

## PCNI PLENARY MEETING – 24<sup>TH</sup> NOVEMBER 2011 – LINUM CHAMBERS

<b>Present Commissioners:</b>	Ms Christine Glenn Mrs Anne Grimes Mr Jeremy Mills Mrs Debbie McQueirns Dr Shelagh Mary Rea Mr Stephen Leach Ms Mollie Weatheritt Mrs Alexandra Delimata Judge Derek Rodgers Mr Stephen Murphy Mrs Anne Fenton Mrs Elaine Peel Dr Ruth Elliott Dr Damien McCullagh	Mrs Elsbeth Rea Mr Paul Mageean Mr Emmet Murray Mrs Ruth Laird Miss Linda McHugh Mr Tom Craig Ms Clodach McGrory Dr Adrian Grounds Mr Nigel Stone Prof Peter Hepper Prof John Jackson Mr Brian Garrett Dr Duncan Morrow Mr Norman Lockie
<b>Guest Speakers:</b>	Professor Liz Gilchrist Mr Terry McCarthy  Ms Jackie Durkin  Mr Brian Grzymek Mrs Anne McConkey	Glasgow University Head of Litigation Parole Board E&W C/E Courts and Tribunals Dept of Justice Dept of Justice
<b>Secretariat:</b>	Mrs Moya Cushley Mrs Joanne Williams	Mrs Kerry McIlwaine Mrs Karen Weir
<b>Apologies:</b>	Tracy Doherty Dr Micaela Greenwood	Dr Pat McGrath Mr John Leckey
<b>Non Attendees:</b>	Adrian East	

The following is a summary record of the Plenary of the Parole Commissioners covered on 24 November 2011.

### **Item 1: Chairman's Introductions.**

The Chief Commissioner welcomed everyone to the meeting and thanked them for their attendance. She was appreciative that so many Commissioners had undertaken to attend.

### **Item 2: Matters Arising**

The Commissioners reviewed action points of previous minutes and received updates on the current position.

### **Item 3: Presentation by Mr Terry McCarthy**

The Chief Commissioner introduced a representative of the Parole Board England and Wales who is currently the Head of Litigation. He spoke to a presentation on Judicial Reviews within the Parole Board. The presentation covered the following areas and spoke to the current case law:

- Article 5(4) cases and the right of prisoners to a speedy review of detention

- by the court;
- Article 5(5) the enforceable right to compensation for breach of article 5(4);
- Delay, and the pragmatic approach of Justice Collins;
- The right to an oral hearing - Smith & West/O'Connell: there is no automatic right to an oral hearing. (Parole Board changed their rules to remove the automatic right for an oral hearing). Reilly case - where the court agreed that consideration should be given to lifer cases regarding the right to an oral hearing;
- Recalls – two stage process – to determine whether the recall is right, and then to decide on the acceptability of release;
- Damages/Compensation – that compensation is not always a monetary award and the implications of the Faulkner case where it was determined that an applicant must show on the balance of probabilities that he would have had a decision in his favour at the time when the review should have taken place;
- Judicial reviews that are pending.

**Item 4:           Presentation from Professor Gilchrist**

The Chief Commissioner welcomed Professor Liz Gilchrist (Liz) from Glasgow University. She spoke to a presentation on Intimate Partner Violence Risk Assessment and Management. Her presentation covered the following:

- The range of abuse and level of control – the wheel of power and control;
- Statistics on Domestic Violence (DV) and Intimate partner Violence (IPV);
- Risk assessment tools:
  - SARA.
- Research:
  - Hart's research;
  - Campbell's research.
- Heterogeneity
- Abusive Personality Type
- Psychopathic Barriers
- Predicting Lethality
- Research:
  - Dobash et al Study
  - Belfrage and Rying Study
- Dynamic Risk Factors
- Implications for Risk Management

**Item 5:           Presentation from Chief Executive of the Northern Ireland Courts and Tribunal Agency**

The Chief Commissioner introduced the Chief Executive of the Northern Ireland Courts and Tribunal Agency. She provided Commissioners with an organisational chart of the courts and tribunal agency. She explained that she was working closely with the Department on the move to the Courts and Tribunal Agency. Some areas would require further discussion i.e. can an agency sponsor an arms length body. She went on to present an overview of the agency. The Courts and Tribunal agency is an agency of the Department of Justice spread over 26 sites throughout Northern

Ireland. There is approximately 950 staff with an overall resource budget of £83 million. In addition they manage approx £280 million pounds for the courts funds office (managed on behalf of patients and children). Last year the Courts and Tribunal service dealt with 62,000 criminal cases, 26,000 civil cases and approx 8,000 family cases. It is also responsible for the coroner's office. The structure of the agency has recently changed. Policy and legislation has moved to the core department under the 'Access to Justice' directorate. Sponsorship of legal services has also been transferred and aligned to the department. This will allow the agency to focus on the administration of justice.

She went on to speak to the structure of the tribunal service and gave a detailed brief on the current and proposed structure and their respective roles within the agency.

The Chief Executive went on to identify a range of issues which were at the forefront of the organisation at present:

- Restructure – change is unsettling and requires careful management;
- Range of courts and tribunals performance standards – public facing. Every court office has achieved the customer service standard of excellence. Commonality of service provided;
- Causeway – links forensic, NIPS, courts and PPS etc all information is centrally shared through the DoJ causeway system. This regime needs care and attention to ensure accuracy;
- Delay – currently a big problem. There is now a regime of targets which are shared with the Department. Always mindful of the delay – listing and case management are a judicial function but it is essential that the right services are provided to allow the judiciary to complete their function effectively;
- Currently working on consultation on the closure of five hearing centres – this is a resource issue it is not possible to bring all the estates up to the satisfactory level. This consultation is expected to attract some adverse publicity;
- Legacy inquests – complex lengthy process which is subject to challenge. How these are handled and progressed to hearing.
- Extension and expansion of the agency – working closely with the DoJ and with the PCNI on how this can be handled.

#### **Item 6            DoJ – Terms and Conditions**

The Chief Commissioner thanked the DoJ representative for coming to speak to the Commissioners on their proposed changes. He advised that he is happy to open dialogue with the Commissioners about the proposed changes to the terms and conditions. .

All Commissioners were provided with the proposal in writing on the 11<sup>th</sup> of November but it has become apparent that not all Commissioners had received the letter. He apologised for this error but advised that all letters had been sent.

He discussed the need for change. He agreed that they had focussed on financial aspects of the terms and conditions but if there are other issues which need to be agreed and are practical within the time frame, and can be incorporated by September, he will be happy to accept these suggestions. However, some of the bigger issues will not be achievable in this phase i.e. dismissals etc. These will be taken forward by the Court and Tribunal Agency who are better placed to deal with the more complex proposals.

The representative advised that the current appointment stage comes to an end in Sept 2012 when the Commissioners will be reconstituted. The driver behind this

exercise is the drive for efficiency over government and the need for a more open and transparent fee structure.

The DoJ understood that Commissioners will want to look at these proposals with a view to the work that they do individually.

The floor was opened to questions:

The Commissioners discussed the detail of the proposals.

***Item 7          Mentoring paper***

The Chief Commissioner discussed the new mentoring arrangements with Commissioners and sought their views.

***Item 8          Advisory Paper***

The Chief Commissioner spoke to the advisory paper and the four projects that had been identified. She asked for volunteers to submit their names for consideration.

***Item 9          Date of Next Plenary***

To be considered.

**Kerry McIlwaine**

**Minute-taker**