



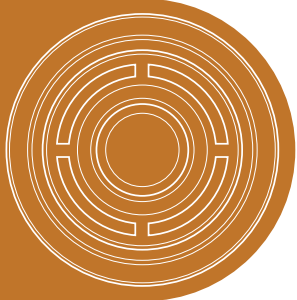
THE MANAGEMENT OF JURORS

**A follow-up review of inspection
recommendations**

March 2014

Criminal Justice Inspection
Northern Ireland
a better justice system for all





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List of abbreviations

CJI	Criminal Justice Inspection Northern Ireland
DDA	Disability Discrimination Act
DoJ	Department of Justice
LCJ	Lord Chief Justice
OLCJ	Office of the Lord Chief Justice
NICTS	Northern Ireland Courts and Tribunals Service
NICtS	Northern Ireland Court Service (former)



Chief Inspector's Foreword

This is a follow-up review to Criminal Justice Inspection Northern Ireland's (CJI's) inspection of the Management of Jurors which was published in 2010. The original report made eight recommendations which have been assessed in this review.

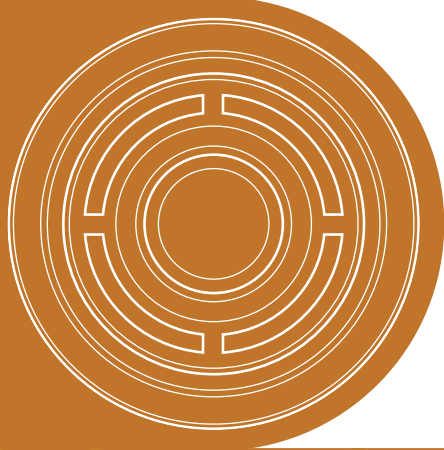
The overall findings are that the Northern Ireland Courts and Tribunals Service (NICTS) have continued to give this area significant attention and as a result, have made very good progress in ensuring that citizens who are called to perform this civic duty are being respected, their time used effectively, thereby improving the efficiency of the courts and tribunals throughout Northern Ireland.

I commend the NICTS for their approach to this important issue and their ongoing commitment to achieve even better levels of customer service and jury utilisation.

This follow-up review was conducted by William Priestley. I would like to thank all of those who contributed to this work.

Brendan McGuigan
Chief Inspector of Criminal Justice
in Northern Ireland

March 2014



Follow-up Review



Introduction

Background to the follow-up review

The CJI inspection into the Management of Jurors was published in April 2010. The report made eight recommendations for improvement. This follow-up review measures progress by the Department of Justice (DoJ) and the Northern Ireland Courts and Tribunals Service (NICTS), against the recommendations. The fieldwork for this review was conducted during September and October 2013.

Changes since the 2010 inspection

Since the original inspection, the former Northern Ireland Court Service (NICtS) had assumed responsibility for running the majority of Northern Ireland's tribunals as a new unified Northern Ireland Courts and Tribunals Service (NICTS). There had been consultation on widening the jury pool¹; and on the upper age limit for jury service². Changes expected to be introduced in 2013-14 included the removal of the upper age limit for jury service coupled with a right to claim exemption for people over 70 years of age. The Jury Management Team now sits within the NICTS Customer Service Centre and staff were rotated in the various roles to enable greater flexibility and knowledge across the business area.

The follow-up review

The purpose of this review was to assess the extent to which recommendations made in the original report had been implemented. As part of the fieldwork for this review CJI examined relevant documents, received a self-assessment of progress from the NICTS and undertook a series of follow-up interviews and focus groups with relevant officials.

The following chapter looks at each of the recommendations; the responses made by the NICTS in their self-assessment; and provides Inspectors' assessment of progress. The final chapter draws conclusions about the progress to date, acknowledges the work that has taken place, and emphasises the need for work to continue in this area to address the issues raised in the original inspection report.

1 Widening the jury pool: Increasing participation in the Criminal Justice System: 29 May 2008.

2 DOJNI The upper age limit for Jury Service in Northern Ireland: A Consultation 21 November 2011.



Progress against recommendations

Recommendation 1

Inspectors recommend that the NICTS sets a target for jury utilisation and monitors this with the aim of further reducing the numbers of jurors notified and establishing whether the service is operating efficiently with regard to the setting of juror numbers and their subsequent management.

Status: Achieved

Agency response:

The NICTS undertook research to develop proposals for a jury utilisation target that is suitable for operation within this jurisdiction.

The numbers of Jurors were reduced following changes to the challenge procedure and these numbers are reviewed yearly. This year there has been an increase in Crown business and it has been noted that a number of Divisions have increased the panels for the coming year.

There are other changes due to be implemented in the Justice Bill in relation to the upper age limit and this may have an impact on Jury panel numbers.

The NICTS has set a maximum percentage 'not used' target for the number of Jurors who are summonsed and are available (excluding deferrals and excusals) to be sworn as a juror but were not required to perform juror service.

The maximum percentage 'not used' figure was set at 15% for the period September 2011 to September 2012. During this period the NICTS achieved an average 'not used' figure of 10%. Consideration is being given to reducing the 'not used' figure to 12% in the current financial year.

The management of jurors is regularly reviewed and reported on by the Juror Management Centre.

It should be noted that the NICTS utilisation figures quoted in the CJI report relate to the 'Jury Notice' stage and not our 'Summons Stage'. The reference in England and Wales related to our equivalent 'Summons Stage' and not the 'Jury Notice Stage'.

Recommendation assessed as achieved.

Inspectors' assessment:

The recommendation is assessed as being achieved. There was an evident focus on monitoring the number of jury notices and summonses issued and the rates of juror utilisation. Jury notices and summonses issued had been subject to research and changes that informed the setting of a 'not used' target. Whilst this had been set at 15%, the NICTS had achieved an overall figure, across the jurisdiction, of 10% in the year September 2011-12. A more stretching target of 12% maximum is being considered for the next financial year.

Figures for jury numbers across the jurisdiction in 2012-13 suggest that the numbers of jury notices issued have increased whilst unused jurors have remained within the 15% target. Table 1 illustrates the number of jury notices and summons issued by court division in 2012-13 together with the percentage of unused jurors.

Table 1: Juror notices, summonses and unused jurors 2012-13

Court Division	Notices issued	Jurors Summoned	Jurors attending (not used/excused)	unused*
Antrim	2,300	1,425	208	14.5%
Ards	2,500	1,181	40	3.4%
Armagh	1,800	1,296	178	13.7%
Belfast	10,000	5,868	461	7.8%
Craigavon	2,100	1,232	107	8.7%
Enniskillen	1,500	430	54	12.6%
Londonderry	2,300	1,400	174	12.4%
Omagh	2,800	1,834	247	13.5%
Grand Total	25,300	14,666	1,469	10%

* percentage of Jurors who were not sworn onto jury but who were available to be sworn

The variation in the percentage of unused jurors across the court divisions ranges from 3.4% in Ards to 14.5% in Antrim. The average unused rate across the divisions in 2012-13 was 10%.

Court Administrators indicated that the volume of crown court business had been increasing and that the number of jury notices issued had increased to take account of this. Table 2 illustrates the volume of crown court business in the period 2008 to 2012.

Table 2: Crown court receipts and disposals 2008-12

	2008	2009	2010	2011	2012
Cases received	1,288	1,329	1,476	1,621	1,742
Cases disposed	1,371	1,236	1,250	1,486	1,677
Defendants committed	1,612	1,686	1,894	2,110	2,327
Defendants disposed	1,733	1,556	1,581	1,948	2,215

In Newry Crown Court area more use of peripatetic judges had increased the capacity to run trials during what otherwise may have been quieter times in the crown court calendar. In light of increasing crown court business across the jurisdiction, the proposed change to a 12% maximum overall rate of unused jurors will be stretching. In order to achieve the existing target of 15%, the NICTS had focused on the number of jury summons issued. Inspectors were pleased to find that jury utilisation rates had been monitored and that projected jury notifications had been subject to forecasts based on previous usage and projected business levels. Communication channels between the Jury Management Team and Court Administrators were good and the head of the Customer Service Centre had supplied data to Court Administrators on which they had based their future requirements for jury notices.

The trend of future requirements for jury notices was not uniform across the court areas. Despite an expected increase in business, Belfast Court area anticipates decreasing the number of jury notices required from 10,000 to 9,500 in 2013-14. Antrim Court area anticipates requiring an additional 300 jury notifications to be issued for the same period.

There had been no incidences of juror numbers being insufficient to run trials in any of the court areas during the period 2010-13. However, increased pressure on juror numbers had resulted in occasions where those areas normally running a split panel system, for example, Newry, amalgamating jury panels to ensure adequate cover.

Contingency in the form of arrangements to secure jury members, if required, from neighbouring court areas was in place. This arrangement had not been used to date but the consequences on jurors of doing so, such as increased travelling, was well understood by Court Administrators and the Jury Management Team.

Recommendation 2

Inspectors recommend that the NICTS agree and implement the draft guidelines for discretionary deferral, partial, and full excusals as soon as possible. Monitoring to ensure compliance and for further development of the guidelines should be introduced.

Status: Achieved

Agency response:

Operational guidelines on 'Juries Officer guidelines on Deferrals/Excusal Requests' was produced and published on the Knowledge Bank section of the NICTS intranet in May 2010 for staff.

Periodic spot checks by the Jury Management Team and Court Administrators ensure that these guidelines are being adhered to on a consistent basis.

These guidelines are kept under review and amended as necessary subject to any changes to jury policy.

Guidance was updated in March 2012 and published on Knowledge Bank.

Copy of updated guidance provided to CJI Inspector.

Inspectors' assessment:

The recommendation is assessed as being achieved. The NICTS had implemented Jury Officers Guidelines Deferral/Excusal Requests in May 2010. The most recent revision of this document was in 2012. The process of administering deferral and refusal requests by jurors is handled by the Jury Management Team up to a week before the start of the court sitting. During the week immediately preceding the start of the court sitting excusals and deferrals are handled directly by Court Administrators locally.

The production of corporate guidance had enabled a more consistent approach to the granting of excusals and deferrals. Monitoring for compliance was achieved by dip sampling carried out by the Jury Management Team and by Court Administrators. The results of dip sampling indicated that compliance across the court areas was good.

Recommendation 3

Inspectors recommend that in the event of a trial finishing within the period of a juror's service, and unless otherwise directed by the judge, that the NICTS implements a policy of returning jurors to the jury pool for the rest of their period of service.

Status: Achieved

Agency response:

All County Court Divisions do currently operate a policy of returning summonsed jurors to the 'summonsed jury panel'.

It is not unusual for a juror to serve on more than one trial. However, the trial judge has the discretion to excuse any juror from further service and this is occasionally directed.

Inspectors' assessment:

The recommendation is assessed as being achieved. There is a policy in operation requiring jurors to be returned to the jury panel should a trial finish within the period of their service. This policy appeared to be operating corporately across the court divisions. Only in exceptional circumstances would a juror be excused following a particularly difficult trial.

Court Administrators maintained regular contact with judges and informed them when it was known that jurors would still be required to complete their period of service in the event of a trial finishing early.

Recommendation 4

Inspectors recommend that the NICTS continue with its intention to make employers' information available, so that they are clear as to the obligations of employees engaged on jury service.

Status: Achieved

Agency response:

A discrete employer's information document is now available on the NICTS website and it is referred to in the Jury Service booklet sent out to all jurors.

'Information for Employer of Jurors' document issued in April 2011 and will be kept under review and amended as required.

Copy provided to CJI Inspector.

Inspectors' assessment:

The recommendation is assessed as being achieved. An information leaflet for employers had been adopted in April 2011 and was available on the NICTS website. Information about the employer's guide, but not the guide itself, was issued with the information pack sent to prospective jurors.

Whilst inspecting the implementation of this recommendation, Inspectors were informed about a pilot scheme under way aimed at reducing the amount of information sent to prospective jurors. A cohort of jurors had been split between those who received the full pack of information and those who received a cut-down version. Feedback indicated a positive response with only two out of 80 jurors taking the option of asking for the full, hard-copy pack. There had been no significant rise in telephone calls from prospective jurors making enquiries and over 50% of jurors surveyed indicated that they would access the NICTS website for further information.

If implemented the pilot scheme had potential to deliver significant savings in postage costs.

Recommendation 5

Inspectors recommend that the process of splitting the jury panel is adopted as policy across the NICTS and that a standard approach of informing jurors of the dates they are required to attend is implemented.

Status: Partially achieved

Agency response:

The Jury panel is split in a number of venues: Belfast, Londonderry, Newry and Craigavon. Other Divisions do not currently split the jury panel. We will consult with the Office of the Lord Chief Justice (OLCJ) on standardising this approach and will issue Operational Guidance to ensure that all County Court Divisions will split the jury panel.

Inspectors' assessment:

The recommendation is assessed as partially achieved. This had been happening only in selected locations including Londonderry/Derry; Newry; Craigavon and Belfast. The Lord Chief Justice's (LCJ) office was content with the approach of splitting the jury panel and during the drafting of this report, Inspectors were informed that the NICTS had extended the practice of splitting the jury panel to all its court Divisions.

The approach being considered is one of retaining flexibility within overall corporate guidance on the splitting of jury panels. This may be important in the context of more stretching jury utilisation targets and the need to take into consideration local needs.

Recommendation 6

Inspectors recommend that the NICTS continues to monitor feedback about catering and refreshments from jurors so that local contracts can be reviewed using relevant information with the aim of enhancing the juror experience of the service.

Status: Achieved

Agency response:

As part of our Customer Service there is continuous monitoring of the catering and refreshment facilities for jurors at all of our Crown Court locations.

Court Administrators will continue to take forward any necessary actions arising from the feedback received from jurors.

Inspectors' assessment:

The recommendation is assessed as being achieved. The Customer Service Excellence approach continues. Supplier questionnaires provide regular feedback on the quality of juror catering arrangements. Court Administrators monitor this feedback. Suppliers had demonstrated capacity to cater for special dietary needs such as providing vegetarian, halal or kosher options. Arrangements were based on local needs. For example, in trials lasting more than 10 days in the Derry/Londonderry Crown Court Division, substantial hot meals were provided in place of sandwiches and soup.

Recommendation 7

Inspectors recommend that the NICTS continues to assess its court venues for ease of access to jurors with disabilities and takes action to improve accessibility, to enable disabled people to play a full part in jury service.

Status: Partially achieved

Agency response:

The NICTS commissioned Central Procurement Directorate (CPD) to complete Disability Discrimination Act (DDA) surveys at all court locations based on an 'access for all' approach.

These reports are now complete.

DDA compliance is an ongoing process and we will continue to review and improve access to meet the needs and expectations of all our customers with disabilities.

Approval has been given by the Strategic Planning Group to proceed with access improvements at Omagh, Old Town Hall, Downpatrick and Armagh in 2013-14.

In general the majority of Crown Courtrooms in Northern Ireland can accommodate wheelchair access to the Crown Courtroom and jury room. Wheelchair access to the jury box is much more limited but the aim is to ensure that one Crown Courtroom within a County Court Division can accommodate wheelchair access to the courtroom, jury room and jury box.

DDA work has been completed at Craigavon Crown Court to enable wheelchair access to the jury box.

Inspectors' assessment:

The recommendation is assessed as partially achieved. There are regular surveys on compliance with the DDA which are used to inform developments in juror access. Surveys had been completed in all the court divisions and work such as the provision of power assisted doors and wheelchair access had been completed. Hearing loops were provided in all court divisions for jurors and other court users with hearing difficulties. The age of the court estate had been a limiting factor in some of the enhancements and some newer build courts did not easily lend themselves to ease of access, for example, Newry. However, each court division (apart from Derry/Londonderry) had an identified, accessible court for jurors with a range of disabilities; for example, accessible juror boxes in Craigavon.

Court Administrators had facilitated pre-court assessment visits by prospective jurors to inform their decision as to whether the facilities were adequate for their needs. In some cases following assessment visits prospective jurors had decided to apply for an exemption. Work remains to be completed to further improve accessibility for jurors with specific needs.

Recommendation 8

If the jury pool is widened along the lines of England and Wales then Inspectors recommend that the employment status of sworn jurors should be monitored to ensure that juries represent a balanced cross section of society.

Status: Not achieved

Agency response:

Consultation report on widening the jury pool issued in January 2010.

The jury pool has not been widened along the lines of England and Wales nor are there currently any plans to do so.

Consultation on the Upper Age Limit for Jury Service issued in November 2011 and a report on consultation issued in July 2012.

Following the consultation, the Justice Minister announced that he planned to abolish the upper age limit and also increase the age of excusal as of right to 70.

These two legislative changes are included in the forthcoming Justice Bill.

Inspectors' assessment:

This recommendation is assessed as not achieved. The widening of the jury pool along the lines of England and Wales had not occurred therefore there had been no requirement to implement the recommendation. The jury pool may in future be widened to include people over 70 years of age but there are no plans in Northern Ireland to include excepted occupations at present.



Conclusion

Since the original inspection five out of eight recommendations had been fully achieved. Two recommendations were partially achieved and one had not been achieved. The recommendation that had not been achieved was no longer relevant and the pre-condition for its implementation had not been fulfilled.

Developments had continued following the implementation of recommendations. Accessibility for potential jurors with disabilities had improved and jury utilisation rates had become a focus of both the Jury Management Team and of Court Administrators. Improving accessibility across the court estate for jurors with a range of disabilities will require this work to continue. Jury utilisation rates will require continuous monitoring if the proposed lower target of 12% is to be achieved.

In a challenging environment of increasing crown court business whilst the number of jury notices had increased since the original inspection, the proportion of unused jurors had decreased. Court Administrators were assessing the numbers of jurors required using appropriate forecasting data and were focused on reducing the numbers of unused jurors in line with a target of 15%. A more challenging target of 12% unused jurors was under consideration at the time of this follow-up review.

The practice of splitting the jury panel had been assessed and proposed to the LCJ's office and developments were under way to extend the practice across the court estate. It was expected that a corporate approach with integral flexibility to allow for local adjustments will be adopted. Inspectors would encourage the approach being taken to implement the splitting of the jury panel across the jurisdiction.



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