

**The funding and delivery of public services in Northern Ireland**  
**Northern Ireland Affairs Committee**  
**Response from the Commissioner Designate for Victims of Crime in Northern Ireland**  
**April 2023**

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## **Introduction**

Geraldine Hanna was appointed Commissioner Designate for Victims of Crime in Northern Ireland in June 2022. Geraldine was previously the Chief Executive of Victim Support NI since 2015. Victim Support NI is the lead charity providing support to victims and witnesses of all types of crime across Northern Ireland. She has over 21 years' experience in the victims' sector and has been the driving force in establishing Victim Support NI's Witness Service in all criminal courts across Northern Ireland and introducing the role of Independent Sexual Violence Advocates for adults and children to the region.

The Commissioner for Victims of Crime provides a voice to victims of crime in Northern Ireland. It monitors criminal justice organisations to make sure victims of crime get their entitlements under the Victim Charter. It reviews how the Victim Charter works and is delivered within criminal justice organisations to improve how victims of crime get their entitlements.

The Victims of Crime Commissioner Designate, which is yet to be placed on a statutory footing due to the absence of the Assembly, is a new post established to:

- provide a voice for all victims of crime;
- identify, promote, encourage and issue guidance on good practice;
- review the adequacy and effectiveness of law and practice;
- review the operation and delivery of Charter entitlements and promotion of the Victim Charter;
- direct complaints and monitor outcomes;
- advise and make recommendations; and
- undertake or commission research.

The Commissioner Designate welcomes the opportunity to respond to this timely and important inquiry into the funding and delivery of public services in Northern Ireland, especially in light of the Northern Ireland Office preparing to bring forward a budget for Northern Ireland.

## **Response**

### ***Current fiscal environment***

Essentially every area of Northern Ireland's public services finds themselves in a difficult and precarious fiscal environment. In the ongoing absence of our Executive and Assembly, as well as wider external economic pressures being felt across the UK, it is clear that difficult decisions will need to be made in the coming weeks. The Northern Ireland Office, in putting a budget in place for Northern Ireland, will be the final arbiter of which services see a funding freeze, a funding reduction, or a total cut in the worst-case scenarios.

As Commissioner Designate for Victims of Crime in Northern Ireland, I have serious concerns over the future of the criminal justice system locally. I wrote to the NI Secretary of State Chris Heaton-Harris in February to outline these concerns and the huge challenges facing the system. For many years, the justice system has been the poor relation when it has come to the allocation of funding across governmental departments. While caretaker ministers were still in place last year, analysis from the NI Fiscal Council found that the draft budget for 2022-

25 planned to cut the Department of Justice's budget by between 1 and 2%, the only department to face cuts. Bearing a disproportionate level of the brunt reinforces the belief that the justice system is the poor relation of public services in Northern Ireland.

The funding challenges facing the criminal justice system in NI are concerning and threaten to undermine public and victim confidence in the rule of law. PSNI Chief Constable Simon Byrne recently highlighted that the cuts facing the PSNI will reduce and slow the organisation's ability to tackle crime, and the unique situation in NI raises concerns about the potential for others to step in to fill any perceived local justice vacuum. As Northern Ireland has just marked the 25<sup>th</sup> anniversary of the Belfast/Good Friday Agreement, it is clear that sustained peace and prosperity in this area relies on effective and trusted police and criminal justice responses. A reported £150 million funding gap for the PSNI will undoubtedly have a knock-on effect on victims and their prospects of seeking and obtaining justice.

This, coupled with significant court backlogs exacerbated by the Covid-19 pandemic and at a time of rising crime, has real potential to negatively impact victims and their confidence in the system which is supposed to protect them.

### ***Hindered progress***

We made many positive steps forward in the last, albeit reduced, mandate by introducing a range of new measures to help support victims, particularly victims of domestic and sexual violence. Efforts by all over the last few decades have, I believe, contributed to the increased reporting that we see of these types of crime. Very often though, these legislative changes require our criminal justice agencies to do more without the associated increase in resources.

Doing more with less is not sustainable and will inevitably lead to cuts being made in some areas of victim care to enable the effective implementation of new initiatives and laws. The introduction of new laws on domestic abuse and sexual violence are welcome however these new laws place additional pressures agencies such as the PPS who are now seeing sustained levels of complex and serious casework without any increase in corresponding baseline funding. I recognise that additional funding is not on its own sufficient to address the challenges facing the system but I am concerned that continued reductions is hampering the ability to progress the necessary reforms needed to improve the performance of the system.

### ***Delay***

In November 2022, the then Justice Minister Naomi Long was reporting that without the additional monies that had been found to help address the backlog (now due to run out in March), Northern Ireland courts are projected to have worked through the backlog by 2028. The most recent statistical bulletin from the PPS highlights that it is taking an average of 208 days for an indictable prosecution decision in the Crown Court.

As Commissioner Designate, one of my key aims is to reduce avoidable delay for victims. In 2020/21, the average time taken for a case to be dealt with at an adult Magistrates' court was 122 days and 470 days for a Crown court case. These are averages so within these figures, there are cases involving victims of crime that are taking a considerably longer time to reach court. Some sexual violence cases contacting our office have waited four to five years before their case has reached trial.

There is also an urgent need to ensure that the health budget, the largest budget within the Northern Ireland Executive, is properly utilised to support victims. In particular, mental health services should be protected and provided extra funding and resourcing. This is in recognition

of the link between mental health and offending, as well as the mental health impact on victims of crime.

### ***Lack of an Executive***

The ongoing absence of the Executive and Assembly is deeply frustrating on a number of fronts. It delays further progressive and much-needed legislation like that which we saw before the collapse of the Assembly in 2022. It denies proper scrutiny of government decisions. And it cuts the time remaining in this mandate to deliver positive change.

Delivering for and supporting victims is not solely the remit of the Department of Justice or the criminal justice system. Victim support is multi-faceted and requires a strong housing sector, high-quality health and welfare provision, and a progressive education system as much as it requires a functioning criminal justice system.

Only through fully functioning and stable government in Northern Ireland can we effectively tackle issues like court backlogs, police service funding, and legal aid payments.

### **Conclusion**

While acknowledging the extremely tight fiscal environment we find ourselves, hampered by the ongoing absence of the Executive, I remain deeply concerned by the underfunding of the criminal justice system and the Department of Justice more generally.

Action must be taken by the UK Government to ensure that key services like policing, the courts, and victim support groups continue to function. Without proper investment and resourcing, victims will bear the brunt of cuts to the justice system, which has already been operating on a shoestring budget.

My office recommends, in the continued absence of local political decision-making, that the UK Government ensures through the upcoming NI budget that an above-inflation uplift in funding is provided to address issues like the backlog in the courts, reducing waiting lists, and police recruitment.

I would also urge that any Barnett consequential in future that come from new funding for justice-related policies or initiatives in England and Wales are ringfenced specifically to address these issues in Northern Ireland.

**Geraldine Hanna**

**Commissioner Designate for Victims of Crime Northern Ireland**

**April 2023**