

VICTIMS AND WITNESSES STRATEGY LAUNCH, 18 SEPTEMBER 2007

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'Victims and Witnesses' is often seen as a small subject within the criminal justice system, as a rather marginal issue. I see it as a *big* subject, and I would like to explain why.

One of the key problems in public administration is how you replicate the pressures of the market-place when there is no actual market in the service concerned. How do you check that the consumers of the service are getting what they want, and how do you maintain pressure for improvement? How do you make sure that the service is always stretched, and doesn't become cosy?

Every big public service faces that problem. At the end of the day, the consumers become voters in a general election and they can express their dissatisfaction by voting the government out. But obviously that single, five-yearly event is nothing like an adequate feedback mechanism for the whole wide range of services supplied by the public sector.

So in every public service Ministers and managers have to look for alternative ways of getting feedback. There needs to be an accountability structure through which performance targets are set and performance is evaluated, so that managers are put under at least a pale shadow of the pressures they would face in a business environment.

But public enterprises need more than just feedback and performance management. They need to look for ways of strengthening their ability to challenge the professionals who supply their services.

Government is not just a (near) monopoly provider of services like health, education and criminal justice, it purchases those services from highly organised groups of professionals who have monopoly-like power in their own right: the medical profession, the education profession, lawyers, prosecutors, police, probation and prison officers. All professionals are liable to have ideas and priorities about the way they do their job that can get out of touch with the wishes of the public as consumers and of the political leaders who represent them.

I am not primarily talking about trade union power here, or power exercised selfishly in the interests of members of the professions. Much more important is the institutional power of these professional groups: their belief that because they are the experts they know how things should be done and no-one should impose policies on them. And of course there is substance to that point: they *are* the experts, and their views need to be taken very seriously, which is why challenging them is not a light matter. It needs to be done very thoughtfully, as well as robustly.

The position of professionals in the criminal justice system is even stronger than that of the other groups because their monopolies tend to be absolute and because their position is protected by various forms of doctrine of 'independence': the independence of the courts, the independence of prosecutors and the operational independence of the police. This makes bringing to bear actual customer preferences, customer dissatisfaction and demands for improved service extraordinarily difficult.

There is an added complication in the case of the criminal justice system, in that it acts for the State, not just for the aggrieved individual and his family. It is not just a legal formality that prosecutions are taken out of the hands of the individual, so that it is 'the Crown versus Kit Chivers'. There is a public interest in criminal prosecutions, which tends to take priority over the private interest. But the private interest is important too.

In health and education successive governments have tried to introduce an element of direct consumer pressure, to counter the producer interest, by looking for ways of giving the individual consumer information and 'choice'. In many areas of government we now have performance statistics and league tables and we are given a little more choice over schools and hospitals; but there are limits to what can be done without incurring excessive costs. The theoretical ideal for schools, for example, might be some sort of voucher scheme, but it would be immensely disruptive and initiatives like that never seem to end up benefiting the people who most need an improved service.

So what can we do, practically, in the criminal justice system to introduce a genuine customer voice? How do you make these powerful institutions responsive to the needs of their customers? That is where I see 'Victims and Witnesses' coming in.

As I said in the preface to the original CJI report, victims and witnesses are the tangible customers of the criminal justice system. They are customers in a very specific way, but because we are all potential victims and witnesses they also stand for all of us as customers of the criminal justice system.

Victims and witnesses need to be strengthened and supported in expressing their needs to the justice system. But even more than that, the agencies, if they are going to become healthily customer-focused, as any sound service industry should be, need to undergo a culture change to see victims and witnesses as central to their business.

If victims and witnesses feel well cared-for, satisfaction with the CJS will rise, and with it, confidence in the CJS. Confidence will lead to more witnesses coming forward, more successful prosecutions, and greater effectiveness, creating a virtuous circle of improvement. I repeat, this is not a marginal matter. It is of the essence of improvement of the CJS, and it deserves a high place in the business and corporate plans of every agency.

I believe that this strategy document is a good start. It picks up the main themes from the inspection and turns them into an extensive range of positive steps to improve the position of victims and witnesses in the criminal justice system.

Most of the suggestions Inspectors made have been accepted:

- the strategy is now in place, as we recommended;
- a PSA target has been set for the first time;
- all agencies now have V&W policies;
- and the Witness Service is being rolled out to Magistrates', Youth and County Courts.

I am particularly pleased to note that the NISOSMC has set up a Victims Sub-group, led by Sarah Coulter of the Nexus Institute, to address the needs of victims of sexual assault.

The main outstanding recommendation – that there should be a single central point to which victims and witnesses should be able to refer for information about their cases – a 'one stop shop' – is being worked on, and we can expect an announcement on it next year. I believe strongly in the importance of that recommendation, and I hope very much that the scoping work will reach a positive conclusion.

I commend the strategy, and CJI will be taking the closest interest in its implementation.