended to match the hearing type

- 
- information. The NIPS and the NICTS have recently agreed the 'appear by' may be removed from the warrants and that the NIPS will use the hearing type to decide the means of producing the defendant.
- 3.8 **Notifications from LSC:** In the sample of notifications from the LSC, the details of the solicitors acting in the case were wrongly recorded on the legal aid certificate. This included incorrectly recording the office address of the solicitors or recording the wrong firm of solicitors.
- 3.9 There is also a further unknown number of errors that are not detected by the internal and external verification processes but these would account for a small number and would most likely only become immediately noticeable if they gave rise to a significant adverse outcome.
- 3.10 Before sounding the alarm bells over the potential for unknown errors giving rise to adverse outcomes the quality assurance process bears examination. Firstly, over 90% of the recorded errors (the 2,756 in 2011-2012) were detected by the NICTS checking systems and were amended in conjunction with the relevant judge (if required) so that no erroneous orders were actioned. The remaining errors were detected by the NIPS or the LSC and were at the lower end of the risk spectrum. Secondly, all higher risk orders such as sexual offences are subject to a 100% retrospective check that complements the local checks prior to confirmation of an order. The regular reporting to the OLCJ shows that the error rate here is very low and any amendments were detected internally. Additionally a number of enhancements were made to the checking regime since March 2012, so that:
- all court venues are immediately reviewing County Court appeal processing arrangements to ensure that all outstanding appeals have been correctly processed; and
  - management checks on all immediate custodial sentences for MC and County Court appeals were introduced.
- 3.11 It is worth noting that the level of external identified errors is around 0.1% of the total number of orders and an analysis of a sample of these orders revealed they could be classified as less serious in that they did not adversely affect date of release, custody, sexual offences or licensing.
- 3.12 Regardless of the numerical semantics surrounding the analysis of court orders and known and unknown errors Inspectors observed a significant improvement from the first review following the Donagh case. Alongside the measurable improvement in the processes the absence of any erroneous prisoner releases since 2011 indicates that in the case of the most significant adverse outcome there have not been any errors arising from the management of court errors. This is an important point as the eradication of all possible error is not achievable, at least not within the available resources to the NICTS, and therefore a risk-based approach which eliminates the potential for errors in the most serious court orders is most desirable.
- 3.13 The improvements in the processing of court orders required the dedication of significant NICTS resources. Over the last two years the process has been refined and in some instances extended. The evidence strongly suggests that the quality control regime is working and offers scope to consider reducing the level of resources invested whilst retaining the essential elements of the control and review process. One possible way to do this is to reduce the level of checking by senior court managers through the introduction of peer checking. In this scenario court clerks could check each others' results. Court managers could retain a spot check function.
- To reduce the cost of resources dedicated to the quality assurance regime the NICTS should consider piloting a programme of peer-checking by court clerks for the lower risk court orders.**





## Level of Assurance: internal audit

3.14 The DoJ Internal Audit team also conducts a series of audits to assess compliance with the administrative arrangements for preparing, checking and issuing criminal court orders. Three audit reports of the Craigavon, Newry and Londonderry/Derry Courts were reviewed as part of this inspection. The overall level of assurance for Craigavon and Newry courts was limited. In the words of internal audit this means.....

*“There is considerable risk that the system will fail to meet its objectives. Prompt action is required to improve the adequacy and effectiveness of risk management, control and governance.”*

- 3.15 The assertion that there is a considerable risk of failing to meet objectives seems to run counter to the findings of the NICTS that error rates are very low and that the internal checking process means that errors are detected and rectified without any adverse outcomes.
- 3.16 On closer inspection of the specific findings in the audit report for Craigavon there were a range of business processes that were assessed. Comparing the individual evaluations of Craigavon – overall limited assurance – to Londonderry/Derry – satisfactory assurance – the key difference was the evaluation of the servicing of sexual offences court orders. In the Craigavon example there were three instances where confirmation of delivery slips for some important sexual offences orders were not held on the individual case files. Two of these were held in a different court venue and not included in the file but in one case marked on the document service register as issued.
- 3.17 The obvious upshot of this is that a failure in the servicing of a sexual prevention order could result in a sex offender being unsupervised and representing a danger to the public. Looking at it from this point of view explained the disparity between the limited internal audit opinion and the assessment of

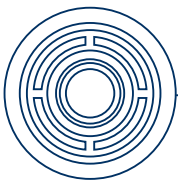
very low risk of error from the NICTS review of court orders. From the internal audit perspective the approach was zero tolerance to any error with the potential to cause an adverse outcome whereas from the NICTS view the detected errors are rectified (as are those notified by third parties) and the assessment was that no adverse outcomes indicated success. In a high risk area such as the implementation of SOPOs it is essential that every aspect of the process is followed. The NICTS need to evaluate the lessons learned from any non-compliance issues raised by Internal Audit and other sources and limit the potential for reoccurrence.

**The NICTS should immediately introduce a record of lessons learned from internal audit non-compliance reports and disseminate this within the NICTS to limit the potential for reoccurrence.**

Section



# Appendices



## Appendix 1: Northern Ireland Court Divisions

| County Court Division | Petty Sessions Districts                          | Local Government Districts               | Courthouses                      |
|-----------------------|---|--|----------------------------------|
| Antrim                | North Antrim                                      | Coleraine<br>Ballymoney<br>Moyle         | Coleraine                        |
|                       | Ballymena   | Ballymena                                | Ballymoney                       |
|                       | Antrim  | Antrim                                   | Antrim                           |
|                       | Larne (since April 2013 sits in Ballymena)        | Larne                                    | Larne (closed)                   |
| Ards                  | Down  | Down                                     | Downpatrick                      |
|                       | Castlereagh (sits in Newtownards)                 | Castlereagh                              |                                  |
|                       | Ards  | Ards                                     | Newtownards                      |
|                       | North Down (since April 2013 sits in Newtownards) | North Down                               | Bangor (closed)                  |
| Armagh and South Down | Armagh  | Armagh                                   | Armagh                           |
|                       | Newry and Mourne                                  | Newry and Mourne                         | Newry                            |
|                       | Banbridge   | Banbridge                                | Banbridge (used for inquiries)   |
| Belfast               | Belfast and Newtownabbey                          | Belfast<br>Newtownabbey<br>Carrickfergus | RCJ<br>Laganside<br>Old Townhall |
| Craigavon             | Craigavon   | Craigavon                                | Craigavon                        |
|                       | Lisburn   | Lisburn                                  | Lisburn                          |
| Fermanagh and Tyrone  | East Tyrone                                       | Cookstown                                |                                  |
|                       |   | Dungannon                                | Dungannon                        |
|                       | Omagh   | Omagh                                    | Omagh                            |
|                       | Strabane  | Strabane                                 | Strabane                         |
|                       | Fermanagh   | Fermanagh                                | Enniskillen                      |
| Londonderry/<br>Derry | Londonderry                                       | Derry                                    | Londonderry                      |
|                       | Limavady  | Limavady                                 | Limavady                         |
|                       | Magherafelt                                       | Magherafelt                              | Magherafelt                      |



## Appendix 2: Terms of Reference

Criminal Justice Inspection Northern Ireland (CJI) proposes to undertake an inspection of the administration and accuracy of court orders managed by the Northern Ireland Courts and Tribunals Service (NICTS).

A large volume of custodial and non-custodial orders are made by the Judiciary/Courts and recorded by the court clerk. The orders stipulate everything from bail conditions, remands into custody, the sentencing of the offender to the conditions for rehabilitation within Prison, community service orders, and licensing conditions on release. They are also the formal record of court business and form the basis upon which legal aid payments are made.

In a previous inspection CJI noted that inaccuracies in some court orders coupled with difficulties of interpretation by inexperienced prison staff contributed to the erroneous release of prisoners. The potential impact of inaccurate court orders ranges from administrative errors with limited impact to, in the most serious of cases, an increased risk to the public. The NICTS undertook a review of court orders with specific attention focused on sexual offence cases and introduced additional quality assurance measures. This inspection will look at the nature and scale of court orders, the recording process, the extent of inaccuracy or potential inaccuracy, risk areas and quality control and assurance measures.

### Aims of the Inspection

- Review administrative processes and establish level of accuracy;
- assess impact of inaccurate orders;
- map processes, review work of the NICTS to improve processes and efficiency; and
- make recommendations for improvement.

### Methodology

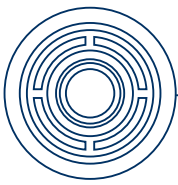
The inspection will be based on the CJI Inspection Framework, as outlined below, for each inspection that it conducts. The three main elements of the inspection framework are:

- Strategy and governance;
- delivery; and
- outcomes.

CJI constants in each of the three framework elements and throughout each inspection are equality and fairness, together with standards and best practice.

### Research and Review

Collection and review of relevant documentation such as court records, logs and computerised records, examination of actual court orders.



### Fieldwork

- Terms of reference will be prepared and shared with the NICTS prior to the initiation of the inspection. A liaison person from the NICTS should be nominated for the purposes of this inspection;
- The NICTS will be given the opportunity to complete a self-assessment of the business process governing court orders and any management information deemed relevant;
- Interviews will be conducted with the NICTS management, staff, and relevant stakeholders to give an insight into the importance of accurate court orders and issues that have arisen;
- If required, a workshop with relevant NICTS staff to gain detailed understanding of the process will be arranged;
- Progress in the development of performance management data, will be examined;
- Evidence of planning and decision-making leading to performance improvement and recognition of future changes in demand and operating environment will be gathered; and
- Identification of best practice within and outside NI which may involve meetings with relevant comparable organisations in other jurisdictions will provide some basis for standard setting and benchmarking.

### Feedback and Writing

Following completion of the fieldwork and analysis of data, a draft report will be shared with the NICTS for factual accuracy check. The Chief Inspector will invite the NICTS to complete an action plan within six weeks to address the recommendations and if possible this will be published as part of the final report. The final report will be shared, under embargo, in advance of the publication date with the Chief Executive of the NICTS.

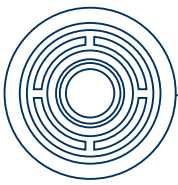
### Inspection Publication and Closure

- The final report is scheduled to be completed by March 2013;
- Report sent to Minister for permission to publish;
- When permission received report finalised for publication;
- Press release prepared and shared with agency;
- Publication date agreed and report issued; and
- Wider communication identified and communication plan completed.

## Appendix 3: Volume and type of confirmed Court Orders - January 2013

Please note: the following figures were supplied by the NICTS and any errors are the establishment's own.

| Order frame title                                  | ACC | CAC | CRC | FPR | HCB | MCD | MCP  | PND | Total |       |
|--|-----|-----|-----|-----|-----|-----|------|-----|-------|-------|
| Adjourn - date to be fixed                         | 1   |     | 28  |     |     |     | 1    |     | 30    | 0.1%  |
| Adjourn - date to be fixed - def(s) did not appear |     |     | 18  |     |     |     |      |     | 18    | 0.1%  |
| Adjourned - already listed                         | 5   |     | 6   |     |     | 8   | 249  |     | 268   | 0.8%  |
| Adjourned -already listed - def did not appear     |     |     | 85  |     |     |     |      |     | 85    | 0.3%  |
| Adjourned generally                                |     |     |     |     |     | 3   | 9    |     | 12    | 0.0%  |
| Adjournment  | 95  | 12  | 508 | 7   | 45  | 826 | 5088 | 6   | 6587  | 19.7% |
| Adjournment - def(s) did not appear                |     |     | 255 |     |     | 1   | 2    |     | 258   | 0.8%  |
| Adjournment with driving licence request           |     |     |     |     |     |     | 10   |     | 10    | 0.0%  |
| Application adjourned generally                    |     | 2   |     |     | 30  |     |      |     | 32    | 0.1%  |
| Bail granted - list case                           |     |     | 5   |     |     |     |      |     | 5     | 0.0%  |
| Bail granted - already listed                      |     |     | 6   |     |     | 2   | 82   |     | 90    | 0.3%  |
| Bring forward application - in custody             |     |     |     |     |     |     | 45   |     | 45    | 0.1%  |
| Bring forward application - on bail                |     |     |     |     |     |     | 49   |     | 49    | 0.1%  |
| Continuing bail - date to be fixed                 |     |     | 21  |     |     |     |      |     | 21    | 0.1%  |
| Continuing bail - crown court - date fixed         |     |     | 570 |     |     |     |      |     | 570   | 1.7%  |
| Continuing bail (crown) - already listed           |     |     | 38  |     |     |     |      |     | 38    | 0.1%  |
| Vary/amend a bail order                            |     |     | 2   |     |     |     | 68   |     | 70    | 0.2%  |
| Extradition rem. In cust. Dtbf bail fixed (cat 1)  |     |     |     |     |     |     | 1    |     | 1     | 0.0%  |
| Licence suspended art.29 (adj)                     |     |     |     |     |     |     | 6    |     | 6     | 0.0%  |
| Postponement order - proceeds of crime             |     |     | 18  |     |     |     | 1    |     | 19    | 0.1%  |
| Remand in custody                                  |     |     |     |     |     | 19  | 1156 |     | 1175  | 3.5%  |
| Remand in custody - already listed                 |     |     | 18  |     |     |     | 60   |     | 78    | 0.2%  |
| Remand in custody - bail fixed                     |     |     |     |     |     | 1   | 146  |     | 147   | 0.4%  |
| Remand in custody - bail fixed already listed      |     |     |     |     |     |     | 4    |     | 4     | 0.0%  |
| Remand in custody - crown court - date to be fixed |     | 4   | 11  |     |     |     |      |     | 15    | 0.0%  |
| Remand in custody - crown crt - dtbf - bail fixed  |     |     | 1   |     |     |     |      |     | 1     | 0.0%  |
| Remand in custody - crown ct - date & bail fixed   |     |     | 12  |     |     |     |      |     | 12    | 0.0%  |
| Remand in custody - illness/accident               |     |     |     |     |     |     | 34   |     | 34    | 0.1%  |
| Remand in custody - list case                      |     |     | 169 |     |     |     |      |     | 169   | 0.5%  |
| Remand in custody of police constable              |     |     |     |     |     |     | 3    |     | 3     | 0.0%  |
| Remanded in custody to police station              |     |     |     |     |     |     | 9    |     | 9     | 0.0%  |
| Remand on bail illness/accident                    |     |     |     |     |     | 6   | 352  |     | 358   | 1.1%  |
| Remanded on bail                                   |     |     | 1   |     |     | 18  | 376  |     | 395   | 1.2%  |
| Remanded on continuing bail                        |     |     |     |     |     | 11  | 2334 |     | 2345  | 7.0%  |
| Remanded on continuing bail - def excused          |     |     |     |     |     |     | 210  |     | 210   | 0.6%  |



| Order frame title                                  | ACC | CAC | CRC | FPR | HCB | MCD | MCP | PND | Total |      |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-------|------|
| Sentence deferred - date set                       | 2   |     | 2   |     |     |     | 51  |     | 55    | 0.2% |
| 158a application - rehearing                       |     |     |     |     |     | 2   | 8   |     | 10    | 0.0% |
| 158a application - rescind                         |     |     |     |     |     | 5   | 4   |     | 9     | 0.0% |
| 158a application - vary original order             |     |     |     |     |     |     | 15  |     | 15    | 0.0% |
| 158a application refused - order affirmed          |     |     |     |     |     |     | 4   |     | 4     | 0.0% |
| 158a application withdrawn                         |     |     |     |     |     |     | 2   |     | 2     | 0.0% |
| Allow appeal & vary decrease                       |     | 2   |     |     |     |     |     |     | 2     | 0.0% |
| Appeal allowed- order varied on appeal             | 96  |     |     |     |     |     |     |     | 96    | 0.3% |
| Appeal against charge dismissed                    | 7   |     |     |     |     |     |     |     | 7     | 0.0% |
| Appeal against charge withdrawn                    | 8   |     |     |     |     |     |     |     | 8     | 0.0% |
| Appeal allowed - conviction and order reversed     | 16  |     |     |     |     |     |     |     | 16    | 0.0% |
| Appeal allowed - retrial ordered                   |     | 4   |     |     |     |     |     |     | 4     | 0.0% |
| Appeal allowed and varied                          |     | 4   |     |     |     |     |     |     | 4     | 0.0% |
| Appeal dismissed                                   |     | 5   |     |     |     |     |     |     | 5     | 0.0% |
| Appeal dismissed - affirm order (all charges)      | 42  |     |     |     |     |     |     |     | 42    | 0.1% |
| Appeal not perfected - recognizance not signed     | 2   |     |     |     |     |     |     |     | 2     | 0.0% |
| Appeal withdrawn (all charges)                     | 31  |     |     |     |     |     |     |     | 31    | 0.1% |
| Dismiss appeal & affirm                            |     | 5   |     |     |     |     |     |     | 5     | 0.0% |
| Notification of application to single judge        |     | 7   |     |     |     |     |     |     | 7     | 0.0% |
| Retrial order                                      |     | 4   |     |     |     |     |     |     | 4     | 0.0% |
| Amend or revoke a supervised activity order        |     |     |     |     |     | 4   |     |     | 4     | 0.0% |
| Amend/revoke/vary po/cso/co order                  | 1   |     | 3   |     |     | 51  | 12  |     | 67    | 0.2% |
| Attendance centre order - first date               |     |     |     |     |     |     | 2   |     | 2     | 0.0% |
| Combination order                                  | 4   |     | 9   |     |     |     | 23  |     | 36    | 0.1% |
| Community service order                            | 5   |     | 6   |     |     | 18  | 116 |     | 145   | 0.4% |
| Conditional discharge breached                     |     |     |     |     |     |     | 8   |     | 8     | 0.0% |
| Order to extend yco/ro/cro on application          |     |     |     |     |     | 1   |     |     | 1     | 0.0% |
| Order to revoke yco/ro/cro on application          |     |     |     |     |     |     | 1   |     | 1     | 0.0% |
| Order to vary a yco/ro/cro on application          |     |     |     |     |     |     | 1   |     | 1     | 0.0% |
| Probation order                                    | 3   |     | 14  |     |     | 2   | 89  |     | 108   | 0.3% |
| Youth community responsibility order               |     |     |     |     |     |     | 10  |     | 10    | 0.0% |
| Youth conference order                             |     |     |     |     |     |     | 41  |     | 41    | 0.1% |
| Commit to prison on revoke/breach of po/cso/co/aco | 1   |     | 1   |     |     | 13  |     |     | 15    | 0.0% |
| Crown court - imprisonment/detention - determinate |     | 5   | 94  |     |     |     |     |     | 99    | 0.3% |
| Crown court comm warrant - indeterminate/extended  |     |     | 9   |     |     |     |     |     | 9     | 0.0% |
| Crown court committal (trial) custody              |     |     | 49  |     |     |     | 1   |     | 50    | 0.1% |
| Custody probation order (crown)                    |     |     | 2   |     |     |     |     |     | 2     | 0.0% |
| Detention in lieu of sentence of imprisonment      |     |     |     |     |     |     | 1   |     | 1     | 0.0% |
| Juvenile justice centre order                      | 1   |     |     |     |     |     | 8   |     | 9     | 0.0% |
| Life sentence - tariff to be set later             |     |     | 3   |     |     |     |     |     | 3     | 0.0% |
| Life sentence and tariff set together              |     |     | 1   |     |     |     |     |     | 1     | 0.0% |
| Prison committal - determinate                     | 57  |     |     |     |     | 1   | 230 |     | 288   | 0.9% |
| Suspended sentence - prison or yoc                 | 35  |     | 53  |     |     | 34  | 307 |     | 429   | 1.3% |
| Suspended sentence (full) put into operation       | 18  |     |     |     |     | 2   | 45  |     | 65    | 0.2% |
| Suspended sentence (full) put into operation (cc)  |     |     | 10  |     |     |     |     |     | 10    | 0.0% |

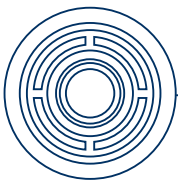
| Order frame title                                 | ACC | CAC | CRC | FPR | HCB | MCD | MCP  | PND | Total |      |
|---|-----|-----|-----|-----|-----|-----|------|-----|-------|------|
| Suspended sentence reduced - put into effect (cc) |     |     | 5   |     |     |     |      |     | 5     | 0.0% |
| Suspended sentence reduced and put into operation | 5   |     |     |     |     |     | 3    |     | 8     | 0.0% |
| Tariff set for life sentence                      |     | 3   | 1   |     |     |     |      |     | 4     | 0.0% |
| Warrant of discharge                              |     |     |     |     |     |     | 1    |     | 1     | 0.0% |
| YOC - committal                                   | 3   |     |     |     |     | 1   | 14   |     | 18    | 0.1% |
| Reasons reserved                                  |     | 3   |     |     |     |     |      |     | 3     | 0.0% |
| Reserved judgment                                 |     | 7   |     |     |     |     |      |     | 7     | 0.0% |
| Crown court - poc confiscation                    |     |     | 4   |     |     |     |      |     | 4     | 0.0% |
| Customs & excise - forfeiture order               |     |     |     |     |     | 1   |      |     | 1     | 0.0% |
| Estreat a recognizance                            |     |     |     |     |     |     | 15   |     | 15    | 0.0% |
| Monetary penalty                                  | 69  |     | 31  |     |     | 735 | 1936 |     | 2771  | 8.3% |
| Absolute discharge                                |     |     | 1   |     |     | 18  | 44   |     | 63    | 0.2% |
| Anti-social behaviour order on conviction         |     |     | 1   |     |     |     |      |     | 1     | 0.0% |
| Asbo (full) - on application                      |     |     |     |     |     |     | 1    |     | 1     | 0.0% |
| Bound over in addition/in lieu to other disposal  |     |     | 1   |     |     |     | 36   |     | 37    | 0.1% |
| Bound over not having shown cause                 |     |     |     |     |     |     | 11   |     | 11    | 0.0% |
| Bound over where charge withdrawn                 |     |     | 1   |     |     |     | 54   |     | 55    | 0.2% |
| Conditional discharge                             | 4   |     | 7   |     |     | 29  | 145  |     | 185   | 0.6% |
| Confiscation order application withdrawn          |     |     | 1   |     |     |     |      |     | 1     | 0.0% |
| Default for every binding over order              | 1   |     | 2   |     |     |     | 101  |     | 104   | 0.3% |
| Restraining order - protection from harassment    | 3   |     | 1   |     |     |     | 16   |     | 20    | 0.1% |
| Restraining order acquit -protect from harassment |     |     |     |     |     |     | 3    |     | 3     | 0.0% |
| Withdrawn   | 1   |     | 2   |     |     | 325 | 1146 |     | 1474  | 4.4% |
| Withdrawn - to proceed by way of report           |     |     |     |     |     |     | 10   |     | 10    | 0.0% |
| Aggravated by hostility - sentence enhanced       |     |     |     |     |     |     | 1    |     | 1     | 0.0% |
| Allow & quash                                     |     | 3   |     |     |     |     |      |     | 3     | 0.0% |
| Allow appeal & conviction quashed                 |     | 1   |     |     |     |     |      |     | 1     | 0.0% |
| Anonymity order granted                           |     |     |     |     |     |     | 1    |     | 1     | 0.0% |
| Appeal abandoned by notice                        |     | 1   |     |     |     |     |      |     | 1     | 0.0% |
| Application refused                               |     |     |     |     | 76  |     |      |     | 76    | 0.2% |
| Bail order (court of appeal)                      |     | 2   | 1   |     |     |     |      |     | 3     | 0.0% |
| Extradition arrest warrant executed and proved    |     |     |     |     |     |     | 1    |     | 1     | 0.0% |
| Extradition final warrant of commitment (cat 1)   |     |     |     |     |     |     | 3    |     | 3     | 0.0% |
| Extradition matter discharged                     |     |     |     |     |     |     | 1    |     | 1     | 0.0% |
| Extradition rem. In cust. Dtbf app bail fix cat 1 |     |     |     |     |     |     | 1    |     | 1     | 0.0% |
| Extradition remand in custody (cat 1)             |     |     |     |     |     |     | 5    |     | 5     | 0.0% |
| Extradition remand in custody dtbf (cat 1)        |     |     |     |     |     |     | 4    |     | 4     | 0.0% |
| Form 5 extradition order to category 1 territory  |     |     |     |     |     |     | 3    |     | 3     | 0.0% |
| Legal aid taxation - bail refused                 |     |     |     |     | 1   |     |      |     | 1     | 0.0% |
| Penalty points - licence holder                   | 1   |     |     |     |     |     | 1    |     | 2     | 0.0% |
| Proceedings stayed                                |     |     | 1   |     |     |     | 1    |     | 2     | 0.0% |
| Reporting restriction to remain in place          |     | 1   | 13  |     |     |     | 1    |     | 15    | 0.0% |
| Transfer of fine order                            |     |     |     |     |     |     | 2    |     | 2     | 0.0% |
| Witness summons granted - magistrates court       |     |     |     |     |     | 2   | 4    |     | 6     | 0.0% |
| Abuse of process application refused              |     |     | 3   |     |     |     |      |     | 3     | 0.0% |





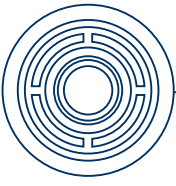
| Order frame title                                  | ACC | CAC | CRC | FPR | HCB | MCD | MCP  | PND | Total |      |
|--|-----|-----|-----|-----|-----|-----|------|-----|-------|------|
| Acquitted  |     |     | 18  |     |     |     | 1    |     | 19    | 0.1% |
| Addendum pre-sentence report request               | 2   |     | 6   |     |     | 4   | 26   |     | 38    | 0.1% |
| Appeal aid certificate                             | 109 |     |     |     |     | 1   | 29   |     | 139   | 0.4% |
| Appeal aid deferred/reserved                       | 1   |     |     |     |     |     |      |     | 1     | 0.0% |
| Appeal entered in error (treat as deleted)         | 3   |     |     |     |     | 1   | 1    |     | 5     | 0.0% |
| Application - no order made (final order)          |     |     | 56  |     |     |     | 4    |     | 60    | 0.2% |
| Application dismissed                              |     |     |     |     |     |     | 10   |     | 10    | 0.0% |
| Application granted                                | 1   |     | 10  |     |     | 14  | 42   |     | 67    | 0.2% |
| Application refused                                |     |     | 9   |     |     | 1   | 12   |     | 22    | 0.1% |
| Application to vary/amend a bail order - refused   |     |     | 1   |     |     |     | 16   |     | 17    | 0.1% |
| Application withdrawn                              | 1   |     | 170 |     |     | 5   | 67   | 1   | 244   | 0.7% |
| Arrest warrant - defendant not on bail             |     |     |     |     |     | 15  | 83   |     | 98    | 0.3% |
| Arrest warrant - defendant on bail                 |     |     |     |     |     | 4   | 133  |     | 137   | 0.4% |
| Arrest warrant - summons to amend/revoke po/cso/co |     |     |     |     |     |     | 1    |     | 1     | 0.0% |
| Bad character application - granted                |     |     | 4   |     |     |     | 18   |     | 22    | 0.1% |
| Bad character application - refused                |     |     | 1   |     |     |     | 2    |     | 3     | 0.0% |
| Bail application withdrawn                         |     |     |     |     | 15  |     |      |     | 15    | 0.0% |
| Bail for appeal - non custodial appeal             |     |     |     |     |     | 5   | 69   |     | 74    | 0.2% |
| Bail for appeal - not released pending appeal      |     |     |     |     |     |     | 16   |     | 16    | 0.0% |
| Bail for appeal - released pending appeal          | 3   |     |     |     |     | 2   | 59   |     | 64    | 0.2% |
| Bail for appeal refused                            |     |     |     |     |     |     | 5    |     | 5     | 0.0% |
| Bail refusal reasons - non-scheduled cases         |     |     |     |     | 28  |     |      |     | 28    | 0.1% |
| Bail refused                                       | 1   | 1   | 12  |     |     | 1   | 165  |     | 180   | 0.5% |
| Bench warrant - custodial appeal                   | 3   |     |     |     |     |     |      |     | 3     | 0.0% |
| Bench warrant - non-custodial appeal               | 1   |     |     |     |     |     |      |     | 1     | 0.0% |
| Breach of bail - revoke                            | 1   |     | 26  |     |     |     | 172  |     | 199   | 0.6% |
| Breach of bail (mag ct) - bail fixed               |     |     | 1   |     |     |     |      |     | 1     | 0.0% |
| Breach of bail (mag ct) - in custody               |     |     | 13  |     |     |     |      |     | 13    | 0.0% |
| Breach of bail at mag ct - bail granted            |     |     | 9   |     |     |     |      |     | 9     | 0.0% |
| Breach of subsequent community order               |     |     | 3   |     |     | 5   | 61   |     | 69    | 0.2% |
| Change processing office                           |     |     |     |     |     | 1   |      |     | 1     | 0.0% |
| Collapsed/ineffective trial                        |     |     | 6   |     |     | 6   | 62   |     | 74    | 0.2% |
| Compassionate bail                                 |     |     | 10  |     |     |     | 12   |     | 22    | 0.1% |
| Compassionate bail refused                         |     |     | 2   |     |     |     | 3    |     | 5     | 0.0% |
| Complaint re-instated                              |     |     |     |     |     |     | 2    |     | 2     | 0.0% |
| Continuing bail - already listed                   |     |     |     |     |     |     | 130  |     | 130   | 0.4% |
| Costs  |     |     |     |     |     | 1   |      |     | 1     | 0.0% |
| County court bench warrant - executed and proved   | 4   |     |     |     |     |     |      |     | 4     | 0.0% |
| Court deems summons not served                     |     |     |     |     |     | 5   | 477  |     | 482   | 1.4% |
| Cracked trial                                      |     |     | 26  |     |     | 1   | 110  |     | 137   | 0.4% |
| Cracked trial (defendant dealt with)               |     |     | 6   |     |     | 17  | 309  |     | 332   | 1.0% |
| Criminal aid cert - crown case listed in mags ct   |     |     | 2   |     |     |     |      |     | 2     | 0.0% |
| Criminal aid certificate - magistrates' court      | 1   |     | 11  |     |     | 159 | 2584 |     | 2755  | 8.3% |
| Criminal aid certificate (murder) - granted        |     |     | 2   |     |     |     |      |     | 2     | 0.0% |
| Crown bench warrant executed and proved            |     |     | 3   |     |     |     |      |     | 3     | 0.0% |

| Order frame title                                  | ACC | CAC | CRC | FPR | HCB | MCD | MCP | PND | Total |      |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-------|------|
| Crown court - bench warrant issued                 |     |     | 8   |     |     |     |     |     | 8     | 0.0% |
| Crown court committal for trial - bail fixed       |     |     | 18  |     |     |     |     |     | 18    | 0.1% |
| Crown court committal (trial) on bail              |     |     | 245 |     |     |     | 2   |     | 247   | 0.7% |
| Defence certificate for proceedings in crown court |     |     | 328 |     |     |     | 3   |     | 331   | 1.0% |
| Defendant deceased                                 |     |     | 2   |     |     |     |     |     | 2     | 0.0% |
| Defendant excused / need not attend                |     |     | 26  |     |     |     | 39  |     | 65    | 0.2% |
| Disclosure - form 1                                |     |     | 179 |     |     |     |     |     | 179   | 0.5% |
| Disclosure order                                   |     |     | 28  |     |     |     |     |     | 28    | 0.1% |
| Dismissed  |     |     |     |     |     | 8   | 243 |     | 251   | 0.8% |
| Disqualification order (children)                  |     | 1   | 10  |     |     |     |     |     | 11    | 0.0% |
| Disqualification order (children) not made         |     |     | 3   |     |     |     |     |     | 3     | 0.0% |
| Diversionsary youth disposal (adj)                 |     |     |     |     |     |     | 40  |     | 40    | 0.1% |
| Dog order - general                                |     |     |     |     |     | 1   |     |     | 1     | 0.0% |
| Execute bench warrant (mag ct) - in custody        |     |     | 2   |     |     |     |     |     | 2     | 0.0% |
| Extend time for defence statement                  |     |     | 82  |     |     |     |     |     | 82    | 0.2% |
| Extension of time to lodge an appeal granted       | 2   |     |     |     |     |     |     |     | 2     | 0.0% |
| Extension of time to lodge an appeal refused       | 1   |     |     |     |     |     |     |     | 1     | 0.0% |
| Extradition legal aid certificate                  |     |     |     |     |     |     | 7   |     | 7     | 0.0% |
| Extradition rem. In cust. Dtbf pend appeal (cat 1) |     |     |     |     |     |     | 1   |     | 1     | 0.0% |
| Extradition warrant of arrest (cat 1)              |     |     |     |     |     |     | 1   |     | 1     | 0.0% |
| Fine warrant issued at defendant's request         |     |     |     |     |     | 2   | 16  |     | 18    | 0.1% |
| Fixed penalty - default period set                 |     |     |     | 43  |     |     |     | 13  | 56    | 0.2% |
| Fixed penalty paid before court date               |     |     |     | 15  |     |     |     |     | 15    | 0.0% |
| Forfeiture/destruction/disposal/confiscation       | 8   | 1   | 55  |     |     |     | 196 |     | 260   | 0.8% |
| Form 2 part 1 ext warr of commit. Fix date (bail)  |     |     |     |     |     |     | 4   |     | 4     | 0.0% |
| Form 4 third party disclosure                      |     |     | 63  |     |     |     |     |     | 63    | 0.2% |
| Hearsay application granted                        | 2   |     | 13  |     |     | 3   | 25  |     | 43    | 0.1% |
| Hearsay application refused                        |     |     | 1   |     |     |     | 1   |     | 2     | 0.0% |
| High court bail - appeal to county court           |     |     |     |     | 5   |     |     |     | 5     | 0.0% |
| High court bail - revoke                           |     |     |     |     | 2   |     |     |     | 2     | 0.0% |
| High court bail - variation order                  |     |     |     |     | 35  |     | 2   |     | 37    | 0.1% |
| High court bail order                              |     |     | 1   |     | 51  |     |     |     | 52    | 0.2% |
| High court compassionate bail                      |     |     |     |     | 2   |     |     |     | 2     | 0.0% |
| Interim sexual offences prevention order           |     |     |     |     |     |     | 3   |     | 3     | 0.0% |
| Isa barring list                                   |     | 1   | 14  |     |     |     |     |     | 15    | 0.0% |
| Join bill of indictment                            |     |     | 2   |     |     |     |     |     | 2     | 0.0% |
| Judgment reasons given - no order                  |     | 1   |     |     |     |     |     |     | 1     | 0.0% |
| Left on books - no retrial ordered                 |     | 1   | 1   |     |     |     |     |     | 2     | 0.0% |
| Left on books/nolle prosequi                       |     |     | 63  |     |     |     |     |     | 63    | 0.2% |
| Legal aid certificate - crown court                |     |     | 42  |     |     |     |     |     | 42    | 0.1% |
| Legal aid certificate (murder) - crown court       |     |     | 1   |     |     |     |     |     | 1     | 0.0% |
| Legal aid certification for counsel refused        |     |     | 6   |     |     |     | 33  |     | 39    | 0.1% |
| Legal aid deferred / reserved                      |     |     | 1   |     |     | 8   | 119 |     | 128   | 0.4% |
| Lesser / alternative charge substituted            | 1   |     | 30  |     |     |     | 81  |     | 112   | 0.3% |
| Limited crim aid cert - magistrates' court         |     |     | 11  |     |     |     | 7   |     | 18    | 0.1% |



| Order frame title                                  | ACC | CAC | CRC | FPR | HCB | MCD | MCP | PND | Total |      |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-------|------|
| Live link for a witness granted                    |     |     | 1   |     |     |     |     |     | 1     | 0.0% |
| Mag ct warrant of arrest executed and proved       |     |     |     |     |     | 18  | 175 |     | 193   | 0.6% |
| Move case (owning office and psd)                  |     |     |     |     |     | 12  | 77  |     | 89    | 0.3% |
| No bill - refused                                  |     |     | 15  |     |     |     |     |     | 15    | 0.0% |
| No bill application granted                        |     |     | 8   |     |     |     |     |     | 8     | 0.0% |
| No case to answer - application refused            |     |     | 4   |     |     |     | 3   |     | 7     | 0.0% |
| No case to answer - granted                        |     |     | 1   |     |     |     | 3   |     | 4     | 0.0% |
| No evidence offered - defendant acquitted          |     |     | 19  |     |     |     |     |     | 19    | 0.1% |
| No further time extensions permitted               |     |     |     |     |     |     | 1   |     | 1     | 0.0% |
| No jurisdiction                                    |     |     |     |     |     |     | 1   |     | 1     | 0.0% |
| No order made                                      |     |     |     |     | 8   |     |     |     | 8     | 0.0% |
| No order made (final order)                        |     |     | 4   |     |     | 3   |     |     | 7     | 0.0% |
| No order made (non final order)                    |     |     |     |     |     |     | 1   |     | 1     | 0.0% |
| Null and void                                      |     |     |     |     |     |     | 2   |     | 2     | 0.0% |
| Offender levy - custodial sentence                 | 24  |     | 4   |     |     | 2   | 116 |     | 146   | 0.4% |
| Order for forfeiture of detained cash              |     |     |     |     |     |     | 14  |     | 14    | 0.0% |
| Order for further detention of seized cash         |     |     |     |     |     |     | 18  |     | 18    | 0.1% |
| Order for transfer venue                           |     |     | 1   |     |     |     |     |     | 1     | 0.0% |
| Order/direction for release of detained cash       |     |     |     |     |     |     | 1   |     | 1     | 0.0% |
| Plea(s) vacated                                    |     |     | 1   |     |     |     | 47  |     | 48    | 0.1% |
| Police property - retain goods                     |     |     |     |     |     |     | 1   |     | 1     | 0.0% |
| Pre-sentence report request                        | 4   |     | 128 |     |     | 16  | 547 |     | 695   | 2.1% |
| Probation board breach warrant executed            |     |     |     |     |     | 3   |     |     | 3     | 0.0% |
| Probation board electronic breach warrant executed |     |     | 2   |     |     | 12  |     |     | 14    | 0.0% |
| Probation warrant of arrest - form 69f             |     |     | 5   |     |     | 8   |     |     | 13    | 0.0% |
| Proceeding entered in error (treat as deleted)     |     |     | 7   |     | 4   | 9   | 43  |     | 63    | 0.2% |
| Pros. Gives written notice of appeal against bail  |     |     |     |     |     |     | 2   |     | 2     | 0.0% |
| Prosecution appeal bail revoked                    |     |     |     |     | 1   |     |     |     | 1     | 0.0% |
| Prosecutor give oral notice of appeal against bail |     |     |     |     |     |     | 2   |     | 2     | 0.0% |
| PSNI warrant of arrest (initiating doc) executed   |     |     |     |     |     |     | 2   |     | 2     | 0.0% |
| Refusal legal aid                                  | 4   |     |     |     |     | 4   | 59  |     | 67    | 0.2% |
| Remand in custody - bail fixed already listed      |     |     | 4   |     |     |     |     |     | 4     | 0.0% |
| Remove reporting restrictions                      |     |     | 1   |     |     |     |     |     | 1     | 0.0% |
| Reporting restrictions order                       |     | 5   | 23  |     | 1   |     | 21  |     | 50    | 0.1% |
| Request for interpreter                            | 5   |     | 32  |     |     | 5   | 259 |     | 301   | 0.9% |
| Rescind crown court order                          |     |     | 2   |     |     |     |     |     | 2     | 0.0% |
| Return to crown court (on bail) - susp sent        |     |     | 4   |     |     |     |     |     | 4     | 0.0% |
| Revoke bail - non breach                           | 3   |     | 18  |     |     |     | 25  |     | 46    | 0.1% |
| Sex offenders registration required - adj          |     |     | 11  |     |     |     | 3   |     | 14    | 0.0% |
| Sex offenders registration required - final        |     | 1   | 19  |     |     |     | 5   |     | 25    | 0.1% |
| Sexual offences - interim risk of sexual harm      |     |     |     |     |     |     | 1   |     | 1     | 0.0% |
| Sexual offences - notification order               |     |     |     |     |     |     | 1   |     | 1     | 0.0% |
| Sexual offences - sexual offences prevention order |     | 1   | 14  |     |     |     | 1   |     | 16    | 0.0% |
| Short pre-sentence report request                  |     |     |     |     |     | 3   | 98  |     | 101   | 0.3% |
| Special measures direction - grant application     | 5   |     | 16  |     |     |     | 59  |     | 80    | 0.2% |

| Order frame title                               | ACC        | CAC       | CRC         | FPR       | HCB        | MCD         | MCP          | PND       | Total        |               |
|---|------------|-----------|-------------|-----------|------------|-------------|--------------|-----------|--------------|---------------|
| Special measures direction - refuse application |            |           |             |           |            |             | 4            |           | 4            | 0.0%          |
| Split bill of indictment                        |            |           | 4           |           |            |             |              |           | 4            | 0.0%          |
| Statutory declaration granted                   |            |           |             | 1         |            | 1           |              |           | 2            | 0.0%          |
| Stay execution of fine warrant                  |            |           |             |           |            | 7           | 2            |           | 9            | 0.0%          |
| Strike out - summons not served                 |            |           |             |           |            | 1           | 55           |           | 56           | 0.2%          |
| Suspended sentence - no order made              | 2          |           | 3           |           |            |             | 17           |           | 22           | 0.1%          |
| Suspended sentence - subsequent order           |            |           | 7           |           |            | 8           | 131          |           | 146          | 0.4%          |
| Suspended sentence varied (cc)                  |            |           | 1           |           |            |             |              |           | 1            | 0.0%          |
| Suspended sentence varied only                  | 3          |           |             |           |            |             | 4            |           | 7            | 0.0%          |
| Suspension of licensed premises on conviction   | 1          |           |             |           |            |             | 3            |           | 4            | 0.0%          |
| Time extension granted                          |            |           | 10          | 13        |            | 276         | 532          | 13        | 844          | 2.5%          |
| Time extension refused                          |            |           |             |           |            | 5           | 13           | 2         | 20           | 0.1%          |
| Transfer application out of NI jurisdiction     |            |           |             |           |            | 1           |              |           | 1            | 0.0%          |
| Trial aborted                                   |            |           | 1           |           |            |             |              |           | 1            | 0.0%          |
| Vacated trial                                   |            |           | 42          |           |            |             | 45           |           | 87           | 0.3%          |
| Vary/amend a bail order (already listed)        |            |           |             |           |            | 1           | 91           |           | 92           | 0.3%          |
| Vary/amend a bail order (crown)                 |            |           | 64          |           |            |             |              |           | 64           | 0.2%          |
| Warrant for contempt by witness                 |            |           | 1           |           |            |             |              |           | 1            | 0.0%          |
| Warrant of arrest withdrawn                     |            |           |             |           |            |             | 8            |           | 8            | 0.0%          |
| Welfare of animals act (NI) 2011 - order        |            |           |             |           |            | 1           |              |           | 1            | 0.0%          |
| Withdrawn - crown court committal               |            |           | 1           |           |            | 12          | 208          |           | 221          | 0.7%          |
| Withdrawn due to diversionary route             |            |           |             |           |            |             | 34           |           | 34           | 0.1%          |
| Witness summons                                 |            |           | 23          |           |            |             | 1            |           | 24           | 0.1%          |
| Youth conference plan request                   |            |           | 2           |           |            |             | 74           |           | 76           | 0.2%          |
| Application to restore driving licence granted  |            |           | 1           |           |            |             | 9            |           | 10           | 0.0%          |
| Disqualification/penalty points not imposed     |            |           |             |           |            |             | 5            |           | 5            | 0.0%          |
| Disqualified - to be reduced for course         | 3          |           |             |           |            |             | 121          |           | 124          | 0.4%          |
| Disqualified due to penalty points exceeded     | 1          |           |             |           |            |             | 60           |           | 61           | 0.2%          |
| Disqualified for duration and until tested      | 17         |           | 9           |           |            |             | 151          |           | 177          | 0.5%          |
| Disqualified for remainder of life              |            |           |             |           |            |             | 1            |           | 1            | 0.0%          |
| Disqualified from driving for set duration      | 31         |           | 14          |           |            | 4           | 385          |           | 434          | 1.3%          |
| Disqualified until appropriate test passed      | 1          |           |             |           |            |             | 3            |           | 4            | 0.0%          |
| Disqualified until extended test passed         |            |           |             |           |            |             | 2            |           | 2            | 0.0%          |
| Disqualified until tested                       | 3          |           |             |           |            |             | 9            |           | 12           | 0.0%          |
| Drink drivers course - completion               |            |           |             |           |            |             | 65           |           | 65           | 0.2%          |
| Endorse licence only                            | 5          |           |             |           |            | 7           | 184          |           | 196          | 0.6%          |
| Further restriction                             | 1          |           |             |           |            |             |              |           | 1            | 0.0%          |
| Interim disqualification until d/w              |            |           | 1           |           |            |             | 11           |           | 12           | 0.0%          |
| Licence suspended art 29. (final)               |            |           |             |           |            | 2           | 33           |           | 35           | 0.1%          |
| Penalty points                                  | 17         |           | 1           |           |            | 6           | 729          |           | 753          | 2.3%          |
| Permission to drive pending appeal granted      |            |           |             |           |            | 1           | 25           |           | 26           | 0.1%          |
| Permission to drive pending appeal refused      |            |           |             |           |            |             | 8            |           | 8            | 0.0%          |
|   | <b>792</b> | <b>88</b> | <b>4275</b> | <b>79</b> | <b>304</b> | <b>2837</b> | <b>24954</b> | <b>35</b> | <b>33364</b> | <b>100.0%</b> |



# Appendix 4 Magistrates' Courts checklist

| Court Date _____  | Court Type _____ | CUSTODIAL ORDERS Y/N |
|---|------------------|----------------------|
| <b>MAGISTRATES COURT GUIDANCE</b><br>(one checklist to be used per court – Magistrates and Youth) |                  |                      |
| <b>Final Checks</b>   |                  | <b>YES / N/A</b>     |
| District Judge/Lay Magistrates' Names   |                  |                      |
| Check District Judges' Note against court clerk note  |                  |                      |
| Ensure correct appearances have been recorded   |                  |                      |
| Check Legal Aid Certificate   |                  |                      |
| Read Charges  |                  |                      |
| Witness details   |                  |                      |
| Ancillary documents   |                  |                      |
| Applications  |                  |                      |
| Reporting restrictions  |                  |                      |
| Electronically tagging  |                  |                      |
| Sex Offenders to be checked/confirmed by SO or above  |                  |                      |
| Hospital Order/Interim Hospital Order   |                  |                      |
| Payment in UID  |                  |                      |
| Bail monies lodged  |                  |                      |
| Breach cases and Suspended sentences  |                  |                      |
| Issue Documentation   |                  |                      |
| Sums Imposed Report   |                  |                      |
| Driving Penalties   |                  |                      |
| Hate Crime  |                  |                      |
| Restraining Orders  |                  |                      |
| Bail for Appeal   |                  |                      |
| Forthwith fine warrant  |                  |                      |
| File away all papers accordingly  |                  |                      |
| Action Driving licences   |                  |                      |
| Licensing   |                  |                      |
| Debt Decrees  |                  |                      |
| Defendant a serving member of the forces  |                  |                      |
| Print final order book sheets   |                  |                      |
| Complete OP Creditor details  |                  |                      |
| Produce contest listing forms   |                  |                      |
| Check 158a  |                  |                      |
| Update Contest Diary  |                  |                      |
| LM attendance sheets.   |                  |                      |

**Declaration: I confirm that I have consulted the magistrates' court order guidance above when entering the result on ICOS.**

Signed \_\_\_\_\_ Date \_\_\_\_\_

Court Clerk

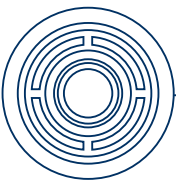
**Mandatory and Random Sample Checks (as defined in the management checks list v3)**

| I COS Numbers | Order Code | Evidence Checked –<br>CS/Sum/Judges Note/OBS | Order Correct<br>(Y/N) | Amendments<br>Required | Amendments<br>Checked |
|---------------|------------|--|------------------------|------------------------|-----------------------|
|               |            |  |                        |                        |                       |
|               |            |  |                        |                        |                       |
|               |            |  |                        |                        |                       |
|               |            |  |                        |                        |                       |
|               |            |  |                        |                        |                       |
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|               |            |  |                        |                        |                       |
|               |            |  |                        |                        |                       |
|               |            |  |                        |                        |                       |
|               |            |  |                        |                        |                       |
|               |            |  |                        |                        |                       |
|               |            |  |                        |                        |                       |
|               |            |  |                        |                        |                       |
|               |            |  |                        |                        |                       |
|               |            |  |                        |                        |                       |
|               |            |  |                        |                        |                       |
|               |            |  |                        |                        |                       |
|               |            |  |                        |                        |                       |
|               |            |  |                        |                        |                       |
|               |            |  |                        |                        |                       |
|               |            |  |                        |                        |                       |

**Declaration**

I have checked the court order and/or amended court order and found that the court order accurately reflects the judgment delivered by the Judge.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



## Appendix 5 - Timeliness Service Level Agreements and Result Confirmation Priorities

### Timeliness SLAs

| Target  | Measurement  |
|---|--|
| <p>SLA1 - 98% of criminal court results will be confirmed in target. If a criminal court sitting is concluded by 14:00 hours staff must have entered and confirmed all results by close of business on the day of the court. If a criminal court sitting is concluded after 14:00 hours then the court results, excluding bail results and custody results must be entered and confirmed no later the 12:00 hours the next working day.</p> | <p>For court results confirmed in the reporting period, measured from the result date to the result confirmation time and comparing with the court finish time to determine if the result was confirmed in target. Committals to the crown court are assigned to the crown business area even though the result is entered in the magistrates' court.</p>              |
| <p>SLA2 - 98% of custody results will be confirmed in target. All criminal court results relating to custodial elements must be treated as a priority and must be entered and confirmed as soon as possible but no later than close of business on the day of the court.</p>  | <p>For court results confirmed in the reporting period, measured from the result date to the result confirmation time for results which have a custody order or the issue or execution of an arrest or bench warrant. Committals to the crown court in custody are assigned to the crown business area even though the result is entered in the magistrates court.</p> |
| <p>SLA3 - 98% of bail results will be confirmed in target. All criminal court results relating to bails must be treated as a priority and must be entered and confirmed as soon as possible but no later than close of business on the day of the court.</p>  | <p>For court results confirmed in the reporting period, measured from the result date to the result confirmation time for results which have a bail order but excluding binding over orders. Committals to the crown court on bail are assigned to the crown business area even though the result is entered in the magistrates court.</p>                             |

## Result confirmation priorities

**IMPORTANT NOTE** – if the court ends before 2pm, the court must be resulted and confirmed on the same day; if the court ends after 2pm, the court must be resulted and confirmed by 12 noon on the day next following (save for those orders detailed below that **MUST** be confirmed on the day of the court )

The following priority orders must be checked and confirmed on the day of court irrespective of court end time:-

1. **All CUSTODIAL orders**
2. (including Crown holding warrants, continued remands in custody, custody following execution of arrest warrants, remands into police custody, new custodial sentences, life tariffs, remands in custody with bail fixed, custody probation orders, committals to Crown court, appeals of custody results, return to prison for breach of licence, suspended sentence put into operation, **any custodial sentences AND NIPS Decision of Court** cases, see memo issued by Pamela Reid dated 14.12.10.)
3. **All BAIL orders**  
(including those where there is no need to sign, bail for appeal, bound overs, compassionate bails, and bails revoked. Particular attention should be paid to bail variations and new bails where warrants have been executed, and committals to Crown court).
4. **ELECTRONIC MONITORING NOTIFICATIONS** where any new, variation or end orders have been made.
5. **BENCH / ARREST WARRANTS issued / executed**
6. **PACE warrants**
7. **BRING FORWARD warrants**
8. **ACQUITTALS**
9. **ACOMPS** (amended complaints)
10. **County Court INJUNCTIONS**
11. **Reporting Restrictions / No Publicity Orders**
12. **Any other order / direction which affects urgent action by another party, affects a person's safety or affects next day's listing (criminal, family or civil)** (e.g. family ex-parte (residence, specific issues), secure accommodation, non-molestation or occupation orders, county court injunction, etc)

**Subject to the court end time (see note above), the following orders must be confirmed by no later than 12 noon the day following court**:-

13. **Any orders affecting PROBATION** including Requests for Pre-Sentence, Specific Sentence Reports (or addendums),
14. **All MONETARY penalties** (e.g. fines, compensation, confiscation etc)
15. **All Continuing bails (unless varied etc)**
16. **Any orders affecting PROBATION-** Probation Orders, Community Sentence Orders, amendments / variations / breaches of these (unless bail / custody result)
17. **Any criminal FINAL order (sets a charge to dealt with) – other than above**
18. **Sex Offender Orders / SOPOs**
19. **Any order direction where reports are requested / action by another party is required– other than noted at 10 above.**
20. **Legal Aid orders**
21. **Driving disqualifications / endorsements / penalty points**
22. **Adjournments**
23. **Applications (other than bails)**
24. **Any other criminal court order**





## Appendix 6 - Error rate from 1 October 2011 - 30 September 2012

Please note: the following figures were supplied by the NICTS and any errors are the establishment's own.

| Month                          | Orders Made | Non-Court Orders | Total Orders  | Total Amendments  | Total Amendments excluding ADJ & DIR amendments | Deletion | Total Amend & Delete | % error rate excluding ADJ & DIR |
|--------------------------------|-------------|------------------|---------------|---|---|----------|----------------------|----------------------------------|
| Oct-11                         | 32337       | 438              | 32775         | 146   | 125   | 134      | 259                  | 0.8                              |
| Nov-11                         | 33194       | 369              | 33563         | 523   | 167   | 122      | 289                  | 0.9                              |
| Dec-11                         | 26011       | 309              | 26320         | 276   | 91  | 67       | 158                  | 0.6                              |
| Jan-12                         | 30602       | 344              | 30946         | 282   | 111   | 124      | 235                  | 0.8                              |
| Feb-12                         | 30199       | 387              | 30586         | 371   | 133   | 109      | 242                  | 0.8                              |
| Mar-12                         | 33317       | 359              | 33676         | 161   | 119   | 109      | 228                  | 0.7                              |
| Apr-12                         | 27657       | 296              | 27953         | 230   | 151   | 78       | 229                  | 0.8                              |
| May-12                         | 32242       | 374              | 32616         | 397   | 134   | 127      | 261                  | 0.8                              |
| Jun-12                         | 27839       | 305              | 28144         | 96  | 94  | 80       | 174                  | 0.6                              |
| Jul-12                         | 23890       | 303              | 24193         | 375   | 119   | 193      | 312                  | 1.3                              |
| Aug-12                         | 26807       | 335              | 27142         | 247   | 95  | 98       | 193                  | 0.7                              |
| Sep-12                         | 29205       | 290              | 29495         | 201   | 92  | 84       | 176                  | 0.6                              |
| Total results Oct 11 - Sept 12 |             |                  | <b>357409</b> | Total Amendment/Deletions (excluding adjournment codes and Judicial Directions) |   |          | <b>2756</b>          | <b>0.80%</b>                     |



## Appendix 7: Peer Review checklist

|  |                     |                        |
|--|---------------------|------------------------|
| <b>Self Assessment at..... Courthouse</b><br><b>On .....</b> | <b>Completed by</b> | <b>1.</b><br><b>2.</b> |
| <b>Peer Review at..... Courthouse</b><br><b>On .....</b>     | <b>Completed by</b> | <b>1.</b><br><b>2.</b> |

| AUDIT COMPLIANCE CHECKLIST GUIDE | Details Of Sample used | Self Assessment Finding | Peer Review Finding |
|----------------------------------|------------------------|-------------------------|---------------------|
|----------------------------------|------------------------|-------------------------|---------------------|

### 1. RECEIPTING & RECORDING OF POSTAL PAYMENTS

#### POST OPENING

|   |  |  |  |
|---|--|--|--|
| 1.1 Post opened by at least 2 members of staff each of whom initial each entry in the postal register;  |  |  |  |
| 1.2 All payments received through the post accurately recorded in postal register;  |  |  |  |
| 1.3 All payments received through the post accurately receipted onto ICOS as a postal transaction;  |  |  |  |
| 1.4 The postal register ruled off each day and signed and dated by a supervisor of at least EO grade. Each entry initialled by supervisor as evidence of checking |  |  |  |
| 1.5 All monies are receipted on the day they are received or note of action taken together with date  |  |  |  |

### 2. SEGREGATION OF DUTIES

#### SEGREGATION

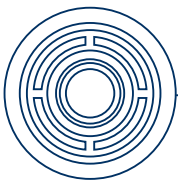
|  |  |  |  |
|--|--|--|--|
| 2.1 Evidence of segregation of duties between post opening and receipting of post onto ICOS;   |  |  |  |
| 2.2 Evidence of segregation of duties between receipting onto ICOS and daily till reconciliation;  |  |  |  |
| 2.3 Evidence that Supervisor balancing the till at the end of the day differs from the officers authorising overrides, reprints, refunds etc     |  |  |  |
| 2.4 Do staff log on using individual passwords, have any other staff access receipted on tills where individuals have logged on? Observe on site |  |  |  |

### 3. RECONCILIATION & CHECKING OF END OF DAY REPORTS

#### RECONCILIATION

|   |  |  |  |
|---|--|--|--|
| 3.1 Lunchtime reconciliation is carried out by EO between 12.30pm and 1.30pm, report signed off and filed with daily report (excluding hearing centres)               |  |  |  |
| 3.2 End of day reconciliation is carried out by two persons, one of whom should be an EO who has not completed any supervisory functions on the till during that day. |  |  |  |
| 3.3 The cash count daily record is completed and signed by both members of staff reconciling the till. Ensure Float monies have been verified                         |  |  |  |
| 3.4 Member of staff completing the end of day reconciliation appropriately logged in under their username;  |  |  |  |
| 3.5 Evidence that cashier staff properly log out after a transaction; (observe on site)   |  |  |  |
| 3.6 The serial number from the bank bag must be written onto the Bank Lodgement Report and the lodgement book signed by Resource on collection of the lodgement bag.  |  |  |  |





#### ICOS DAILY REPORTS

|   |  |  |  |
|---|--|--|--|
| 3.7 Postal transaction report reconciled with the postal register on a daily basis; each entry should be ticked on both the PTR and the postal register. PTR signed as evidence of supervisor check and noted 'PTR balanced with post book' |  |  |  |
| 3.8 All ICOS daily Cash point balancing reports checked and signed each day by the officer reconciling the tills  |  |  |  |

#### REFUNDS

|   |  |  |  |
|---|--|--|--|
| 3.9 All refunds processed promptly through ICOS;  |  |  |  |
| 3.10 All refunds have the appropriate refund authorisation form completed and signed by SO or above and filed in date order;              |  |  |  |
| 3.11 Supervisor amendment report checked daily for refunds, reconciled with the refund schedule and refund application, signed and dated; |  |  |  |
| 3.12 Refunds per office report to be printed and checked on a weekly basis by Section manager and reconciled with refund folder           |  |  |  |

### 4. SECURITY OF FINANCIAL STATIONERY & MONIES

#### SAFE/STRONG ROOM

|  |  |  |  |
|--|--|--|--|
| 4.1 Occasional licences stored in office safe when not in use;                                       |  |  |  |
| 4.2 Extension licences stored in office safe when not in use;  |  |  |  |
| 4.3 All financial stationery including cheque books and lodgement books are kept in the locked safe; |  |  |  |

#### EXTENSION & OCCASIONAL LICENCES

|  |  |  |  |
|--|--|--|--|
| 4.4 All licences issued are fully completed and filed in date order; i.e. the date the licence is issued |  |  |  |
|--|--|--|--|

### 5. NO.2 ACCOUNT MAINTENANCE

#### LOCAL BANK ACCOUNTS

|   |  |  |  |
|---|--|--|--|
| 5.1 No 2 account cash books are maintained where appropriate;   |  |  |  |
| 5.2 Each month is balanced, ruled off and signed by management;   |  |  |  |
| 5.3 Monthly sub-account completed and forwarded to Finance Branch;  |  |  |  |
| 5.4 Evidence of efforts to clear the No 2 account ensuring a full audit trail is maintained;  |  |  |  |
| 5.5 Evidence that guidance sought from Finance Branch to clear No 2 accounts;   |  |  |  |
| 5.6 Cheques outstanding over 6 months cancelled with the bank and re-issued;  |  |  |  |
| 5.7 Evidence that advice sought from Finance Branch to surrender to Treasury cheques outstanding a further 6 months after re-issue; |  |  |  |
| 5.8 All bank lodgement reports reviewed and signed by the relevant supervisor;  |  |  |  |

### 6. MAINTENANCE OF BAILS – MONIES & VALUABLES

#### BAIL MONIES & VALUABLES

|   |  |  |  |
|---|--|--|--|
| 6.1 Check that dealt with bails have been released in accordance with court directions (sample dealt with cases using old bail reports)                                     |  |  |  |
| 6.2 Bail lodgement report printed and checked by Section Manager on a weekly basis to ensure that all bail monies and valuables are appropriately processed and dealt with; |  |  |  |
| 6.3 Compare valuables on the bail lodgement report with the items in the safe;  |  |  |  |
| 6.4 All bails processed and lodged through ICOS on date received;   |  |  |  |
| 6.5 Passports held in office safe for family cases recorded on the postal register which details date lodged and returned; and entered onto ICOS as an Ancillary Document   |  |  |  |
| 6.6 Passports held in owning court office and accurately detailed on ICOS;  |  |  |  |
| 6.7 Passports received in respect of bails recorded through ICOS as valuables received;   |  |  |  |
| 6.8 ICOS updated accordingly when passports returned to defendants / passport owner?  |  |  |  |
| 6.9 No non-court related documents or valuables taken or held on behalf of other parties;   |  |  |  |

## 7. CONTROL OF UNIDENTIFIED PAYMENTS

### UNIDENTIFIED PAYMENTS

|  |  |  |  |
|--|--|--|--|
| 7.1 Any unidentified payments over 6 months old investigated by management and surrendered with appropriate audit trail maintained;  |  |  |  |
| 7.2 All payments receipted onto ICOS either allocated to the relevant case or to unidentified payments (UID) on ICOS until they can be allocated to the appropriate case;                            |  |  |  |
| 7.3 UID report checked daily by manager completing final daily till reconciliation to allow payments which have not been allocated in a timely manner to be identified and appropriately dealt with; |  |  |  |

## 8. MAINTENANCE OF SUPPRESSED ENFORCEMENTS

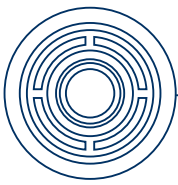
### SUPPRESSED ENFORCEMENTS REPORT

|  |  |  |  |
|--|--|--|--|
| 8.1 Suppressed Enforcements Report reviewed and appropriate action taken with regards to:<br>Appeals,<br>Fines transferred in,<br>Fines transferred out,<br>Jury fines<br>8.2 Suppressed Enforcement Report monitored weekly by Section Manager; |  |  |  |
|--|--|--|--|

## 9. USE OF CONTROL REPORTS

### ICOS COMPLIANCE REPORTS

|  |  |  |  |
|--|--|--|--|
| 9.1 Management have a schedule for checking ICOS control reports and reports are printed, checked, signed and filed in date order; (refer to Management Checklist revised June 2012)   |  |  |  |
| 9.2 Incomplete OP Creditor Details report printed and checked on a weekly basis by Section manager and any cases where payments have been received should be expedited (Note –Confiscation orders – creditor details are not added)                                      |  |  |  |
| 9.3 Confirm Court result – all court results confirmed in line with the SLA– check daily by SO office manager ; (screen shot to be printed and filed as evidence of check on a weekly basis by Section Manager)  |  |  |  |
| 9.4 Confirm Non-Court result – all non-court results confirmed in a timely manner – (screen shot to be printed and filed as evidence of check on a weekly basis by Section Manager)  |  |  |  |
| 9.5 Court Confirmation Exception Report – Printed, checked and signed by SO office manager and filed weekly; If the same person results and confirms court, SO Office managers must document that they are satisfied that there was a relevant business reason for this. |  |  |  |
| 9.6 Payments Made in Error – checked weekly by Section manager<br>(Documentation should be retained detailing the circumstances behind the overpayment or error)   |  |  |  |
| 9.7 Extension of Time Applications Pending – checked weekly by Section manager – This report should be reviewed for time applications which have been pending on ICOS for some time;   |  |  |  |
| 9.8 Sums Imposed – checked daily by court clerk as part of court confirmation process – Section manager will carry out sample checks on these reports on a weekly basis.   |  |  |  |
| 9.9 Unallocated Summonses – checked weekly by Section Manager  |  |  |  |
| 9.10 Notional Payments report – checked weekly by Section Manager  |  |  |  |
| 9.11 Notional payments verified promptly on day of receipt;  |  |  |  |
| 9.12 Criminal cases not listed report for MCP/MCD/CRC/ACC – MCD/MCP/ACC are checked weekly by section manager / CRC checked monthly by section manager   |  |  |  |



## 10. MISCELLEANOUS

### TRAVEL AND SUBSISTENCE (NICS Policy)

|  |  |  |  |
|--|--|--|--|
| 10.1 Is an appropriate file maintained with a section for each staff member and Lay Magistrate? Does it include a detached duty register?      |  |  |  |
| 10.2 Declaration form held for all staff and Lay Magistrate as per NICS T&S policy. A current insurance certificate must be held on file.      |  |  |  |
| 10.3 All required sections of individual travel claims completed including cumulative mileage, in line with the travel and subsistence policy; |  |  |  |

### FIXED PENALTIES

|   |  |  |  |
|---|--|--|--|
| 10.4 <b>Road Traffic</b> – if applicable ensure correct procedures followed and appropriate documentation retained. Check FP Summons Screen on ICOS to ensure all summonses are issued up to date |  |  |  |
|---|--|--|--|

### COMPLIANCE WITH INFORMATION ASSURANCE POLICY

|   |  |  |  |
|---|--|--|--|
| 10.5 All pre- ICOS criminal, civil, family and divorce records currently in storage are catalogued  |  |  |  |
| 10.6 Records catalogue is maintained and updated as required to include all dealt with Magistrates' court summonses   |  |  |  |
| 10.7 The movement of files off-site and between court venues is recorded on ICOS through file track function; Check live HCJ Crown Cases using Crown O/S list; check live family cases; live county court cases; dealt with Crown, Civil and Family cases |  |  |  |
| 10.8 Ensure live and dealt with family files are file-tracked on ICOS   |  |  |  |
| 10.9 Ensure dealt with Crown and civil files are file-tracked on ICOS   |  |  |  |
| 10.10 Records are clearly marked and securely stored in accordance with standing instructions- Check live and dealt with records  |  |  |  |
| 10.11 Staff able to locate live and dealt with files requested. (spot check on site)  |  |  |  |

### CRIMINAL RESULTS CHECKS

|   |  |  |  |
|---|--|--|--|
| 10.12 Check that the Electronic Monitoring Bails report has been printed and checked by a SO or above                           |  |  |  |
| 10.13 Check that the Electronic Monitoring Community Based Order report has been printed and checked by a SO or above           |  |  |  |
| 10.14 Check that ICOS Document Service Register Report is run and checked by SO Office Manager on a weekly basis (MIS Report)   |  |  |  |
| 10.15 Check that orders recorded in the service register have been served in accordance with requirements and guidance          |  |  |  |
| 10.16 Check that fully completed ICOS Data Change Request forms have been retained and follow up action recorded                |  |  |  |
| 10.17 Check that those cases not confirmed within SLA target have reasons for delay in confirmation recorded in ICOS Case Notes |  |  |  |

### MAGISTRATES

|  |  |  |  |
|--|--|--|--|
| 10.18 Check that Magistrates' Court Checklist has been fully completed to record mandatory [and sample manager checks of court) See Magistrates/Appeal Court Order sample checks |  |  |  |
| 10.19 Check that completed Magistrates' Court Checklists are held centrally at each court venue  |  |  |  |
| 10.2 Check that most recent version of Magistrates' Court checklist is being used.   |  |  |  |
| 10.21 Random sample of Magistrates' Court Orders checked for accuracy  |  |  |  |



**CROWN**

|  |  |  |  |
|--|--|--|--|
| 10.22 Check that all interim and final Crown Court orders have been independently checked and confirmed by a manager. Refer to the most recent guidance issued.  |  |  |  |
| 10.23 Check that all final and interim Sex Offender, Reporting Restrictions and Mental Health Orders made in the Magistrates' Court have been independently checked and confirmed by a manager Refer to the most recent guidance issued. |  |  |  |
| 10.24 Check that amendments to Bills of Indictment have been independently checked by a manager.   |  |  |  |
| 10.25 Check that a verification guide has been fully completed for each interim/final Crown Court order. Refer to the most recent list of final and interim orders.  |  |  |  |
| 10.26 Check that most recent version of verification guide is being used.  |  |  |  |
| 10.27 Check that completed verification guides for interim and final orders are held centrally at each venue.  |  |  |  |
| 10.28 Random sample of Crown Court orders checked for accuracy   |  |  |  |

**MISCELLANEOUS FEES**

|  |  |  |  |
|--|--|--|--|
| 10.29 LPS processing – check that filed copy affidavits have been endorsed with the correct fee from the correct account and the affidavit is sworn and checked by EO Section Manager on a weekly basis. |  |  |  |
| 10.3 LMLO – check the daily attendance sheet against the court diary sittings against the 'Fees Earned report' produced from Jasper checked by SO Office manager monthly                                 |  |  |  |

I have carried out a self assessment of controls and I can confirm that the findings recorded are accurate.

Signed: \_\_\_\_\_ Date \_\_\_\_\_  
 Signed: \_\_\_\_\_ Date \_\_\_\_\_

I have carried out a peer review of controls indicated and I can confirm that the findings recorded are accurate.

Signed: \_\_\_\_\_ Date \_\_\_\_\_


**FULL SELF ASSESSMENT FINDINGS ARE TO BE PROVIDED TO THE BUSINESS MANAGER A MINIMUM OF 1 WEEK BEFORE THE DATE THE PEER REVIEW IS SCHEDULED TO BE CARRIED OUT SELF ASSESSMENT FINDINGS WILL BE SHARED WITH THE PEER REVIEW TEAM ACTIONS TAKEN TO RESOLVE ISSUES**

**IDENTIFIED**

THIS SECTION IS TO BE COMPLETED AS PART OF THE SELF ASSESSMENT AND MUST BE VALIDATED BY THE PEER REVIEW TEAM

| Control | Action Agreed | Referred to | Date Completed | Verified By |
|---------|---------------|-------------|----------------|-------------|
|         |               |             |                |             |
|         |               |             |                |             |
|         |               |             |                |             |
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