



## Chief Inspector's Speech

### ***New Agenda: New Opportunities?***

It is a pleasure to speak with you this morning at the sixth Annual Stakeholder Conference of the Criminal Justice Inspectorate. I would like to thank the Minister and Distinguished Guests for agreeing to speak at our conference and you our delegates for joining us at what I hope, will be an interesting and stimulating day. You are all very welcome.

I would like to start by expressing my thanks to a number of people and organisations. My predecessor Kit Chivers, for his contribution to the establishment of the high reputation of the Inspectorate within the Justice System. A reputation highlighted by the Hunter Review undertaken in the summer of last year. I would also like to express my thanks to the Inspectorate's staff for their hard work and commitment to the organisation in 2008. I have been impressed by their professionalism and commitment to their job, and their support for me in my new role.

Thanks also to our partner organisations that we have worked with in 2008 – we have benefited from the assistance of a range of inspection organisations - HM Inspectorate of Prisons, HM Crown Prosecution Service Inspectorate, HM Inspectorate of Constabulary, HM Inspectorate of Courts Administration, the Education and Training Inspectorate and Regulation and Quality Improvement Authority. Together they represent substantial skills and experience upon which we can draw. Their willing cooperation is appreciated.

While this is the sixth Annual Conference for the Inspectorate, it is my first as Chief Inspector. I welcome the opportunity to share some thoughts with you on the issues and challenges facing the justice system and the role of the Inspectorate.

For those of you who were here last year there is an element of déjà vu. This time last year you discussed the introduction of Devolved Government on the justice system. You will see we have adopted a similar theme for this year. The difference is this time we might actually see something happen. This inevitably means that minds will be sharper as the deadline creeps closer.

The introduction of devolved policing and justice in Northern Ireland will mean an entirely new phase in the development of the justice system here. Whether this is perceived as an opportunity or a threat will depend on where you stand in the debate. For me it is an opportunity as it will change the dynamic, context and focus of justice agencies. This can and should provide a platform upon which the justice system of the future can be built.

Why is such a change to the current way of doing things necessary? As the saying goes “*if it ain't broke don't fix it*” – which then begs the question is the justice system broke? I'll come to this question from several angles.

Firstly, change is one of those weasel words that can mean everything and nothing. But like it or not change is a constant – like death and taxes will always be with us. The question posed I feel by devolved government will not be should the justice system change – but what will be the scale and pace of change required.

What will influence this debate? Part of the agenda will be driven by what the Lord Advocate of Scotland, a speaker at our 2008 conference, called the “goldfish bowl of political accountability”. The development or otherwise of ‘punitive populism’ will inevitably lead to new pressures and challenges on organisations – certainly new media headlines and calls for “heads to roll”.

More importantly there will be no automatic attachment to the policies and procedures of direct rule and this will itself mean that a new dynamic will become apparent. Greater accountability will inevitably lead to greater questioning of the way things are done and less acceptance of the way things have been. We saw this with the introduction of the Review of Public Administration across the Northern Ireland Civil Service.

When I was appointed to this job in September, one of the questions I asked colleagues and stakeholders was what am I inspecting for - the past or the future? Looking over my shoulder at how things are done or assessing current practice against the way it might be in the future? The answer to these questions were almost universally inspection to help position justice organisations for the future. While I think this is the right and sensible position to take it does raise a number of interesting issues.

Firstly, there is nothing new in the statement that the justice system in Northern Ireland is dominated by the legacy of the Troubles. This becomes a challenge when the impact of the past activity works against the development of a new approach and new and improved ways of delivering services.

Thus in looking across the justice system we can find:

- A historical allocation of resource designed to meet particular needs which often have not kept pace with changing demands. This inhibits the capacity of organisations to respond flexibly to meet new requirements and respond to different demands;
- It can also mean that additional demands herald a call for additional resources – without fundamentally challenging whether the current ways of doing things can be improved. My working definition of performance improvement is that its about doing more with less – not for always asking for more; and
- We also find behaviours and cultures that reflect the way things were done rather than the way in which they should be done. This fits uncomfortably with increased public expectations about the justice system and their unwillingness to accept the ways things have been done in the past.

As we move forward I think it is right that we continue to challenge the legacy of the past and the role it plays in determining how services are delivered – whether this relates to the funds available for community policing, prison reform or the resources given for the resettlement and rehabilitation of offenders. We cannot have a justice system that is resourced for the past and expect it to deliver against community expectations for the future. To do so will not build a justice system that everyone will have confidence in.

The legacy of the troubles is still there. I was struck by the recent comment of Sir Edwin Jowett Chairman of the Hamill Inquiry who said “that a society which was too busy looking at its past rather than looking to the future was a society without hope”.

This is not to take away from the journey that justice organisations have taken. As I said earlier change has been a constant for the justice system. It is interesting to read the Criminal Justice Review published in 2000 to reflect how much the system has done to move forward. In looking at the working of the justice system we found many examples of organisations that are open, flexible, adaptable, outcome focused and provide excellent value for money.

There has been much that has been done - but there is much more to do. Not all organisations have adapted and embraced change - or have been given the support and resources to change - to the same extent.

Our work in 2008 illustrates some of the challenges and issues facing the justice system as we move into the new environment. The content of our inspection work in 2008 can be broadly categorised into three areas:

- Diversions;
- Policing; and
- Custody.

Our findings show a mixed bag in terms of delivery.

In looking at Diversions we considered the work undertaken by restorative justice schemes, the Youth Conference Service and Anti-Social Behaviour Orders. In broad terms our findings were generally positive on the performance of these initiatives and their contribution to the overall effectiveness of the justice system.

Our thematic work on Roads Policing (published in June 2008) highlighted a critical theme of our inspection work. It noted that “*a significant reduction in road casualties cannot be achieved by any one organisation and requires a joined-up approach by government, its departments and agencies and other non-statutory and voluntary organisations*”. Getting the linkages right across the system will continue to be a critical component of our future work.

Our inspection work on Custody was more mixed. Our report on Woodlands Juvenile Justice Centre in May 2008 noted “*..no matters of substantive concern about management or care of children while in the centre...*” The Report did raise the issue of

the use of custody for children – only 7% of young people admitted to the Centre were subsequently given a custodial sentence.

Our Report into Hydebank Wood Young Offenders Centre raised more serious concerns. Specifically that the Young Offender Centre was “*struggling to deal with the complex and competing tasks of managing a variety of remand, sentenced juvenile and young adult men.*”

Our reports also highlighted the different costs of service delivery - £710 per night in the Juvenile Justice Centre compared with £221 per night in Hydebank.

The introduction of devolved government will provide much greater accountability and the articulation of a local voice in the delivery of justice services here. As has been shown with the establishment of the Executive and the Assembly this has increased the challenge function considerably across the system. There is no reason to suggest this will not be the case for justice.

I suspect that some of you listening to this will inwardly groan at the prospect of more change – in another context this used to be called ‘initiative fatigue’. I have seen organisations become paralysed by ‘death by a thousand initiatives’. Increased accountability is a welcome prospect; micro management by committee is not.

At the same time, we must recognise that there is still a desire for a different approach to policing and justice in Northern Ireland.

Looking to the future means building a justice system that reflects the wishes and demands of the local population at a price that we as a society are prepared to pay. In building and developing the justice system, only politicians hold the mandate to decide what is in the public interest.

That public interest must be decided against criteria of finite resources (an efficiency challenge) or infinite public want (a political challenge). Such questions become much more complex when justice - as it will - becomes considered against the other resource demands on Government. If we add to this a debate about what works within the justice system, and the balance of resources across justice organisations then the situation becomes even more complex.

In this context, successful organisations are those that anticipate change rather than have it thrust upon them. The justice system here has shown the capacity for substantive and meaningful change over the past 10 years. This is a positive platform upon which to continuously improve.

This raises the interesting question of what kind of justice system we want to see in five or indeed 10 years time. What does success look like for the justice system and the organisations that inhabit it? This is a topic we will explore as the day progresses.

Given the resources we have available, are we content with current ways in which services are delivered ?

1. How do we care for victims and witnesses?
2. How do we treat children and young people within the justice system?

3. Have we got the balance right between public protection and the resettlement of offenders?
4. Can we reduce avoidable delays across the system to ensure speedy justice?
5. Does the justice system reflect value for money?

These will be the themes of our inspection agenda, more of which we will hear today.

I come to the justice system having spent 18 years helping public sector organisations deal with the issues of managing and improving performance – whether self imposed or politically driven.

My experience has been in Northern Ireland, the Republic of Ireland, Britain, Europe, the USA and Asia. The comfort that I take from this is that there is nothing new in the management challenges you face that has not been experienced by others.

Other organisations in other jurisdictions have delivered substantive and meaningful change in how they deliver their services. This has been achieved by the right leadership (political and managerial), clarity on the objectives to be achieved, a commitment to delivery, and the resources to make it happen.

A discussion on the way forward, however, that does not recognise the constraints and obstacles that exist is essentially, unhelpful and ultimately, dishonest. Experience from elsewhere shows that political commitment to change is a critical factor.

Can this be delivered in Northern Ireland when the justice system reflects such a contested space? Will the resources be put in place to deliver what is required? Does the leadership exist to prepare for the future? What about the ‘legacy issues’ – those aspects of the system that continue to be influenced by the past?

So, we are in for interesting times. This conference is aimed at helping to stimulate some debate and discussion around the future, about what can be learned from elsewhere, and about the practicalities of delivery in a devolved setting. Debates that will help take us to the next stage of our development.

A final thought relates to the buzz words of change management – that courage and commitment are required to make change happen. It has been said that “*one of the reasons there was so much courage and commitment at the Alamo was the absence of back doors*”. As devolved Government approaches, I hear the sounds of doors being closed!

Thank you all for coming, and I hope you will have a thoughtful and productive day.

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