



AN INSPECTION OF  
**OFFENCE INVESTIGATION  
AND CRIMINAL CASE  
PROCESSING BY NORTHERN  
IRELAND DEPARTMENTS  
AND ORGANISATIONS**

---

**JUNE 2025**

# AN INSPECTION OF **OFFENCE INVESTIGATION AND CRIMINAL CASE PROCESSING BY NORTHERN IRELAND DEPARTMENTS AND ORGANISATIONS**

---

**June 2025**

Laid before the Northern Ireland Assembly under Section 49(2) of the Justice (Northern Ireland) Act 2002, as amended by paragraph 7(2) of Schedule 13 to The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 by the Department of Justice.

# CONTENTS

List of abbreviations	2
Chief Inspector's Foreword	3
Executive summary	5
Recommendations	7
<b>Inspection Report</b>	
Chapter 1 Introduction	8
Chapter 2 Strategy and governance	17
Chapter 3 Delivery	29
Chapter 4 Outcomes	39
<b>Appendices</b>	
Appendix 1 Methodology	47
Appendix 2 Terms of reference	49

# LIST OF ABBREVIATIONS

<b>BSD</b>	Benefit Security Division (within Department for Communities (DfC))
<b>CJI</b>	Criminal Justice Inspection Northern Ireland
<b>CMS</b>	Child Maintenance Service (within DfC)
<b>DAERA</b>	Department of Agriculture, Environment and Rural Affairs
<b>DfC</b>	Department for Communities
<b>DfE</b>	Department for the Economy
<b>DoJ</b>	Department of Justice
<b>DVO</b>	Divisional Veterinary Officers (within Department of Agriculture, Environment and Rural Affairs (DAERA))
<b>EO</b>	Executive Officer (staff grade within the Northern Ireland Civil Service structure)
<b>HSENI</b>	Health and Safety Executive Northern Ireland
<b>IPA</b>	Investigatory Powers Act
<b>MIT</b>	Major Investigations Team (within HSENI)
<b>NDPB</b>	Non-Departmental Public Body
<b>NICTS</b>	Northern Ireland Courts and Tribunals Service
<b>NIEA</b>	Northern Ireland Environment Agency
<b>OBA</b>	Outcomes Based Accountability
<b>PfG</b>	Programme for Government
<b>PPS</b>	Public Prosecution Service for Northern Ireland
<b>PSNI</b>	Police Service of Northern Ireland
<b>SLA</b>	Service Level Agreement
<b>Trading Standards</b>	The Northern Ireland Trading Standards Service (within DfE)
<b>UK</b>	United Kingdom
<b>WEB</b>	Welfare Enforcement Branch (within Veterinary Service Animal Health, DAERA)

# CHIEF INSPECTOR'S FOREWORD

Investigating crime and bringing offenders to justice in Northern Ireland reaches into many aspects of our lives and far beyond policing. It involves a range of Northern Ireland Civil Service Departments, Arm's Length Bodies and organisations with statutory powers aimed at upholding the law and keeping us safe. While they involve a small percentage of all criminal prosecutions, they include some of the most serious offences and public safety issues.

The effective investigation and prosecution of any individual who, or organisation that, breaks the law in Northern Ireland has a critical role in protecting the public and fostering confidence in the criminal justice system.

The new *2024-2027 Programme for Government 'Our Plan: Doing What Matters Most'* has included Safer Communities as a priority. Organisations with criminal law enforcement, investigatory and prosecution powers can contribute to this. However, they should be consistent and clear, for all those involved, where engagement to prevent crime stops and enforcement through criminal investigation and prosecution takes over.

This inspection looked at six of the organisations in our statutory remit that have powers to investigate and prosecute crimes. They each have their own governing legislation, policies, systems and resources about how they do that. Most of them work with the Public Prosecution Service for Northern Ireland to prosecute cases in Court.

It was reassuring that the Inspection Team found dedicated and professional staff were involved in producing quality case files who worked well with Prosecutors and liaised with the Police Service of Northern Ireland when needed. While acknowledging the variations in statutory remits and responsibilities, in a small jurisdiction like ours there could be benefits in more opportunities to share knowledge, skills and resources with others working in similar criminal justice related roles.

The heavy reliance on paper-based processes in the 21st century that are resource intensive and not environmentally friendly needs to be addressed. The development of shared technology and digital solutions that, as an optimum solution, could interface with the Causeway Data Sharing Mechanism and the new Northern Ireland Courts and Tribunals Service Themis system would provide opportunities to reduce the differing approaches to criminal case files and processing prosecutions in Northern Ireland. If this is not achievable, then the next best option should be explored.

This Inspection Report makes four recommendations to improve how investigations and prosecutions are managed both within and across organisations to create more cohesion and efficiency in criminal prosecutions.

This inspection also confirmed the need to review our statutory remit to ensure it accurately reflects changes to organisations over the years. We look forward to working with Department of Justice officials to prepare for those changes through an appropriate statutory vehicle.

I want to thank all the Departments and organisations involved in this inspection who provided information, participated in interviews and focus groups and liaised with Inspectors over a lengthy period.

David MacAnulty was the Lead Inspector for this inspection and was supported by Inspector, Dr Claire Feehan; I am grateful for their work.



**Jacqui Durkin**

Chief Inspector of Criminal Justice  
in Northern Ireland

**June 2025**



# EXECUTIVE SUMMARY

Criminal Justice Inspection Northern Ireland's (CJI's) statutory remit enables the inspection of core criminal justice agencies and a wide range of other Government authorities and organisations who can investigate and prosecute criminal offences. However, the Inspectorate's remit had not kept pace with legislative, Departmental and organisational changes in Northern Ireland since 2002. A 2023 Department of Justice review of CJI included a recommendation to review the statutory remit, and inspection findings further support this recommendation.

This inspection examined how well criminal cases were investigated and processed by six Government authorities and organisations with statutory powers to investigate criminal offences relevant to their respective legislative powers, remits and responsibilities. These organisations were the Benefit Security Division and Child Maintenance Service within the Department for Communities, Veterinary Service Animal Health within the Department of Agriculture, Environment and Rural Affairs and Tourism NI, the Health and Safety Executive Northern Ireland and the Northern Ireland Trading Standards Service within the Department for the Economy.

The inspected organisations carry out wide-ranging functions and services that impact on the day-to-day lives of everyone in Northern Ireland. The Inspection Team found that, where criminal cases were being investigated and processed, this was done to a very high standard.

The Inspection Team spoke to many dedicated and hard-working professionals across the six organisations who were focused on applying the highest standards to criminal case file preparation. Each organisation reported effective strategic connections with the Police Service of Northern Ireland and the Public Prosecution Service for Northern Ireland. Important relationships had also been developed with relevant counterparts in England and Wales.

At a strategic level, each of the organisations had different governance structures surrounding their enforcement work relevant to their respective governance and funding arrangements and most had clear lines of responsibility and direction. Policies were not always clear and transparent in some organisations however, there were good templates available for consideration including that of the Northern Ireland Trading Standards Service who had an excellent enforcement policy setting out exactly when and what enforcement was taken and what was possible within the limits of the organisation.

This good example demonstrated a link between strategy and outcomes with some evidence and data to support success. This approach should be adopted by all the organisations. The Inspection Team found that both Tourism NI and the Child Maintenance Service required greater and more transparent strategic direction regarding the enforcement carried out by their respective organisations. This was necessary to ensure that each organisation was effectively fulfilling its statutory functions. There was scope for these organisations to learn from other inspected Government agencies and organisations that prosecuted criminal cases.

Engagement was an important part of the enforcement process for each organisation. This involved the organisation's approach to prevention and working with individuals and businesses to support prevention of offending and reoffending. Some of the organisations had very distinct and clear lines of engagement and visible clarity as to when enforcement action was taken, such as the Benefit Security Division that had set monetary limits. Others focussed almost all their efforts on engagement, such as the Child Maintenance Service that had the best interests of children at the centre of their approach. Both organisations had success adopting these approaches and the Inspection Team considered that all inspected organisations would benefit from clearly established lines on when engagement took place and when enforcement action was necessary. Other organisations felt separated from engagement activity and that there were opportunities to improve communication between engagement and enforcement specific teams.

All the organisations, with the exception of Tourism NI, had Service Level Agreements with the Public Prosecution Service for Northern Ireland, to prosecute cases in Court on their behalf (commonly referred to as Departmental Cases). Prosecutors were positive about the quality of the criminal case files submitted to them by the inspected organisations. However, Inspectors identified variations in the information and documents submitted to prosecute Departmental Cases. More work was needed to standardise these, including established consistency in file build standards.

Case file preparation could be further improved by better file analysis and case planning records on a computerised system along with replacing paper files with digital files, similar to the functionality used by the Police Service of Northern Ireland.

Work was also required to improve the collation and publication of criminal case processing outcomes, that could be better used to inform success. The inspected organisations could learn from each other and improve how to use data to demonstrate achievement of strategic goals. Success stories could be better communicated to inform and build public confidence about the high quality of work that was evident throughout this inspection.

This Inspection Report includes two Strategic Recommendations and two Operational Recommendations for Improvement.

# RECOMMENDATIONS

## STRATEGIC RECOMMENDATION 1

The Department of Justice should review Criminal Justice Inspection Northern Ireland's statutory remit and plan for any required amendments to be included in the next Northern Ireland Assembly mandate's legislative programme.

Paragraph 1.5

## STRATEGIC RECOMMENDATION 2

Within six months from the publication of this report, all the inspected organisations, specifically Tourism NI and the Child Maintenance Service, should ensure that they have clear strategy and guidance documents in place to ensure their compliance with their statutory requirements for the processing of criminal cases and the enforcement responsibilities and engagement processes they are involved in.

Paragraph 2.20

## OPERATIONAL RECOMMENDATION 1

The inspected organisations, in conjunction with the Public Prosecution Service for Northern Ireland, should explore and implement the digitisation and transfer of criminal case files. Technology should also ensure the recording of key decision-making processes and rationale, provide live updates of case status and track issues that arise during a case.

Paragraph 3.12

## OPERATIONAL RECOMMENDATION 2

The inspected organisations should ensure that timeliness targets for both processing and prosecuting on an end-to-end basis (offence to outcome) are monitored and reported on annually.

Paragraph 4.17

# CHAPTER 1: INTRODUCTION

- 1.1 The vast majority of criminal cases in Northern Ireland are investigated and processed by the Police Service of Northern Ireland (PSNI) before submission to the Public Prosecution Service for Northern Ireland (PPS) for a decision on prosecution. In 2023-24 the PPS received 43,977 files, of which 43,363 (99%) were submitted by the PSNI. The remaining 614 files, commonly referred to as 'Departmental Cases,' were submitted to the PPS by a range of other Northern Ireland Civil Service Departments, agencies and funded organisations.<sup>1</sup>
- 1.2 While comparatively small in number, Departmental Cases and the criminal investigations undertaken were important and impacted on the day-to-day lives of everyone in Northern Ireland. The types of criminal offences and cases included securing protection for the public against rogue traders who sought to defraud often vulnerable people, the protection for consumers against the sale of counterfeit or defective goods, the safety of employees in workplaces across Northern Ireland, animal welfare, ensuring accurate child maintenance assessments were in place and benefit fraud. These agencies and organisations worked with the criminal justice system but were not part of the Department of Justice (DoJ). Achieving these outcomes necessitated substantial time, investment and expertise, all of which were essential to ensure evidential quality standards, equivalent to those expected of the PPS and the PSNI, to secure a conviction in the criminal Courts beyond a reasonable doubt.

## INSPECTION REMIT AND SCOPE

- 1.3 In determining the agencies and organisations for inclusion in this inspection, Inspectors conducted an internal review of Criminal Justice Inspection Northern Ireland's (CJI's) legislative remit. CJI's remit, as set under the Justice (Northern Ireland) Act 2002<sup>2</sup> (the 2002 Act) and amended under Section 45 of the Justice and Security (Northern Ireland) Act 2007<sup>3</sup> (the 2007 Act) included Northern Ireland's core criminal justice agencies<sup>4</sup> alongside a broad range of agencies and organisations with statutory powers to investigate and prosecute criminal offences.

1 Northern Ireland Statistics and Research Agency, *Public Prosecution Service for Northern Ireland, Statistical Bulletin 2023/24 1 April 2023 to 31 March 2024* available at <https://www.ppsni.gov.uk/files/ppsni/2024-06/Statistical%20Bulletin%202023-24.pdf>.

2 *Legislation.gov.uk, Justice (Northern Ireland) Act 2002* available at <https://www.legislation.gov.uk/ukpga/2002/26/contents>.

3 *Legislation.gov.uk, Justice and Security (Northern Ireland) Act 2007* available at <https://www.legislation.gov.uk/ukpga/2007/6/contents>.

4 The Police Service of Northern Ireland (PSNI), the Public Prosecution Service (PPS), the Northern Ireland Prison Service, the Northern Ireland Courts and Tribunals Service (NICTS) and the Probation Board for Northern Ireland.

However, CJI's statutory remit had not been updated since the 2007 Act and had not kept up with legislative and Departmental changes in Northern Ireland, including organisational and Departmental name changes and changes in ownership, changes in Departmental oversight and the dissolution of organisations. The exception to this was the addition of the Veterinary Service Animal Health under the Department of Agriculture, Environment and Rural Affairs (DAERA), to CJI's remit in 2014-15.

- 1.4 To better inform the scope of this inspection and to establish a more definitive and up-to-date schedule of relevant organisations, Inspectors obtained a list from the PPS of all the organisations that prepared criminal files for prosecution. As part of the scoping process, the Inspection Team liaised with 10 agencies and organisations across five Northern Ireland Departments as well as one agency that was governed by the Department of Work and Pensions with a United Kingdom (UK) wide remit. The Inspection Team also met with the PPS and the DoJ. This exercise revealed that CJI's remit had become outdated due to re-structuring within and across Government Departments that left some key areas that interact with the criminal justice system in Northern Ireland with no inspection oversight. For example, the regulation and inspection of pharmaceutical drugs in the Department of Health, the new criminal powers afforded to Companies House and the prosecution of offences under Food Standards legislation.
- 1.5 A DoJ commissioned review of CJI in May 2023 recommended that the DoJ Sponsor Branch should *'formally review Section 46 [of the 2002 Act] every five years to take account of any policy or legislative developments in the criminal justice system. This review should be done in consultation with CJI.'* This recommendation was accepted and supported by CJI when it was made and this inspection further endorses the need for a DoJ review to enable legislative reform in the next Northern Ireland Assembly mandate.

### STRATEGIC RECOMMENDATION 1

**The Department of Justice should review Criminal Justice Inspection Northern Ireland's statutory remit and plan for any required amendments to be included in the next Northern Ireland Assembly mandate's legislative programme.**

- 1.6 In order to establish the scope of this inspection and to delineate clear inspection boundaries, the Inspection Team used a risk-based approach based on the organisations within CJI's current legislative remit, the volume of criminal case files submitted by each organisation to the PPS, public interest in the criminal investigative aspect of each organisation and the level of risk involved.

1.7 A number of organisations that scored highly within this risk matrix were not included in this inspection as Inspectors assessed that there may be a need for separate, individual inspections of these organisations. For example, an inspection of airport and harbour policing was included in CJI's 2024-25 Inspection Programme.<sup>5</sup> The Post Office (included in the 2002 Act as 'Royal Mail Group plc') was not included due to the ongoing public inquiry into the Horizon Information Technology (IT) scandal<sup>6</sup> while Royal Mail was no longer a publicly owned company.

1.8 The Northern Ireland Environment Agency (NIEA) focused on the regulation of various areas including:

- delivering freshwater environment at 'good status';
- tackling waste sector crime;
- supporting good habitat;
- earth science and landscape quality and enhancing species abundance and diversity, and the promotion of environmentally sustainable development; and
- infrastructure and access to quality green and blue spaces.

Previous inspections in this area were conducted in 2007, 2011 and 2015 by CJI.<sup>7</sup> The Northern Ireland Audit Office announced in 2024 that it was undertaking an inspection of the NIEA and Waste Crime.<sup>8</sup> To avoid duplication, CJI excluded the NIEA from this inspection. This was an area of significant importance that warranted previous individual inspections with significant areas for improvement.

### The inspected organisations

1.9 Six agencies and organisations across three government Departments were the focus of this inspection. They were:

- Veterinary Service Animal Health<sup>9</sup> – Department of Agriculture, Environment and Rural Affairs (DAERA);
- Child Maintenance Services (CMS)<sup>10</sup> – Department for Communities (DfC);
- Benefit Security Division (BSD)<sup>11</sup> – DfC;
- Tourism NI<sup>12</sup> – Department for the Economy (DfE);
- Health and Safety Executive for Northern Ireland (HSENI)<sup>13</sup> – DfE; and
- Northern Ireland Trading Standards Service (Trading Standards)<sup>14</sup> – DfE.

5 CJI, *Business Plan 2024-25* available at <https://www.cjini.org/getattachment/3fb61f44-8b38-48eb-823a-cd37b5b1fcf2/CJI-Business-Plan-and-Inspection-Programme-for-2024-25.aspx>.

6 *Post Office Horizon IT Inquiry* available at <https://www.postofficehorizoninquiry.org.uk/>.

7 CJI Inspection Reports available at <https://www.cjini.org/TheInspections/Inspection-Reports>.

8 *NI Audit Office, Waste Crime, 5 July, 2024* available at <https://www.niauditoffice.gov.uk/publications/work-progress-waste-crime>.

9 See <https://www.daera-ni.gov.uk/topics/animal-health-welfare-and-trade>.

10 See <https://www.nidirect.gov.uk/articles/child-maintenance-introduction>.

11 See <https://www.communities-ni.gov.uk/articles/social-security-fraud#:~:text=Call%20the%20Northern%20Ireland%20Fraud,Report%20Benefit%20Fraud%20online>.

12 See <https://www.tourismni.com/>.

13 See <https://www.hseni.gov.uk/>.

14 See <https://www.economy-ni.gov.uk/articles/trading-standards-service>.

- 1.10 These organisations investigated cases independently or, where appropriate, in conjunction with the PSNI. In most instances, the PPS was the prosecuting authority. In common with criminal investigations undertaken by the PSNI, the seriousness of the offence dictated where the case was prosecuted. Most cases were prosecuted in the Magistrates' Court, known as the Departmental Court, with the more serious cases committed to the Crown Court for trial. A brief summary of each inspected organisation's role is provided below.

### **Veterinary Service Animal Health**

- 1.11 Within the DAERA<sup>15</sup>, the Veterinary Service Animal Health Group had responsibility for ensuring high standards of animal health, animal welfare and food safety across Northern Ireland's farms, ferry ports and food factories. The DAERA Divisional Veterinary Officers (DVOs) and enforcement Inspectors conducted a range of announced and unannounced farm, market and abattoir-based inspections to ensure compliance with the relevant legislation as well as responding to complaints received and intelligence gathered. The prosecution of cases, and in certain circumstances the investigation of cases, is conducted by the Welfare Enforcement Branch (WEB).
- 1.12 This inspection focused on the processing of case files prepared by the WEB team. The WEB team received 57 referrals in 2023-24 of which 55 met its threshold for criminal investigation with the remainder dealt with by way of engagement activity. Of these, 43 were sent to the PPS for prosecution.

### **Child Maintenance Service (CMS)**

- 1.13 Managed through the DfC Operational Delivery Group, the CMS<sup>16</sup> worked to ensure that, where separating and separated parents were unable to agree on a private arrangement, financial contributions towards the living costs of their child(ren) were arranged and maintained through the CMS. These services were provided in Northern Ireland through a Service Level Agreement (SLA) with the Department for Work and Pensions based in Great Britain.
- 1.14 If a paying parent did not make the necessary child maintenance payment, the CMS could take legal action to recover the payment through an application to Court for a liability order. In addition to conducting investigations into non and under-payment, the Financial Investigations Unit also investigated allegations of offences of misrepresentation, failure to provide information, Deduction from Earnings Order non-compliance<sup>17</sup> and cases of fraud, including dishonestly making a false representation, dishonestly failing to provide information and fraud by abuse of position<sup>18</sup>.

15 See <https://www.daera-ni.gov.uk/articles/animal-welfare-enforcement-responsibilities-and-contacts>.

16 See <https://www.communities-ni.gov.uk/operational-delivery-deputy-secretary>.

17 Article 16A(2), 16A(3) and 32(8) of The Child Support (Northern Ireland) Order 1991.

18 Section 2,3 and 4 of The Fraud Act 2006.

1.15 The CMS received 143 referrals for enforcement or investigation in 2023-24 that was an increase from the 105 cases in 2019-20 (pre-COVID-19 pandemic). Of these, 94 were investigated (66%) and none submitted to the PPS for prosecution. Since 2019, there had been only one case submitted for prosecution (in 2022) that was subsequently returned to the CMS for improvement as it did not meet the required PPS file standards. The CMS at the time of inspection, had a policy of engagement that Inspectors were told had a high degree of success (see Chapter 2).

### **Benefit Security Division (BSD)**

1.16 The BSD was also part of the DfC's Operational Delivery Group and was responsible for detecting and investigating benefit fraud and error.<sup>19</sup> The legal basis for the provision of Society Security in Northern Ireland was provided in the Social Security Administration (Northern Ireland) Act 1992.<sup>20</sup> Fraud Investigators within the BSD's Fraud and Compliance Teams had powers to detect and investigate suspected or alleged fraud including through access to data matching with government Departments such as His Majesty's Revenue and Customs, information gathering powers introduced by the Social Security Fraud Act (Northern Ireland) 2001<sup>21</sup> and surveillance powers from the Regulation of Investigatory Powers Act 2000 ('RIPA').<sup>22</sup>

1.17 Sanctions available to the BSD following an investigation included a formal caution, an administrative penalty or a recommendation for prosecution.<sup>23</sup> Cases involving large scale, organised fraud activities were investigated by the Organised Fraud Unit. Cases involving error or lower levels of overpayment were dealt with by the Compliance Team and action taken to recover the overpayment.

1.18 During 2023-24, 3,825 new investigation cases were instigated by the BSD and 1,523 were concluded. Forty-five case files were prepared and submitted to the PPS for prosecution. Five of these cases had been referred back to the BSD team for further information or had not met the public interest or evidential test. The number of cases concluded, before the COVID-19 pandemic, was 2,400.

### **Tourism NI**

1.19 A Non-Departmental Public Body (NDPB) of the DfE, Tourism NI was responsible for supporting and developing tourism in Northern Ireland.<sup>24</sup> Legal powers unique to Northern Ireland provided Tourism NI with a statutory responsibility under Article 14(1) of the Tourism (Northern Ireland) Order 1992<sup>25</sup> to ensure that all tourist accommodation was certified as a means of guaranteeing minimum standards for tourists staying in Northern Ireland.

19 Department for Communities, *Social Security fraud*, available at <https://www.communities-ni.gov.uk/articles/social-security-fraud>.

20 *Social Security Administration (Northern Ireland) Act 1992*, available at <https://www.legislation.gov.uk/ukpga/1992/8/contents>.

21 *Social Security Fraud Act (Northern Ireland) 2001*, available at <https://www.legislation.gov.uk/nia/2001/17/contents>.

22 *Regulation of Investigatory Powers Act 2000*, available at <https://www.legislation.gov.uk/ukpga/2000/23/contents>.

23 *Social Security Agency, External Fraud Response Plan, Version 2, June 2015*, available at <https://www.communities-ni.gov.uk/sites/default/files/publications/dsd/ssa-external-fraud-response-plan.pdf>.

24 See <https://www.tourismni.com/about/introduction/>.

25 See <https://www.legislation.gov.uk/nisi/1992/235/contents>.

There were eight categories of accommodation set out in legislation<sup>26</sup> with differing levels of fees. For example, a fee of £40 is payable for a single self-catering business. Certification lasted for four years. Enforcement of the standards was the responsibility of the Quality and Standards Department of Tourism NI.

- 1.20 Between 2022-23 and 2023-24 the Quality and Standards Department received 230 referrals, of which 96 required an investigation to ascertain their status as a tourist accommodation. Tourism NI cases were not prosecuted by the PPS, rather it employed a private solicitor's firm to provide legal advice and take legal action including pursuing prosecution. This occurred in 66 cases investigated by the Quality and Standards Department. Tourism NI staff were only aware of one case that had proceeded to Court but that had not occurred within the previous two years (from date of this inspection). The intervention by its legal advisor was considered adequate by Tourism NI in ensuring that a breach of the legislation had not occurred, that compliance with the certification rules had ensued or that the individual or business had ceased trading as tourist accommodation.

### **Health and Safety Executive Northern Ireland (HSENI)**

- 1.21 The HSENI was responsible for the regulation of health and safety at work under the Health and Safety at Work (Northern Ireland) Order 1978<sup>27</sup>, setting and seeking to secure compliance with health and safety standards.<sup>28</sup> As a NDPB sponsored by the DfE, the HSENI was responsible for enforcement across a range of working environments from factories and building sites to the public sector estate such as schools, government Departments, mines and quarries. Enforcement responsibilities for other working environments rested with Local District Councils, including offices and retail environments, accommodation, hospitality and religious venues.
- 1.22 The HSENI undertook a wide range of activities aimed at encouraging and supporting businesses to manage health and safety risks including providing information and advice and serving improvement and prohibition notices. A specialist sector division called the Major Investigations Team (MIT) were responsible for investigating and, where necessary, recommending prosecution for fatal incidents, major injuries and serious breaches of health and safety legislation. Investigations undertaken by the MIT were dependent on available resources.
- 1.23 The HSENI commenced investigations into 15 incidents referred to the MIT in 2023-24: up from 10 referrals in 2022-23 and 11 new incidents referred during 2020-22. The MIT submitted 11 criminal case files to the PPS during 2023-24. The serious and complex nature of these cases meant that incidents often took longer in terms of investigation, file preparation and submission to the PPS so files were not necessarily processed in the same year as the investigation. None of these files were returned by the PPS for further information or due to non-compliance with expected quality standards.

26 *Statutory Inspection of Tourist Establishments (Fees) Regulations (Northern Ireland) 2011* available at <https://www.legislation.gov.uk/nisr/2011/105/regulation/3/made>.

27 See <https://www.legislation.gov.uk/nisi/1978/1039/introduction>.

28 *Health and Safety Executive for Northern Ireland, Corporate Plan 2023-2028* available at <https://www.HSENI.gov.uk/sites/HSENI.gov.uk/files/Draft%20Corporate%20Plan%20-%202023-28.pdf>.

## Trading Standards

- 1.24 Trading Standards operated as part of the DfE's Management Services and Regulation Group under the Business and Employment Regulation Division and were responsible for the promotion and maintenance of fair trading and consumer protection. They enforced over 160 pieces of legislation including the Consumer Protection from Unfair Trading Regulations 2008<sup>29</sup> and the Weights and Measures (Northern Ireland) Order 1981.<sup>30</sup> This was important as it covered areas such as scams and e-crime, doorstep crime and home improvement services, pricing and false or misleading descriptions of goods and services, counterfeit goods, used cars and estate agency and the misdescription of property. In addition, Trading Standards also operated *Consumerline*, that was a consumer advice service that provided civil law advice to businesses and consumers.<sup>31</sup>
- 1.25 Trading Standards enforcement aimed to create a 'fair trading environment' using a range of interventions including advice and guidance, issuing cautions, seeking injunctions and pursuing prosecution. Investigations were undertaken by Enforcement Officers on the most serious cases referred through *Consumerline* or from the PSNI and other partner agencies, who prepared criminal case files for submission to the PPS. Between 2023-24, 450 cases were referred to the team, 372 were investigated and 10 case files were sent to the PPS for prosecution. Of these, one file was returned to Trading Standards with a request for additional information.

## RELEVANT INSPECTIONS AND REVIEWS

- 1.26 CJI have previously inspected two of the six organisations included in this inspection. In 2006 CJI examined the role of the Benefit Investigation Service within the then Social Security Agency<sup>32</sup>, noting the clear commitment to tackle fraud alongside improved effectiveness of investigations. CJI made 18 recommendations covering a range of issues including the need for improved public communication of successes in countering benefit fraud, improved target setting to deliver the optimum level of criminal sanctions and improved counter-fraud education and awareness programmes across the Social Security Agency. A Follow-Up Review in 2008<sup>33</sup> found that 15 of the 18 recommendations had been 'satisfactorily achieved', one had been 'set aside' and two required further work; these included the need for a formal protocol with the PPS and a means of capturing and communicating lessons learned from counter-fraud experience.

29 See <https://www.legislation.gov.uk/ukxi/2008/1277/contents>.

30 See <https://www.legislation.gov.uk/nisi/1981/231/contents#:~:text=1.No%20person%20shall%20use,125%20millilitres%2C%20150...>

31 *Department for the Economy, Trading Standards Service*, available at <https://www.economy-ni.gov.uk/articles/trading-standards-service>.

32 CJI, *Inspection of the Benefit Investigation Service of the Social Security Agency, May 2006* available at <https://www.cjini.org/getattachment/c0a418db-ce14-4a95-a45a-8e6bd3334934/Benefit-Investigation-Service-May-2006.aspx>.

33 CJI, *Inspection of the Benefit Investigation Service of the Social Security Agency, A follow-up review of the May 2006 inspection recommendations, May 2008* available at <https://www.cjini.org/getattachment/d9e5776f-49c7-494d-92f5-1246973c58d/Benefit-Investigation-Service-May-2008.aspx>.

- 1.27 In 2017, CJI undertook 'An inspection of the Department of Agriculture and Rural Development fraud investigations and enforcement activities'<sup>34</sup> that examined the role of the Central Investigation Service and the Veterinary Service Enforcement Branch in protecting farming, food production and animal welfare. This report noted that investigations were thorough and criminal case files prepared to a high standard. No strategic recommendations were made, however a number of areas of improvement were identified including the need for a statement in the Prosecution Policy confirming that the Department did not apply the Public Interest Test to files but highlighted public interest indicators to the PPS; a need for a strategic risk assessment of prolific and serious offenders operating under the guise of farming enterprises; and, a need to raise awareness of successes in achieving strategic targets.
- 1.28 Concerns were raised by a 'Whistleblower' in 2022 about animal welfare in livestock markets and meat traceability<sup>35</sup>. A subsequent Industrial Tribunal led to an external review that sought to establish the robustness and transparency of systems, policies, processes and governance procedures within the DAERA relating to raising, investigating and managing concerns. A key outcome from the review was the need for an updated DAERA-wide enforcement policy with regular reviews.<sup>36</sup> This was developed and published in May 2023.<sup>37</sup>
- 1.29 CJI has also conducted a number of inspections related to investigations and the processing of criminal case files by the PSNI and the PPS. Inspection Reports published between 2006 and 2012 highlighted the need for better quality in the preparation of criminal case files and reducing delay.<sup>38</sup> In 2015, CJI looked at the quality and timeliness of PSNI files submitted to the PPS and recommended better collaborative working between the PSNI and PPS and identified the need for improvement in file standards.<sup>39</sup>

34 CJI, *An inspection of the Department of Agriculture and Rural Development fraud investigations and enforcement activities*, August 2017 available at <https://www.cjini.org/getattachment/89973a0b-01b1-4bec-a8c5-0d2ec950f85a/report.aspx>.

35 BBC News, *Whistleblower vet awarded £1.25m settlement and apology from DAERA*, 25 April 2022 available at <https://www.bbc.co.uk/news/uk-northern-ireland-61212237>.

36 PriceWaterhouseCoopers, *DAERA External Review, Phase 1: Final Report*, 9 January 2023 available at <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/Phase%201%20-%20DAERA%20External%20Review-Final%20Report.pdf>.

37 Department of Agriculture, Environment and Rural Affairs, *Enforcement Policy*, May 2023 available at <https://www.daera-ni.gov.uk/sites/default/files/publications/dard/23.24.043%20DAERA%20Enforcement%20Policy%20-%202023.pdf>.

38 **A** - CJI, *Avoidable delay: A thematic inspection of delay in the processing of criminal cases in Northern Ireland*, May 2006 available at <https://www.cjini.org/getattachment/ed9d97d7-a15f-4fa5-90d1-3e3867124c21/Avoidable-Delay-May-2006.aspx>.

**B** - CJI, *Avoidable Delay*, June 2010, available at

<https://www.cjini.org/getattachment/c0243f51-1e73-47e8-a6fa-344d5f0063c5/Avoidable-Delay.aspx>.

**C** - CJI, *Avoidable Delay – A Progress Report*, January 2012, available at

<https://www.cjini.org/getattachment/0b926375-5443-44b6-b2f9-7a88e6f6725b/report.aspx>.

39 CJI, *An inspection of the Quality and Timeliness of Police Files (incorporating disclosure) submitted to the Public Prosecution Service for Northern Ireland*, November 2015 available at <https://www.cjini.org/getattachment/9faaa7ad-b1a9-4d66-bd35-79ff20848c7c/report.aspx>.

- 1.30 The most recent CJI inspection in 2023 re-examined delay, file quality and disclosure.<sup>40</sup> The Inspection Team identified that while some progress had been made in areas of collaboration, file build standards and agreed timeframes, there was still room for improvement. The 2015 recommendations were repeated, and three further strategic recommendations made to ensure that the criminal justice system's most senior leaders developed a shared strategy and responsibility for improving file quality.

## **FIELDWORK**

---

- 1.31 Fieldwork for this inspection took place between April and July 2024 and involved interviews and focus groups with senior leaders and relevant individuals across the enforcement and compliance units within each inspected organisation. Dip sampling of criminal case files was conducted, where case files existed. Interviews were also conducted with senior PPS Prosecutors and an Assistant Director. The full methodology for this inspection is contained at Appendix 1 and the Terms of Reference are provided in Appendix 2.

---

<sup>40</sup> CJI, *An inspection of file quality, disclosure and case progression and trial recovery from the COVID-19 pandemic*, June 2023 available at <https://www.cjini.org/getattachment/b88cbf6f-05c2-4ba5-baff-4ff8e96b897a/report.aspx>.

## CHAPTER 2: **STRATEGY AND GOVERNANCE**

- 2.1 The Inspection Team were provided with strategic documentation relating to criminal case processing from each of the six inspected organisations. All except Tourism NI had entered into an arrangement with the PPS, detailed within a Service Level Agreement (SLA), to prosecute cases in Court on their behalf. These arrangements were considered along with the organisations' internal strategic documents that set out the direction and purpose of case processing and prosecution. The Inspection Team also focused on the timing of *when* prosecution was initiated, including consideration of the rationale used when deciding on the best course of action following a suspected breach of legislation, as each of the organisations had differing levels of engagement with offenders before prosecution. This is referred to as the engagement and enforcement line in this report.
- 2.2 This inspection was a thematic overview and focussed on the key strategic approaches of the inspected organisations, supplemented with case study examples for detailed insight.
- 2.3 There was a distinction to be made between regulation, enforcement and licensing that impacted enforcement policies and how they were applied. For example, in the NIEA inspection of 2015<sup>41</sup> the NIEA were issuing licences to operators who were subject to enforcement by a different part of the organisation and called for the development of greater partnership working between the licencing and enforcement branches. This inspection focused on the processing of the case files of the six inspected organisations.

### **LEGISLATION AND POWERS OF ENFORCEMENT**

- 2.4 Most of the legislation governing the operation of the inspected organisations had been developed, and/or adopted into Northern Ireland laws, from England and Wales legislation and European Union regulations. The legislation was a key factor in how the organisations approached case building. Each of the six organisations regarded their governing legislation as generally fit for purpose, enabling them to carry out their day-to-day statutory functions both in terms of enforcement and engagement/prevention. This was particularly true for Trading Standards and the HSENI. However, there were some exceptions with organisations reporting to Inspectors that their governing legislation required updating and, in some cases, enactment.

41 *CJI, Northern Ireland Environment Agency, May 2015* available at <https://www.cjini.org/TheInspections/Inspection-Reports/2015/April---June/A-review-of-the-Northern-Ireland-Environment-Agenc.>

- 2.5 The PPS agreed that the legislation was fit for purpose and reported that all the organisations they prosecuted cases for understood the legislation well and directed Prosecutors to the relevant standards and burdens of proof required. Inspectors also evidenced this through the review of criminal case files (see Chapter 3). The HSENI were unique in that the offences they prosecuted had a reverse burden of proof that meant that the onus was on the offender to prove they had not broken the law.
- 2.6 Although the legislation governing the enforcement activities of the BSD and CMS was considered adequate to meet organisational requirements, staff reported that they did not have the same legislative powers as their colleagues in England and Wales. For example, powers under the Investigatory Powers Act (IPA)<sup>42</sup> that brought together all the powers and safeguards already available to law enforcement agencies to intercept communications as well as for the use of covert surveillance by public bodies,<sup>43</sup> were only made available to BSD and CMS Investigators during the time of inspection. This had limited the investigatory options available to Investigators and reduced the effectiveness of investigations conducted prior to the enactment of this legislation in Northern Ireland.
- 2.7 Inspectors were told about concerns regarding the lack of opportunity for new legislation to be made by the Northern Ireland Assembly to support the work of some of the organisations. There was a need to continue to develop the sharing of approaches and, where possible, resources between teams that had different powers of investigation. For example, the WEB confirmed that although legislation was applied where possible, it needed updating. The WEB had been negatively impacted by the UK's transition out of the European Union as the legislation governing the identification, registration and movement of animals was not adopted by the then Minister for Agriculture, Environment and Rural Affairs. This meant that the statutory powers required by WEB Investigators to track and trace animals and carry out unannounced inspections had not been available to the WEB team. Legislation had been implemented to rectify this problem following completion of the inspection fieldwork. This would restore WEB powers and create new and necessary compliance and enforcement work for Investigators to safeguard animals and consumers. This demonstrated the continuing need for organisations to push for legislation changes and updates through their respective Departments.
- 2.8 Northern Ireland was unique as the only part of the UK with a statutory requirement for all tourist accommodation to be inspected, ensure compliance with minimum standards set in legislation and to be certified; this was also not required in the Republic of Ireland. This role was fulfilled by Tourism NI. Legislation was reported to be fit for purpose but required updating to account for modern forms of tourist accommodation, including the growth of online booking platforms and the use of new forms of accommodation like glamping pods. This was an area of concern for Investigators and the Inspection Team given the prominence of online booking platforms in the Tourism Sector.

42 *Investigatory Powers Act 2016* available at <https://www.legislation.gov.uk/ukpga/2016/25/contents>.

43 *The Regulation of Investigatory Powers Act 2000, or 'RIPA'* available at <https://www.legislation.gov.uk/ukpga/2000/23/contents>.

- 2.9 The powers of enforcement available to investigation teams within the HSENI, Trading Standards, BSD and WEB were similar to those available to PSNI Officers, excluding the power of arrest. Investigators in these organisations had PACE<sup>44</sup> powers that enabled them to carry out their own investigations and interview suspects under caution without Police Officers having to be in attendance. When an arrest was deemed necessary, or when a criminal case required police input, a joint investigation was undertaken.
- 2.10 Specialist skills were often required within organisations, where cases required bespoke knowledge and powers. For example, within the BSD Organised Fraud Unit specialist Fraud Officers were central to investigations that required specialist training and expertise. Such skills would have also been beneficial to other organisations, such as CMS, that relied on close connections with colleagues in England and Wales. These shortfalls supported the need for organisations to explore whether there could be shared resources within and between Northern Ireland Departments.

## GOVERNANCE AND ACCOUNTABILITY

- 2.11 At a Departmental level, the DfE, DfC and DAERA had governance and oversight arrangements in place with some having more direct input (BSD with the DfC) than others (Trading Standards and the HSENI, DfE). This appeared to have little impact on the quality of case preparation work at a local level. There was an acceptance at senior Departmental level of an ongoing need to raise the importance and profile of the vital work being carried out by the inspected organisations. Consistency across Departments would be difficult to achieve with different priorities and budgets but that should not prevent attempts to do so. In the absence of cross Departmental working, there was an opportunity for the organisations to cross reference standards and quality to ensure consistency of approaches. The PPS had an ongoing role in this regard.
- 2.12 There were common internal governance structures across the inspected organisations that included a demonstrable flow of information across teams. Excellent examples included those where daily, weekly, monthly and quarterly meetings occurred displaying regular information sharing and learning opportunities. This was particularly important for discussions about decisions whether to continue engagement or to prosecute a case. The BSD were a particularly good example of this with clear lines of accountability, including the use of certificates of assurance, all being monitored across each line of governance. Enhanced oversight at a senior level may assist in providing strategic direction for example within Tourism NI and the CMS. There was a lack of evidence available

44 These are the laws that govern how criminal evidence should be obtained, and how searches and arrests should be carried out. *The Police and Criminal Evidence (Northern Ireland) Order 1989* available at <https://www.legislation.gov.uk/nisi/1989/1341/contents>.

to Inspectors showing the role and importance of investigation and criminal case preparation in both these organisations. This should be a consideration for the inspected organisations when implementing Strategic Recommendation 2 (see later in this Chapter).

## ORGANISATIONS' STRATEGIC DIRECTION

- 2.13 The six organisations' strategic documentation for criminal case processing varied in levels of detail and direction from the very clear and concise such as the HSENI, BSD and Trading Standards that clearly set out the role, aims and goals of enforcement, to those with less strategic direction for the preparation and prosecution of criminal cases such as Tourism NI and CMS. These different approaches were reviewed and verified through document review, interviews and the case file review.
- 2.14 Trading Standards provided an exemplar enforcement policy, setting out clear direction and practical approaches to engage with consumers and businesses as well as the investigation and preparation of criminal case files. It was easy to understand and follow. Staff tasked with policy implementation in their organisation were well aware of the strategic direction and aims and were supportive of, and supported by, the Senior Management Team. Senior managers maintained good lines of communication with operational staff with regular updates on organisational programmes and procedures. The case files reviewed by the Inspection Team supported this finding, signifying a strong strategic grip and resulting in well laid out and logically prepared case files that the PPS reported as helpful in assisting them to successfully prosecute cases.
- 2.15 Importantly, the Trading Standards Enforcement Policy also provided clarity for consumers and businesses of the circumstances when Trading Standards were unable to conduct investigations such as resource pressures and the challenging financial environment. Inspectors appreciated the transparency of this approach that provided the public with clear guidance on what Trading Standards could and could not do. Figure 1 provides a summary of the Trading Standards Enforcement Policy<sup>45</sup> setting out clear expectations for the public and its prioritisation principles.

<sup>45</sup> *Trading Standards enforcement policy* available at <https://www.economy-ni.gov.uk/sites/default/files/publications/economy/TSS-Enforcement-Policy.pdf>.

**Figure 1:**

**What we can't do**

**Investigate every complaint we receive.**

*We are not able to investigate or take action on all matters reported to us. Limited resources make it essential for us to prioritise, tackling the issues which cause the most detriment to Northern Ireland businesses and consumers.*

**Obtain redress on your behalf**

*Consumerline can provide you with comprehensive, professional advice on your rights and how to obtain appropriate redress. If the business is not co-operative, then in some cases it may require you to take the matter to a civil Court. We are not able to obtain redress on your behalf and we are not able to pursue cases in the civil Courts for you.*

**Provide feedback on what you have reported to us**

*Trading Standards will endeavour to keep you up to date with what is happening in cases where formal action is being taken but it is not always possible to do this. This is not because we don't want to tell you about the outcome of your case, it is because the law, in most cases, does not allow us to do this or it may interfere with our operational activities.*

**What we can do**

*Every year we receive thousands of consumer complaints through Consumerline and from other agencies. Resource constraints mean we have to prioritise the most serious cases for intervention and use the others to help us to plan our prevention work.*

*We have a wide range of options available to us in terms of intervention... We have a duty to ensure in every case that the action taken is proportionate to the matter we are tackling. When we investigate... we must be sure that there is enough evidence to use in Court and that the investigation would be in the public interest.*

*We can provide advice to businesses, helping them to comply with the law, and also carry out inspections to ensure wider legal compliance.*

*We will use our statutory enforcement powers to increase compliance with consumer protection law, and take enforcement action where appropriate, in line with our priorities.*

**Prioritisation principles**

*In order to help us to achieve our mission and to be transparent in our choice of activities, we have developed the following four high level prioritisation principles. They are:*

- *Level of economic and/or physical harm;*
- *Likely impact of the action taken by the Trading Standards Service;*
- *Strategic significance; and*
- *Risks, resources and costs;*

*During any project, or investigation we will consider, on an ongoing basis, whether the issue deserves the continued commitment of resource when weighed against competing issues.*

The transparency of this approach contrasted with the more opaque strategies of other organisations. While the quality of case files was of the highest standards, the reality within the HSENI, was when presented with an increased number of fatal incidents within a reporting period, investigative resource was predominantly dedicated to those fatal incidents. This therefore had the impact of reducing available resource to investigate other serious incidents and injuries which still met the investigation threshold detailed in the HSENI's incident selection criteria. As noted, the Trading Standards Enforcement Policy was clear in identifying the impact of resources and costs on cases proceeding to full investigation. In comparison, the HSENI enforcement guidance stated that in order to '*maintain a proportionate response[...]most resources available for investigation of incidents will be devoted to the more serious circumstances.*' The reality was that fatalities took priority, and the investigation of the more 'serious' cases was dependent on resources, staffing, the number of fatal incidents under investigation and the amount of Court work being undertaken. Inspectors were cognisant of the resource pressures of all the inspected organisations and the tight financial environment each was operating in and greater transparency would be beneficial for the inspected organisations and public.

2.16 While the strategic direction of the DAERA WEB team was clearly understood, there were some gaps in team knowledge and ownership of the wider DAERA Enforcement Policy.<sup>46</sup> This policy, that set out the enforcement approach for the WEB team, was a generic Departmental policy that had been developed in response to the whistleblowing case.<sup>47</sup> WEB staff did not connect well with this policy and there appeared to be a gap between Departmental direction and the work of the WEB team. Staff below senior management level were not aware of the policy.

2.17 At Departmental level, the DfE described tourism as one of Northern Ireland's most important economic sectors and key to dispersing wealth across Northern Ireland, contributing annual expenditure of more than £1 billion in 2019 and supporting approximately 71,000 jobs across the region. Tourism NI were the only inspected organisation that used a private firm of solicitors to pursue cases when requests for compliance and registration from Tourism NI were not adequately responded to. There was no available evidence to understand how effective this was in terms of a cost/benefit analysis. An elongated enforcement process provided ample time for the business to rectify non-compliance. However, with technological advances, including the instantaneous nature of online booking platforms, a lack of information provision from these platforms and the requirement to re-start the enforcement process should a discontinued listing be re-listed, the opportunity for continued regulation breaches remained. This placed Tourism NI in a difficult position of performing nugatory work with no obvious strategic compliance related achievements.

46 DAERA, *Enforcement Policy, May 2023* available at <https://www.daera-ni.gov.uk/sites/default/files/publications/dard/23.24.043%20DAERA%20Enforcement%20Policy%20-%202023.pdf>.

47 BBC News, *Whistleblower vet awarded £1.25m settlement and apology from DAERA, 25 April 2022*, available at <https://www.bbc.co.uk/news/uk-northern-ireland-61212237>.

- 2.18 With no Court case files to review, it was not possible to comment on how well the approach was operating however, Inspectors were informed that there was only one staff member working part-time on these cases, including undertaking proactive work to identify non-compliance. In the absence of sound strategic direction setting out the role of enforcement within Tourism NI, including priorities and goals, that process involved time consuming checks online and checking referrals from Belfast City Council based on applications for property change of use. Other Local Government Districts were not being checked in the same way. Inspectors heard that a lack of resources and direction were key blockages to progress.
- 2.19 The CMS were required to consider child welfare. Inspectors found that the CMS had a clear focus on putting the child first both in business-as-usual engagement with paying and receiving parents and in consideration of pursuing enforcement action against a non-paying parent. This had an understandable impact on the strategic direction of the enforcement approach of the organisation. Although this direction was clear, the role and importance of the Financial Investigation Unit was less so, with staff (including Investigators) unsure of the role and purpose of enforcement within the organisation. Some of this uncertainty related to the need to secure the best outcome for the child, with ongoing engagement a central tool throughout the lifetime of a case. However, staff also reported feeling uncertain about the threshold that prompted an investigation or in understanding what success looked like as part of enforcement and criminal case processing. Investigators and managers reported a 'nervousness' and 'reluctance' to use powers as part of an investigation. Inspectors assessed that this stemmed from a lack of strategic direction and clarity on the Unit's role and enforcement effectiveness within the organisation.
- 2.20 Both Tourism NI and the CMS should ensure they are carrying out their statutory functions, including instigating enforcement action, where appropriate. Where criminal cases are to be prepared for prosecution, both organisations require clearer and better guidance for staff. Some form of shared learning from those organisations that had a mature and well formulated approach to the preparation of cases would greatly help organisations including Tourism NI and the CMS with cases being processed for prosecution.

## STRATEGIC RECOMMENDATION 2

Within six months from the publication of this report, all the inspected organisations, specifically Tourism NI and the Child Maintenance Service, should ensure that they have clear strategy and guidance documents in place to ensure their compliance with their statutory requirements for the processing of criminal cases and enforcement responsibilities and engagement processes they are involved in.

## ENFORCEMENT AND ENGAGEMENT

- 2.21 Although enforcement and the preparation of criminal case files was the focus of this inspection, the six inspected organisations told Inspectors about the engagement activities undertaken with individuals and organisations who were, or were at risk of, breaching regulations. Engagement was used to educate individuals and organisations about their legal obligations to help prevent a breach and as a tool to bring about compliance and improvements in processes and practice following a breach. This issue raised how well the inspected organisations were trusted by, and what degree of confidence the public had, in their work. The grey areas between enforcement and engagement could be reduced by having a clear enforcement policy in each organisation.
- 2.22 Across the inspected organisations a range of different strategies or policies were utilised to differentiate between the role of enforcement (and ultimately prosecution) and engagement. Some strategies required a clear, threshold-based enforcement structure with strict guidelines governing decisions on when to investigate and prepare a criminal case file (for example the BSD) while others relied on much greater levels of engagement (for example the CMS)<sup>48</sup>. No one system suited all, but whichever system was adopted, the Inspection Team expected the lines between enforcement and engagement to be clear, detailed and consistently applied. Transparency in decision-making between the use of engagement or enforcement was critical to ensure fairness, equality under the law, to prevent the abuse of power and to reinforce public trust in the criminal justice system. This was a significant area that needed to be addressed by all inspected organisations to ensure consistency and transparency across all investigations and prosecutions. The organisations could learn from each other to develop strategies for engagement and enforcement action.
- 2.23 Within the DAERA much of the engagement work was undertaken by DVOs, although the WEB Investigators reported that, since the loss of the identification, registration and movement of animal's legislation, they had been participating in increased engagement work in collaboration with the DVOs. The WEB Investigators considered that their role in the investigation and processing of criminal case files had a different overall strategic objective than the DVOs who were locally based and worked closely with local farmers. The WEB had a specific role and direction to investigate and prosecute cases referred to them by the DVOs and cleared through an Allocation Panel. While the Inspection Team were told that working with farmers to improve conditions, practices and processes was the preferred option, with preparing cases for prosecution a last resort, this enforcement/engagement line was deemed too thin by the WEB team who said there was too much emphasis on working with farmers. This was supplemented with anecdotal examples of cases they felt should have been sent for prosecution at an earlier juncture and cases that WEB Investigators reported difficulties in obtaining the required evidence for files such as supporting statement from the DVOs.

48 Inspectors were informed that the CMS Fraud Investigation Unit had merged with BSD in July 2024, and the same strict guidelines will be applied to the CMS as with the BSD.

- 2.24 It was clear within the Veterinary Service Animal Health group that there were mixed messages about the strategic approach regarding engagement and enforcement between the DVOs and WEB enforcement team. This was a disappointing finding as the Enforcement Policy had only just been updated following the previously mentioned whistleblowing case.<sup>49</sup> The vet in that case, Dr Bronckaers had identified serious failings in animal welfare at livestock markets, and the abuse of a process called ‘deleted moves’ that was a process whereby a dealer would buy an animal without having someone to immediately sell it to. In October 2021 the DAERA conducted an Internal Audit Review of Cattle Traceability System within the Veterinary Animal Health Group and noted that *“The Department (DAERA) can reassure the public and the agri-food industry that it will continue to review its risk management tools and will seek to strengthen the controls where necessary for animal traceability to ensure continued confidence in the system[...]The Department takes extremely seriously all the matters which contributed to the outcome of the recent tribunal and will be progressing an internal review into them. This review is being undertaken with urgency and will be completed at pace.”*
- 2.25 This external review led to a new policy being developed having identified that the old policy did not provide guidance on when specific enforcement action should be undertaken. It was clear that this was an area that required immediate improvement for the DAERA, those tasked with ensuring animal welfare and traceability and those who were tasked to prepare cases for prosecution. This is an area that can be addressed as part of Strategic Recommendation 2.
- 2.26 The inspected organisations (except Tourism NI) had different structures in place that allowed for cases to be referred from compliance, engagement and business-as-usual teams to the enforcement team for investigation and the potential preparation of a criminal case file for submission to the PPS for prosecution.
- 2.27 Perhaps the most mature system was evident within the DAERA Veterinary Service Animal Health group and Trading Standards. Each operated an Allocation Panel of senior and experienced staff who decided on the strength of evidence and ensured that each case decision was logical and addressed the legislative requirements. This provided a level of quality assurance for all cases submitted to the PPS. This was reflected in the files reviewed by Inspectors and was an excellent process.
- 2.28 Within the HSENI a similar process was undertaken by the MIT Principal Inspector and the Deputy Chief Executive who following receipt of a preliminary investigation report from the operational team, reviewed evidence and made the decision as to whether the case would move to the MIT for further investigation.

<sup>49</sup> BBC News Article, Whistleblower vet awarded £1.25m settlement and apology from DAERA, 25 April 2022 available at <https://www.bbc.co.uk/news/uk-northern-ireland-61212237>.

- 2.29 A threshold-based system was operational within the BSD team, where overpayments of a specific amount resulted in an automatic referral to the BSD Fraud Investigation Unit, any overpayment below this limit was addressed by the Compliance Team. This limit was reviewed by the Benefit Security Board every six months and had recently increased due to the volume of cases being referred to the Fraud Investigation Unit. Internal high priority risk scans were conducted and this enabled the identification and prioritisation of cases that required investigation.
- 2.30 The lack of clear strategic direction regarding the role of enforcement action within Tourism NI and the CMS resulted in reduced clarity for these organisations on their approach to engagement or enforcement. Importantly, achieving high compliance rates was considered by those interviewed as a success for the CMS. Ensuring the appropriate payments were made for the benefit of children in Northern Ireland were higher than in England and Wales according to CMS staff members interviewed (data was not provided to Inspectors at the time of inspection). This demonstrated that engagement was a legitimate approach for CMS in ensuring compliance with its regulations. Where engagement was not producing the required results or where a criminal act such as fraud or misrepresentation was suspected, the CMS relied on a significant degree of discretionary decision-making by staff within the business-as-usual team to make a referral to the Financial Investigation Unit. Staff within the Financial Investigation Unit reported some concerns that the number and type of referrals did not always reflect the scale of the potential regulation breached. Once the referral was made to the Financial Investigation Unit there were several checks and balances in place that determined if the referral was investigated or returned for engagement.
- 2.31 Tourism NI were not able to provide a breakdown or evidence of the scale or potential scale of non-compliance. The role of enforcement only materialised once the team became aware of non-compliance through a limited proactive search, a referral from a partner such as Belfast City Council, or a complaint from the public.

## **CONNECTIONS WITH OTHER ORGANISATIONS**

- 2.32 Good working relationships with the PSNI were reported by most of the organisations, particularly at local level and Inspectors found excellent examples of good strategic connections. BSD, Trading Standards and the HSENI had good connections with the PSNI through their membership of the Organised Crime Task Force and *Scamwise*.<sup>50</sup> There were clear lines set out at the start of joint investigations and the Departmental Cases were being prepared the same as single agency cases and submitted to the PSNI for processing as part of the wider criminal cases.

50 *Scamwise NI Partnership* information available at <https://www.nidirect.gov.uk/campaigns/scamwiseni>.

- 2.33 As the PPS prosecuted cases on behalf of five of the six organisations, the PPS was the most significant external organisation. These organisations each had a SLA with the PPS that set out work parameters, numbers of files and costs, where appropriate. It was notable that, within the SLAs, there were different agreements in place for each inspected organisation – some had a number of cases that were free to prosecute, and others had to pay an annual fee. The inspected organisations and the PPS agreed that there was a need to have a uniform and consistent approach for prosecuting Departmental Cases (see Strategic Recommendation 2). Overall, the PPS were described as good partners who were willing to engage and were helpful. Similarly, the PPS praised the standard of files it received for prosecution from the inspected organisations.
- 2.34 Investigation staff were supportive of the good communication with Prosecutors who were generally available to discuss cases and evidence to ensure the best evidential standards were being applied. However, there were some examples cited that pointed to a lack of clarity and communication from the PPS to organisations, in particular what happened to cases at Court. Some concern was raised that pleas were being accepted in cases that were not always explained to the investigating team. Case study one provides details of a Trading Standards case where a fraud charge not proceeded with produced significant negative commentary from the Judge. Normally this did not cause too many concerns as the range of offending was mostly covered in the charges that were being accepted by the defendant, but a charge withdrawn in a BSD benefits case for example, removed the opportunity for a Judge to impose a confiscation order.

### CASE STUDY 1

Between January 2020 and December 2022, a self-employed contractor had undertaken home improvement work for nine identified consumers, totalling £92,000. Each of the nine consumers contacted *Consumerline* separately to make a complaint about the quality of the work, alleging that although a 10-year guarantee was provided, no reported faults were ever repaired. This included a fault that required a complete rebuild of the initial work at a cost of over £10,000 in addition to the payment made initially. Following a Trading Standards investigation, and when interviewed under caution, the contractor admitted to unfair trading tactics and unscrupulous practice. The investigation also uncovered that the contractor was operating fraudulently under a false business address and had devised invoices that were misleading.

The file included charges of fraudulent misrepresentation under Section 1 of the Fraud Act 2006 and one overall charge for running a fraudulent business under Section 9 of the Act. During the case, the Defence offered to plead guilty to over 20 charges under the Consumer Protection from Unfair Trading Regulations 2008 and the Fraud Act charges were withdrawn. While Trading Standard were content that the Section 1 charges were withdrawn they had hoped to retain the Section 9 charge. The decision to proceed or not with charges rests with the PPS however, the Judge made comments on the fact there were no fraud charges during sentencing. The contractor was convicted only of offences under the Consumer Protection from Unfair Trading Regulations 2008.

This had a negative impact on the inspected organisations and victims and was an area that could be developed with improved communication between those at Court and relevant Investigators that should also include defendants and their legal representatives. Inspectors were of the strong view that good communication between all parties, as cases progressed through the Court process, was essential.

- 2.35 Trading Standards, the HSENI, BSD and CMS all reported good working relationships with their counterparts in England and Wales, Scotland and the Republic of Ireland including the sharing of skills, knowledge and resources. This provided expertise and support for the inspected organisations however, Inspectors believed that each organisation and others preparing prosecutions for Departmental Courts also had the potential to learn from each other. Throughout this Chapter there are examples of individual organisational excellence as well as gaps that can be filled with shared skills, knowledge and expertise. Not all the organisations required the same levels of support in establishing strategic direction or in improving processes and procedures, but all had a role in partnership with the PPS to ensure consistency and standards for prosecuting cases.

## SUMMARY OF STRATEGIC FINDINGS

- 2.36 Overall, legislation and enforcement powers were being used effectively although the six inspected organisations were all vulnerable to shifting landscapes and offending behaviours changing. Regular legislative updates were required that needed the six inspected organisations' leaders to engage with their sponsor Departments on a regular basis to explain the rationale and secure support for the changes. There was further potential to explore sharing resources and opportunities for joint learning with the PPS.
- 2.37 Not all of the inspected organisations had clarity and direction on investigation, engagement and prosecution relevant to their statutory powers that all staff know and understand. The six organisations needed to ensure a consistent case prosecution approach with the PPS and clarity and transparency in their own strategic approaches that established the need for Strategic Recommendation 2.

## CHAPTER 3: DELIVERY

- 3.1 This Chapter examines the processes that were in place during this Inspection to deliver on the strategic direction of the inspected organisations. Inspectors considered the standards and quality of the criminal case files being prepared for the PPS as the main source of evidence however, having good systems and processes in place was also a key part of ensuring consistency and accountability.
- 3.2 Some brief case studies are used as an example of the range of work being carried out.

### CASE STUDY 2

#### DAERA WEB TEAM

In an animal transportation case relating to causing unnecessary suffering to animals, a local PSNI team intercepted a vehicle transporting animals to England. On closer examination the Police Officers discovered that a number of the animals were in a poor physical condition. A referral was made to the local DVO who inspected the animals and found a number to be unfit for transportation and that were in such poor condition that they had to be euthanised. A further referral was then made to the WEB team to conduct an investigation and prepare a criminal case file for submission to the PPS. The final outcome of this case was not available on the file at the time of inspection however, this case demonstrated one example of the important role the WEB team had in ensuring animal welfare and protecting the public from unsafe practices.

### CASE STUDY 3

#### DFC BSD TEAM

A BSD case review involved a husband and wife who were claiming benefits while working and living together. Together the couple made several false declarations around their living arrangements and their income. After an investigation, the BSD Fraud Investigation Unit identified overpayments (money that should not have been paid because of the false declarations) of over £20,000 in Universal Credit and £20,000 in Personal Independence Payments between 2020-2023. The outcome of this case was not able to be presented to the media to demonstrate to the public the work that was being carried out; however, it demonstrated the significant amounts of public money that the BSD team were recouping.<sup>51</sup>

51 BSD has confirmed that from 1 April 2025 the publication of sentencing will be reintroduced.

## CASE STUDY 4

### DFE HSENI TEAM

In one case reviewed, the HSENI MIT investigated a workplace fatality that involved the transportation, loading and unloading of goods. Numerous breaches of health and safety regulations were identified and it was established that there was no safe system of work in place or appropriate risk assessments conducted. Furthermore, there had been inadequate training. The case was prepared to an excellent standard albeit it took one year and five months after the fatal incident occurred before submission to the PPS. The investigation and submission of these cases can be delayed for example through waiting on the PSNI investigations or third-party experts to provide reports.

This tragedy highlighted the significant level of gravity the HSENI were investigating and the importance of legislation and effective health and safety procedures to protect workers and the public.

## CASE STUDY 5

### DFE TRADING STANDARDS

In a complaint to *Consumerline* against an estate agent, both the house purchaser and the house seller were informed that they had to pay a marketing fee if the house was not sold. A purchase price was agreed but after several months the house was withdrawn from sale and the estate agent sought a sales fee of the agreed price plus costs of over £3,000 from the complainant/seller. A complaint was made that all the fees were hidden and not explained well. The estate agent was interviewed and warned that they had breached estate agents and consumer protection regulations. This was contested by the estate agent who sought to pursue a civil claim against the seller.

This highlighted the complexities of transactions such as purchasing a house that often had technical laws and contracts attached. Having organisations such as Trading Standards and the Consumerline helpline were vital to ensure fairness and protect against practices that may be unfair to customers or difficult for some people to understand.

These examples provide an overview of some of the important work that was carried out by the inspected organisations which can significantly impact all members of the public and highlighted the need for ensuring that when cases are prepared and processed, it is done to a high standard.

## CASE PROCESSING: FILE REVIEW AND QUALITY STANDARDS

- 3.3 The evidence presented in this Chapter will reflect the findings and file reviews from five organisations excluding Tourism NI. Inspectors reviewed 20 files in total in order to provide a snapshot of the quality of investigations and file preparation. File reviews were not carried out in Tourism NI and were limited in CMS due to volumes available and enforcement activity. As outlined in the previous Chapter, this is due to the lack of case file building taking place and the need for greater strategic direction in those organisations to ensure the enforcement function of these two organisations operated as intended and fulfilled their statutory obligations. Tourism NI held an online file for each enforcement case with a bespoke information technology system although it was not commensurate with the other organisations approach to file build standards agreed with the PPS. This included a timeline of events, copies of all Tourism NI engagement with the business and copies of all legal engagement up to prosecution.
- 3.4 Inspectors were impressed with the high-quality evidence in the files reviewed (excepting the one CMS case that is not referred to hereinafter). Despite the relatively low number of cases reviewed, having such a high quality is unusual in terms of file reviews as evidenced in the CJI inspections of file quality in the PSNI and PPS.<sup>52</sup> Dip-sampling of case files was not intended to demonstrate in of itself the success of file building, rather the triangulation of evidence from the organisations, the PPS as prosecutorial body and stakeholders.
- 3.5 All of the files were completed in a clear and logical way. They were easy to follow and were separated into sections appropriately. The outlines of cases, that describes what has happened in a case and how the investigation was undertaken, were very good, as was the analysis which was undertaken of the offences that were recommended along with the evidence required to support them. These outlines were being updated at the time of inspection to include the use of a PPS standardised form referred to as the Structured Outline of Case. This ensured consistency with the structure and content of criminal case files prepared by the PSNI. However, Inspectors were of the view that the outlines provided by the inspected organisations were of a superior quality to those presented in the files reviewed as part of previous PSNI file and PPS quality inspections and that any changes should be restricted to procedural practices to ensure no reduction in the quality of outlines being provided.
- 3.6 Some of the organisations had clearly linked their strategic goals with Key Performance Indicators for example the BSD team and the HSENI. These organisations linked areas such as the number of sanctions and money recorded (benefits overpayments within the BSD team) to the overall aims of the organisation.

52 *Criminal Justice Inspection, An inspection of file quality, disclosure and case progression and trial recovery from the COVID-19 pandemic, June 2023* available at <https://www.cjini.org/getattachment/b88cbf6f-05c2-4ba5-baff-4ff8e96b897a/report.aspx>.

This provided a basis for a unified approach that was translated into consistent working practices and staff knowing what was expected of them and feeling a common sense of direction. Quality file standards was a common theme among all those interviewed in the organisations who were actively preparing criminal case files and the overall approach was reflected in the very high standards applied.

### **Case building**

- 3.7 Case building in these organisations was based on a mature process with paper-based files that had been in operation for a long period of time and predated the creation of the PPS. The PSNI had largely moved towards digital files and sharing information through the Causeway system that allowed for criminal justice organisations to share information with each other. The inspected organisations were not part of the Causeway data sharing mechanism and therefore continued with a paper-based approach. The negative implications of this were that files often took longer to prepare with numerous copies made and hand delivered. It was also not in keeping with the move towards digital justice initiatives to optimise collective efforts in making improvements through technology.<sup>53</sup> There needed to be a reduction in the amount of material and paper being provided unnecessarily. Voluminous files being printed numerous times, some of which were then scanned and entered on to a PPS information technology system, was resource intensive and outdated. Similarly, printing legislation and providing it to the PPS was deemed superfluous as the PPS had access to legislation online and many copies of the same legislation had previously been sent.
- 3.8 There were benefits to streamlining case files that could be realised by all the inspected organisations, particularly in terms of timeliness and resource implications. For example, providing full transcripts of interviews, that in some instances were hundreds of pages long, was not required in all cases, particularly for 'no comment' interviews. Adjustments to case file preparation such as this should be explored with the PPS collectively as a means of developing a consistent approach to case building across all Departmental cases. This should be considered as part of Operational Recommendation 1.
- 3.9 Disclosure was handled well in all the cases with evidence that schedules had been completed with all evidence and signed appropriately. Even though it was a small sample, handling disclosure well was significant as CJI has previously recommended that the PSNI and PPS work together to improve this aspect in police files.<sup>54</sup> All the files met the build standards that were required both by the inspected organisations and the PPS. None of the files were returned by the PPS with deficiencies in the evidence that was obtained or how it was presented.

53 *Digital Justice Strategy, Department of Justice, July 2020* available at <https://www.justice-ni.gov.uk/publications/digital-justice-strategy-2020>.

54 *CJI, File Quality Disclosure and Case Progression and trial recovery from the COVID-19 pandemic, June 2023* available at <https://www.cjini.org/TheInspections/Inspection-Reports/2023/Apr-June/File-Quality,-Disclosure-and-Case-Progression-and>

3.10 The most important factor throughout the inspection was that cases were of the highest quality when comparing against those files reviewed by CJI in recent PSNI and PPS inspections.<sup>55</sup> This was commendable and recommendations in this report seek to build on this quality while streamlining and unifying processes across the inspected organisations.

### **Recording**

3.11 There were quality checks and balances undertaken throughout the life of the case file preparation as evidenced in interviews with investigating staff and managers. The BSD, for example, had a Quality Control Manager who ensured case files were not submitted to the PPS until all quality checks had been made. However, these checks were not always well recorded on the files themselves. Similarly, the recording of considerations, decision-making and meetings relating to the case were not routinely recorded on the files reviewed. Inspectors were informed that such information is recorded on a separate information technology system. Recording of rationale and reasoning for actions taken on cases was a common theme CJI has consistently highlighted as areas for improvement for the PPS and the PSNI.<sup>56</sup> These issues were also evident across the organisations in the current inspection. Case plans and recording rationale is crucial to ensure consistency, transparency and an audit trail that is vital for quality assurance and external scrutiny. It is preferable to have information technology in place that is automated to prevent cases being moved along in the case preparation stage however, Inspectors expected to find records, thought processes and case plans being available in any format. It was disappointing that this was not universally the case. This area should be considered as part of Operational Recommendation 1. A system similar to Trading Standards would benefit all the organisations inspected.

3.12 The issue was exacerbated by the Departmental organisations not having access to Causeway data sharing technology. Not having an integrated digitised system, that was a key aim for transformation for the Department of Justice,<sup>57</sup> highlighted that these organisations operated on the periphery of the criminal justice system, however their statutory responsibilities and operations were a vital part of it in terms of protecting people and businesses and upholding the law. The key exception was the Trading Standards computer system that is referred to earlier in this report. This also highlighted the complex picture of so many different government Departments having control over the different organisations inspected.

55 CJI, *File Quality Disclosure and Case Progression and trial recovery from the COVID-19 pandemic, June 2023* available at <https://www.cjini.org/TheInspections/Inspection-Reports/2023/Apr-June/File-Quality,-Disclosure-and-Case-Progression-and->

56 CJI, *File Quality, Disclosure and Case Progression and Trial Recovery from the COVID-19 Pandemic, June 2023* available at <https://www.cjini.org/TheInspections/Inspection-Reports/2023/Apr-June/File-Quality,-Disclosure-and-Case-Progression-and->

57 DoJ, *Northern Ireland Courts and Tribunals Service Digital Strategy 2021-26, January 2022* available at <https://www.justice-ni.gov.uk/publications/nicts-digital-strategy-2021-2026>.

## OPERATIONAL RECOMMENDATION 1

The inspected organisations, in conjunction with the Public Prosecution Service for Northern Ireland, should explore and implement the digitisation and transfer of criminal case files. Technology should also ensure the recording of key decision-making processes and rationale, provide live updates of case status and track issues that arise during a case.

## STAFFING STRUCTURE, TRAINING AND PERFORMANCE

- 3.13 Inspectors were impressed by the dedicated staff across the organisations who had a deep understanding of the importance of their work and their role in protecting individuals, consumers, animals and businesses.
- 3.14 Overall budgets for the organisations' enforcement teams were consumed within wider Department and team budgets. Some of the inspected organisations were better positioned to provide information based on specific Business Plans such as the HSENI<sup>58</sup> that kept detailed records of incidents, programmes being delivered, activities and outcomes being achieved. The HSENI budget in April 2022 was £7,785,000 and was funded annually by the DfE. Their Business Plan had a high level of detail on activities and performance. The investigator team in MIT was made up of one Principal Inspector and six Deputy Principals with support staff involved in processing case files.
- 3.15 The 2024-25 DAERA Business Plan<sup>59</sup> did not breakdown how funding was allocated for this specific inspected area. The WEB team had eight enforcement staff with two line managers and an overall team lead.
- 3.16 Similarly, Tourism NI's latest certified annual report<sup>60</sup> provided a wider budgetary picture but also had some detail on fees being paid for certification of tourist accommodation (the inspected area). In 2021-22 there was a generated income in this area of £45,162 however the costs were £64,734 that resulted in a loss of £19,572. The previous year saw income of £20,409 from fees and charges and costs of £62,997 that generated a loss of £42,588. There was one member of staff operating in this area part-time with support through a line manager.
- 3.17 The investigations team were a stand-alone unit within the wider CMS. Similar to other teams, the team budget was not easily definable as enforcement roles were not separated from the Financial Investigations Unit that processes criminal cases.

58 HSENI, *Annual Report and Accounts, 1 April 2022 to 31 March 2023* available at <https://www.hseni.gov.uk/sites/hseni.gov.uk/files/hseni-annual-report-and-accounts-2022-2023.pdf>.

59 DAERA, *Business Plan 2024-25*, available at <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/Annex%20A%20-%20DAERA%20Business%20Plan%202024-25%20Final%20-%2012%20Aug%2024.PDF>.

60 Tourism NI, *Annual Report for the year ended 31 March 2022*, available at <https://www.tourismni.com/globalassets/about-tourism-ni/strategic-documents/annual-reports/2021-22-tni-annual-report-and-accounts--certified-9.pdf>.

This unit was broken down only to average staff salary. They had four staff at Executive Officer (EO) 1 grade and one EO2.<sup>61</sup> They also had the Full Time Equivalent of half a Staff Officer. The CMS kept data on numbers of cases and case outcomes that was very helpful. At the time of inspection three of four Investigators were in training in the Unit. However, in the six years since September 2018, there was only one year they had achieved this number of Investigators with around one or two for most years. This was the biggest challenge the unit had been facing.

3.18 The BSD Benefit Fraud and Compliance Teams' strategy provided an excellent detailed analysis of the level of fraud and error with relevant information on costs. It was able to map the rates of loss from fraud and error against overall benefit expenditure. This level of financial awareness provided a good basis for ascertaining value for money and attributing a cost analysis to each member of staff. Staff numbers for each area involved with benefit fraud were provided to the Inspection Team as follows:

- **Organised Fraud Unit** - organised crime/criminals, sensitive investigations. The team generally operated with 10 staff. There were eight in post at the time of inspection with two others due to be appointed.
- **Fraud Investigators** (Regional Teams) - the optimum staff level was to have approximately 60 however, there were 48 Investigators in post at the time of inspection with an additional nine in training.
- **Compliance Teams** - managed investigations by way of challenging interviews with claimants and in addition seek evidence from the customer to prove or disprove an allegation. They take forward cases that do not reach a higher level of overpayment. It aimed to have approximately 20 staff in post but had 15 at the time of inspection.
- **Enhanced Review Team** – was a small team of five who managed a range of specific scans and data matches aligned to the work of Department of Works and Pensions undertaking reviews of customers' applications and carrying out interviews and seek evidence including from the customer to prove or disprove the allegation.
- **Interventions** - had 47 staff (37 Full Time Equivalent) at Administrative Officer grade working in interventions. The BSD Case Intervention teams carry out targeted checks on Employment Support Allowance and Universal Credit.

This provided a comprehensive analysis of the roles and responsibilities and although the focus of the inspection was on case preparation of criminal cases, Inspectors acknowledged the sophisticated nature of the overall approach to detecting and prosecuting benefit fraud cases. It also provided a good example of how the cases that were prepared were part of a wider system and approach.

61 The Non-Industrial staff group is split into the following eight grades: Administrative Assistant; Administrative Officer; Executive Officer II. Executive Officer I; Staff Officer; Deputy Principal. Grade 7; and, Grade 6.

- 3.19 Trading Standards did not have a specified budget for the enforcement teams. They had a well-developed staff structure to carry out the wide range of enforcement roles throughout Northern Ireland. There were nine Enforcement Officers in post at the time of inspection however, there were a range of other Inspectors and support staff that supported the role. This did not include the business support and *Consumerline* staff. There were four Inspectors, with several Inspectors being trained at the time of inspection. In a management role there were Area Inspectors across each of the 14 business areas, three Deputy Chief Inspectors, a Business Support Manager and the Chief Inspector who headed the organisation.
- 3.20 Inspectors were impressed by the highly motivated and committed enforcement officers they met; each had a drive and passion for the work they were doing. This was particularly evident in Trading Standards where a member of staff had been awarded with a national recognition award, and also in the HSENI. Each organisation was supported by a strong and empowered administrative team, this was again particularly evident in Trading Standards with the use of *Consumerline*.
- 3.21 Pay and grading structures across the six organisations for Investigators within the enforcement teams were largely aligned, operating at EO1 or equivalent. BSD organised fraud Investigators were graded at Staff Officer level and fraud Investigators were at EO1 grade. HSENI Investigators, being involved in work of a very serious nature, were all Inspectors at the Deputy Principal grade on completion of training. There were concerns raised to the Inspection Team that staff were susceptible to being 'poached' by other organisations that in turn placed organisations at risk of reduced file quality, such as that experienced by the CMS.
- 3.22 Some reported capacity issues were raised, including:
- The WEB had identified an emerging issue with the reintroduction of animal tag identification work and how this would impact on the overall role and expectations among staff and how they would retain their current work levels, and the extra work required. This required planning that was being considered at the time of inspection;
  - Vacancy levels within the BSD Fraud and Compliance Teams were escalated at Departmental level during a temporary pause in recruitment. Permission was then granted to proceed with external competitions. At the time of Inspection recruitment had increased staffing but due to attrition the vacancy position remains a concern;
  - The HSENI MIT had no vacancies at the time of the inspection however a staff member was leaving their role and a reduction in staff numbers would cause a significant risk to carrying out their role. It was indicated that all serious cases involving death were covered but covering serious cases was not always possible; and

- Trading Standards were also subject to staffing pressures. They had been significantly impacted from a Voluntary Exit Scheme that resulted in the loss of very experienced and long serving staff whose level of expertise would take a long time to rebuild. The difficulty that Trading Standards and other organisations faced was training their staff to high levels made them very attractive to private businesses who were able to pay enhanced salary compared to Northern Ireland Civil Service wages. The highly trained staff also performed well on Northern Ireland Civil Service promotion boards.
- 3.23 The BSD team were an excellent example of being aware of the value of each member of staff including the exact financial value staff resources provided. They were able to demonstrate what the value of each case was in time and financial value and how this demonstrated value for money. It also helped to focus on the strategic direction and capability of the team. It was a similar excellent standard for the HSENI however they were less able to provide statistics to support their capability and staff value.
- 3.24 The training that was available, often took two to three years to complete for Investigators to reach the necessary level of expertise. This was well reflected in the high-quality files that were reviewed and from feedback from external partners. Unfortunately, as reported once qualified, these skills were readily transferable out of the organisations. This had significant impact on staff turnover and succession planning and in the case of the CMS, led to a gap in corporate knowledge for the enforcement of cases through case processing. Those staff members that the Inspection Team interviewed however, were committed and felt well connected to their teams.
- 3.25 The Inspection Team agreed that no one training programme suited all the inspected organisations but there were common skills for case file building and standards of evidence that should be adopted by all. The PPS agreed that it was in their interests that all the organisations had the same standards and a shared system of learning from each other. This was welcomed by all. There was also a potential to explore whether some inspected organisations could share skills and resources for example the legal powers afforded to the Fraud Investigation Teams in the BSD team could be utilised by the CMS who were part of the same Department.<sup>62</sup>
- 3.26 Staff were appraised and performance managed in line with the Northern Ireland Civil Service Performance Management System. All those interviewed felt supported by their immediate line management and had regular weekly and monthly meetings that focused on performance and quality issues as and when they emerged. There were excellent examples regarding the level of review and oversight particularly in the BSD, HSENI and Trading Standards with decisions and preparation at various levels before submission of cases to the PPS.

<sup>62</sup> The BSD informed Inspectors that the CMS Team moved to BSD in July 2024. This was after the fieldwork and emerging findings feedback stages of the Inspection.

Performance management was also evident in terms of assuring quality control in the preparation of cases for prosecution. The WEB team considered the Performance Management System to be perfunctory, by those interviewed. The BSD team were the only organisation that were actively working to develop performance management metrics that linked to the individual within their enforcement role. This provided precise evidence for the management team to ensure that staff levels were sufficient to meet the quality demands of case processing.

- 3.27 The PPS were well placed to provide guidance and ongoing training and help in achieving more consistent file quality standards. The files being processed for prosecution by those who were conducting higher numbers of investigations were of good quality but there were areas for improvement for all organisations as discussed throughout Chapters 2 and 3. The common factor for each of these organisations was the use of the PPS (except Tourism NI) and the central point of prosecuting expertise. This placed the PPS in a unique position to continue to provide a level of quality assurance for case processing. CJI recommends that the ongoing reviews and support that the PPS currently offer should be formalised. This would mean that all inspected organisations that submit Departmental cases have a centralised and joint process where areas such as training, learning and consistent practice can be regularly attained. This could benefit both the PPS and the inspected organisations by formalising a process that is already happening albeit in a piecemeal basis at the time of inspection. This area should be considered as part of Operational Recommendation 1.

## CHAPTER 4: OUTCOMES

- 4.1 CJI have previously reported<sup>63</sup> on the use of outcomes and data to evidence that strategic aims of organisations are being met. Data enables an understanding of trends, the demands on staff and therefore the resource requirements and pressures. This allows for future planning and financial certainty. Good outcomes management demonstrates the success of good strategic control linking direction to practice and outcomes showing success.
- 4.2 A research paper on the role of Outcomes Based Accountability (OBA) in relation to the delivery of the previous Programme for Government (PfG)<sup>64</sup> provided some insight as to what is expected from a government/executive viewpoint and is a useful guide for all the inspected organisations. It outlined OBA on two levels:
- Population accountability: how organisations identify desired outcomes, and indicators that monitor progress towards these outcomes, and develop and deliver action plans to progress the outcomes. The PfG operated at the population accountability level, as it sought to deliver outcomes for Northern Ireland. The vital work of the organisations clearly contributed to the strategic goals of Government Departments, but this was not evident within all the inspected organisations.
  - Performance accountability: the lower level of OBA, focused on specific client groups: those areas covered by legislation in this inspection for example, victims of doorstep crime. Organisations should clearly identify their aims and outline how these actions can be delivered and measured. Reports are then made addressing the quality and the impact of the work done.
- 4.3 Inspectors understand that the use of OBA in the new PfG 2024-27 'Our Plan: *Doing What matters Most*' is under consideration. The Inspection Team examined the outcomes for the inspected organisations to ascertain how results were being monitored and informing strategic direction. Data covering the years 2020-2021 was excluded from consideration as it covered the period of the lockdowns and public health restrictions introduced as a result of the COVID-19 pandemic.

63 CJI, *The Availability and use of Management and Performance Management Information in the Criminal justice System*, September 2017 available at <https://www.cjini.org/TheInspections/Inspection-Reports/2017/July-September/Made-to-Measure>.

64 Northern Ireland Assembly Research and Information Service Research Paper: *Outcomes Based Accountability and the Programme for Government, January 2021* available at <https://www.niassembly.gov.uk/globalassets/documents/raise/publications/2017-2022/2021/executive-office/0221.pdf>.

## DEPARTMENTAL CASE DEFENDANT NUMBERS

- 4.4 To place the inspected organisations into a broader Departmental context, the total numbers of defendants involved in Departmental cases in Northern Ireland's Magistrates' Courts in 2019, 2022 and 2023 are provided in Table 1. Due to low numbers, Crown Court data is not presented.

**Table 1: NICTS Judicial Statistics 2019, 2022 and 2023<sup>65</sup>**

Magistrates' Court	2019	2022	2023
<b>Criminal – adult defendants (received - Departmental)</b>	8,859	4,799	4,698
<b>Criminal – adult defendants (Disposed - Departmental)</b>	8,740	4,728	4,809
<b>Criminal – youth defendants (received – Departmental)</b>	9	5	10
<b>Criminal – youth defendants (disposed - Departmental)</b>	9	4	11

- 4.5 Table 1 includes data from the six inspected organisations and a range of other Departments and agencies that also prosecute criminal cases in Northern Ireland's Courts. These include cases brought by Local Government Districts for byelaw offences (for example littering), and other offences such as not having a television licence or road tax. The six inspected organisations constituted a small percentage of the overall number of Departmental Cases prosecuted as shown below at Table 3. Data from 2019 is presented to provide a 'pre-COVID-19 pandemic' perspective with the impact on reduced case numbers evident. With very few (single digit yearly figures) cases in the Crown Court, the data confirmed that the majority of Departmental cases were dealt with at the Magistrates' Court.
- 4.6 In 2023 there were 38,726 adult cases received in the Magistrates' Court and 1,207 youth cases. The number of Departmental cases as a proportion of all cases heard the Magistrates' Court had fallen to approximately 12% by 2023 from 21% in 2019.<sup>66</sup> This provided an indication of the changing impact of Departmental Cases on Court lists in Northern Ireland. Reduced numbers were explained to the Inspectors as a result of the impact of the COVID-19 pandemic.
- 4.7 Table 2 shows the changing nature of Departmental Cases within the PPS, declining by 35% from 949 files in 2019-20 to 616 in 2023-24. However, as a share of the files submitted to the PPS, organisations such as Companies House, the DAERA and British Airports Authorities have grown substantially. This is further evidence of the need for the review of Section 46 of the 2002 Act to be undertaken (Strategic Recommendation 1).

<sup>65</sup> DoJ, NICTS Judicial Statistics available at <https://www.justice-ni.gov.uk/publications/nicts-judicial-statistics>.

<sup>66</sup> Ibid.

**Table 2: Criminal case files submitted to the PPS by Departments and agencies other than the PSNI, 2019-20, 2022-23 and 2023-24<sup>67,68</sup>**

Department/ agency	2019-20	2019-20 percentage share	2022-23	2022-23 percentage share	2023-24	2023-24 percentage share
Companies House	Not Known (NK)	NK	84	15%	160	26%
Driver and Vehicle Agency	382	40%	187	33%	119	19%
DfC <sup>69</sup>	289	31%	37	7%	45	7%
Office of the Police Ombudsman for Northern Ireland	115	12%	103	18%	101	16%
DAERA <sup>70</sup>	41	4%	48	9%	48	8%
Northern Ireland Environment Agency	32	3%	24	4%	20	3%
British Airports Authorities	20	2%	35	6%	52	9%
HM Revenue and Customs	22	2%	11	2%	16	3%
Other	48	5%	31	6%	55	9%
<b>TOTAL</b>	<b>949</b>	<b>99%</b>	<b>560</b>	<b>100%</b>	<b>616</b>	<b>100%</b>

4.8 Inspectors requested the numbers of cases that each of the six organisations had referred to their enforcement/investigation teams and the number of case files that were submitted to the PPS during 2022-23 and 2023-24. The data is presented in Table 3.<sup>71</sup>

67 PPS, *Statistical Bulletin 2023-24, June 2024*, available at <https://www.ppsni.gov.uk/publications/pps-statistical-bulletin-2023-24>.

68 Calculation of percentage share conducted by author. Percentages may not total 100 due to rounding.

69 Data on the DfC will include, but is not exclusive to, files submitted by the NISSA BSD team. CMS did not submit any files to the PPS during this time. The figures provided by the DfC for 2022-23 to 2023-24 differ from those provided by the PPS which reported 34 and 43 cases respectively. The DfC could not validate the 2019-20 numbers as this fell outside their retention and disposal schedule.

70 Data on the DAERA will include, but is not exclusive to, files submitted by the WEB team within the Veterinary Service Animal Health group.

71 Data obtained from the organisations directly.

**Table 3: Numbers of cases dealt with by the inspected organisations 2022-24**

	2023-24 (2022-23 in red)					
	DAERA – WEB	DfC - CMS	DfC – BSD	DfE – Tourism NI	DfE - HSENI	DfE – Trading Standards
Number of cases referred to enforcement/ investigation team	57 <b>(82)</b>	143 <b>(182)</b>	3,825 <b>(3,974)</b>	117 <b>(113)</b>	15 <b>(10)</b>	450 <b>(736)</b>
Number of referrals investigated meeting criminal threshold	55 (96%) <b>80 (98%)</b>	94 (66%) <b>101 (55%)</b>	1,523 (40%) <b>1,925 (48%)</b>	54 (42%) <b>42 (37%)</b>	15 (100%) <b>10 (100%)</b>	372 (83%) <b>517 (70%)</b>
Number of criminal case files submitted for prosecution	43 <b>(34)</b>	0 <b>(1)</b>	41 <b>(37)</b>	-	11 <b>(10)</b>	10 <b>(5)</b>
Number of case files returned by the PPS/ requests for more information	N/A <sup>72</sup>	0 (0%) <b>1 (100%)</b>	5 (12%) <b>3 (8%)</b>	-	0 (0%) <b>0 (0%)</b>	1 <b>(1)</b>

4.9 The data contained in Table 3 further confirms that the numbers of cases investigated and submitted to the PPS by the six inspected organisations account for a relatively small proportion of the overall Departmental cases received by the PPS, shown in Table 2. The BSD team accounted for the largest proportion of cases submitted to the PPS from the six organisations followed by the HSENI and Trading Standards. As previously outlined, Tourism NI did not submit any case files to the PPS and while one case file was submitted by the CMS, this was returned due to non-compliance with expected quality standards.

## THE USE OF DATA AND INFORMING SUCCESS

4.10 Criminal justice organisations struggled to effectively use data to improve outcomes across the criminal justice system, particularly with different governance and financial structures. This meant that organisations focused on internal goals that 'may' improve the overall criminal justice system for example, in dealing with delay on an end-to-end basis, each organisation was able to show their own impact but there was a lack of overall control over the many different parts of the system.

<sup>72</sup> WEB team do not keep a tally of the number of requests made by the PPS for further information. The PPS will telephone Investigating Officers directly for further information that meant that even if a search for information was carried out, the results would not be accurate. This provided support for a better system of recording as discussed.

- 4.11 The HSENI offered an excellent example of how to use data to inform strategy, procedures and resources. The HSENI were able to monitor and chart its actions on enforcement and engagement against overall outcomes and provide good evidence that they had been successful in areas such as advertising campaigns increasing awareness and compliance and bespoke targeting of key areas that improved enforcement rates. Other organisations could benefit from their practices as too could the wider criminal justice agencies.
- 4.12 The BSD team did not publicise how well they were performing in their compliance and enforcement activities, that resulted in the recovery of public money. The BSD had very clear outcomes outlined in strategic documentation that set targets for the year for criminal cases. For example, the team was tasked with recovering £3 million in fraudulent claims in the year to 31 March 2024. This target had been exceeded, with £9.1 million recovered. These outcome targets provided clarity and direction for the enforcement team.
- 4.13 The CMS stated they were achieving good success in engagement relative to their counterparts in England and Wales but did not publicise this. Data was provided to the Inspection Team around the overall performance of the CMS but there was limited information on criminal case processing given the lack of cases. In certain months during 2022, only half of the small team of Fraud Investigators in the CMS were in post and the timeframe increased due to the specific skills training required. The CMS measured success in terms of monetary performance or the money that should be paid for child maintenance. This had shown improvement over the last year and was seen as a positive sign that engagement processes were effective in ensuring only appropriate cases were referred for processing. The difficulty that the enforcement team faced for this inspection, was the lack of experienced staff when Court enforcement and prosecution was needed.
- 4.14 Uncertainty about what success looked like in terms of outcomes for the processing of cases was similar for the WEB team and Tourism NI. Some of those interviewed were not aware of overall strategic objectives and this meant that there was a gap in detailing outcomes to match strategic direction. The HSENI were particularly good at using data and successful prosecutions to promote work that in turn assisted in developing strategies and setting targets for case preparation. Similarly, the BSD and Trading Standards teams had clear strategies, objectives and outcomes and case processing approaches that all organisations would benefit from. Although the functions and legislation of each organisation were unique, the processing of case files should follow similar, if not the same standards when submitting them to the PPS for prosecution at Court. Similarly, the ability to promote the high quality of work they are achieving through prevention and prosecution should be standardised across all the inspected organisations. Enforcement activity and convictions played a significant role in highlighting the success of organisations' strategy and approach to tackling criminal offending.

## Sentencing

- 4.15 As previously noted, Inspectors were impressed by the determined and impassioned Investigators they met from each of the organisations, each displayed a desire to conduct investigations professionally to secure the best possible outcome for the victim and for the public. Organisations voiced concerns around sentencing for example the HSENI, the WEB team and Trading Standards felt they had insufficient impact on the outcomes of the offences they prosecuted. A custodial sentence was extremely rare even in the most serious cases viewed.
- 4.16 The organisations were working hard to ensure comparability and a level of parity with those sentences received in England and Wales for similar cases by providing sentencing outcomes from these cases for the PPS to highlight. For example, Table 4 provides some details of the sentences imposed following successful prosecution of cases by the HSENI compared to similar cases in Great Britain.

**Table 4: Comparison of fines for Health and Safety offences, Great Britain and Northern Ireland<sup>73</sup>**

Great Britain (HSE Investigation)	Fine	Northern Ireland (HSENI Investigation)	Fine
<b>Type of incident: Contact with moving vehicle - fatal injuries</b>			
Fatality - Metal recycling company employee struck at processing site.	£1.2 million May 2024	Fatality - Employee struck by machinery at production facility.	£130,000 March 2024
Fatality - Recycling company employee struck by machinery	£300,000 Early 2024	Fatality - struck by machinery	£143,000 in total fines Early 2022
Fatality - Recycling company - employee struck by machinery	£2.15 million January 2024	Fatality - Employee struck by truck	£150,000 May 2019
<b>Type of incident: Contact with dangerous parts of machinery</b>			
Textiles company - employee hand amputated after being trapped in machinery	£100,000 December 2023	Employee loses hand on unguarded machine at animal feed factory	£40,000 January 2023
Manufacturing company- employee loses middle finger after contact with machinery	£300,000 January 2024		
Employee suffers injury to fingers after contact with unguarded parts of machine	£100,000 April 2024	Employee suffers two broken fingers on contact with moving parts	£25,000 March 2024
Employee loses two fingers at food production facility	£800,000 March 2024		

73 Data provided by the HSENI.

Great Britain (HSE Investigation)	Fine	Northern Ireland (HSENI Investigation)	Fine
<b>Type of incident: Fall from height</b>			
Employee fall through roof fractured back	£20,000 May 2024	Farm fatality - fall from height	£1,000 December 2022
Employee fall from height fractured skull	£28,000 March 2024	Farm fatality - fall from height	£2,500 October 2022
Not available	Not available	Farm fatality - fall from height	D1 - £1,000 D2 - £1,000 October 2022
Employee fall from height fractured skull	£160,000 February 2024	Roofing contractor employee fall from height - fatality	D1 - £90,000 D2 - £45,000
<b>Type of incident: Electrocution</b>			
Fatality - Employee contact with overhead power lines	£60,000 August 2023	Fatality - Electrocution at house build	£10,000 May 2024
<b>Type of incident: Crush injuries/ fatal</b>			
Employee crushed by falling crate- broken bones	£200,000 June 2023	Fatality - Employee crushed by falling object	£120,000 June 2022
		Two employees seriously injured when struck by falling object	£30,000 September 2019

This table is provided as illustrative only; sentencing is a Judicial matter and decided on the facts of each individual case that are not identified here. However, this approach in highlighting the issue to the PPS could develop this area.

## TIMELINESS

4.17 CJI have consistently measured timeliness and progressing cases to their conclusion on an end-to-end basis.<sup>74</sup> Case processing for Departmental cases were subject to similar delays as those found in the PPS and PSNI inspections,<sup>75</sup> this was in part due to the 'gold standard' files being produced and various checks in place. However, as previously noted in this report as an area that could be improved, the introduction of enhanced streamlining of case files, in agreement and collaboration with the PPS, would reduce delay overall. The organisations did not routinely monitor timeliness except for those files that had strict time limits for prosecution (statute barred cases).

<sup>74</sup> The overall time it takes from when an offence has been identified to the outcome of the case whether that be no further action/no prosecution or sentencing at Court.

<sup>75</sup> Further details on relevant reports can be found in footnotes 38 and 39 of this report.

## OPERATIONAL RECOMMENDATION 2

The inspected organisations should ensure that timeliness targets for both processing and prosecuting on an end-to-end basis (offence to outcome) are monitored and reported on annually.

- 4.18 Overall, there were regular reviews and case management in place to ensure cases were being progressed and Inspectors saw evidence in files and in interviews. The PPS had no concerns around timeliness with the exception that time limited cases were provided late on occasion that placed pressures on their staff. Having a streamlined case building process may assist with this as would the use of an enhanced computerised system like that used by Trading Standards.
- 4.19 Similar to the PSNI and PPS inspections, delay on more serious cases was regularly encountered when external reports were required, for example securing an engineer's report or getting access to financial information from banks. These issues added time and frustration to case building and could be improved.

# APPENDIX 1: METHODOLOGY

## Scoping meetings

Inspectors met with the PPS to determine the scope of Departmental cases being submitted and processed. Inspectors then met with senior representatives of the organisations within the legislative remit of CJI as well as some others outside of the remit. A review was then conducted to ascertain which of these organisations could be inspected. Following this review, six organisations were identified for inspection. The Inspection Team met with senior managers of these organisations; WEB, Tourism NI, HSENI, Trading Standards, CMS and the BSD team. CJI offered to meet with the PSNI, Law Society of Northern Ireland and the Bar Council to determine the scope of the inspection.

## Desktop research and documentary review

Research literature and guidance were reviewed in relation to each of the organisations. This was used to inform the development of terms of reference for the inspection and fieldwork planning. A review was also completed of external and internal documentation relating to the operation of the inspected organisations. This was used during fieldwork, planning and analysis.

## Fieldwork

One-to-one interviews and focus groups with inspected organisations were completed and Inspectors very much appreciated the time and efforts involved in organising and facilitating these. The Inspection Team focused on those staff directly involved in the processing of files including line management and support staff. Inspectors also met with representatives from the PPS who processed the files sent for prosecution. Representatives from the following areas in each agency were interviewed:

### CMS team

- Grade 5;
- Grade 7;
- Deputy Principal;
- Investigators; and
- Administration and support staff.

### BSD team

- Chief Inspector;
- Area Inspectors;
- Investigators – Inspectors and Enforcement Officers; and
- Administration and support staff.

### **HSENI**

- Chief Executive;
- Deputy Chief Executive;
- MIT Principal;
- MIT Inspectors; and
- Operational Support Unit.

### **Trading Standards**

- Grade 7, Head of Service;
- Deputy Principals;
- Line managers; and
- Investigators.

### **Tourism NI**

- Director of Strategic Development;
- Deputy Principal;
- Staff Officer; and
- Executive Officer 1.

### **WEB team**

- Head of Veterinary Service and Animal Health Group;
- Senior Principal Veterinary Officer;
- Deputy Principal;
- Grade 2 Inspectors;
- Grade 4 Inspectors; and
- WEB administrative support team.

### **Public Prosecution Service for Northern Ireland:**

- Temporary Senior Public Prosecutor and Assistant Director; and
- Principal Public Prosecutor.

Inspectors conducted a limited file review to provide independent evidence on the standard of files being processed. They also viewed the organisations' computer systems, and physical file storage processes as part of the inspection.

## APPENDIX 2: TERMS OF REFERENCE

### Introduction

Criminal Justice Inspection Northern Ireland (CJI) proposes to undertake an inspection of the investigation and processing of criminal offences other than those investigated by the Police Service of Northern Ireland (PSNI). CJI inspected criminal cases processed by the PSNI and the Public Prosecution Service for Northern Ireland (PPS)<sup>76</sup> in 2023, however the focus of this inspection will be on criminal cases investigated and processed by other authorities, organisations, Government Departments and agencies; these will be referred to as Departmental Cases.

The Justice (Northern Ireland) Act 2002<sup>77</sup> provides a list of Departments and agencies within CJI's statutory remit to inspect. These include organisations with a wide range of statutory powers to investigate and prosecute organisations and individuals for offences such as environmental crime, social security fraud, trading standards as well as cases involving the Health and Safety Executive, Belfast and Larne harbours and Belfast International Airport.

### Context

The vast majority of criminal cases in Northern Ireland are investigated and processed by the PSNI before submission to the PPS for a decision on prosecution. In 2022-23 the PPS received 44,687 case files including 44,130 (99%) from the PSNI. The remaining 557 files were Departmental Cases.<sup>78</sup> The majority of these were from the Department for Communities (DfC) Benefit Security Division (277) and the Driver Vehicle Agency (187). Regardless of volume, all the organisations within CJI's remit carry out important roles in ensuring justice is served and community safety, from the protection of our waterways and roads to the treatment of animals and tackling benefit fraud.

The number of Departmental Cases received by the PPS does not reflect the actual numbers of ongoing criminal investigations and the work undertaken before they are submitted as cases for a prosecution decision. All of these can be long running, time consuming and resource intensive. All Departmental Cases require investigative and evidential quality standards equivalent to those required by the PPS and the PSNI to secure a conviction in the criminal Courts beyond a reasonable doubt.

76 CJI, *An Inspection of File Quality, Disclosure and Case Progression and Trial Recovery from the COVID19 Pandemic, June 2023*, available at <https://www.cjini.org/getattachment/b88cbf6f-05c2-4ba5-baff-4ff8e96b897a/report.aspx>.

77 Justice (Northern Ireland) Act 2002, available at <https://www.legislation.gov.uk/ukpga/2002/26/part/3/crossheading/chief-inspector-of-criminal-justice>.

78 NISRA, *Public Prosecution Service for Northern Ireland, Statistical Bulletin 2022/23, 1 April 2022 to 31 March 2023, 29 June 2023*, available at <https://www.ppsni.gov.uk/files/ppsni/2023-06/Statistical%20Bulletin%202022-23.pdf>.

CJI undertook an internal exercise to establish guidance to help inform the capability and usefulness of carrying out an inspection across a wide range of organisations and identifying which are to be included in this inspection. The Inspection Team are inspecting only those that are not linked to cases which involve or are connected to the PSNI. This leaves a shorter list of organisations contained within the Justice (Northern Ireland) Act 2002 (as amended under Section 45 of the Justice and Security (Northern Ireland) Act 2007). This inspection will focus on those organisations within CJI's statutory remit and do not require separate inspections. These include the Veterinary Service Enforcement Branch (Department of Agriculture, Environment and Rural Affairs (DAERA)), Child Maintenance Services (DfC), Trading Standards (Department for the Economy (DfE)), the Health and Safety Executive for Northern Ireland (DfE), Tourism NI (DfE) and the Benefit Security Division (DfC).

Previous CJI inspections<sup>79</sup> relating to Departmental Cases are:

- Benefit Investigation Service of the Social Security Agency (2006);
- Enforcement in the Department of the Environment (2007, 2011 and 2015);
- Driver and Vehicle Agency as part Department of Environment review (2007), Roads Policing (2008) and Driving Change (2016);
- Belfast Harbour Police (2008);
- Royal Mail Group – Crime Investigations Function (2008); and
- The Department of Agriculture and Rural Development (DARD) Fraud Investigations and Enforcement Activities (2017).

Each of the inspected organisations have their own internal structures and processes on how they investigate criminal offences relevant to their legislative remits and responsibilities and these can be complex and science based. The purpose of this inspection is to examine the key strategies and governance structures that are in place to ensure that criminal investigations are conducted appropriately and high-quality cases are being prepared for prosecution.

### **Aims of the Inspection**

The broad aims of the inspection are to:

- Examine the effectiveness of organisational strategies to investigate and prosecute offences.
- Examine the effectiveness of organisations' governance arrangements.
- Examine how operational delivery is structured and resourced to determine effectiveness and potential areas for improvement.
- Examine and assess the outcomes of strategies and operational delivery mechanisms against targets and expectations.
- Examine management information and the performance of the organisations in investigating and preparing criminal cases for prosecution.
- Examine how the above aspects are benchmarked against quality standards and good practice.

79 All CJI inspection reports can be found at <https://www.cjini.org>

## Methodology

The review will be based on the CJI Inspection Framework for each inspection that it conducts. The three main elements of the Inspection Framework are:

- Strategy and governance;
- Delivery; and
- Outcomes.

Constants in each of the three framework elements and throughout each inspection are equality and fairness, together with standards and best practice. The CJI inspection methodology can be found at [www.cjini.org](http://www.cjini.org).

## Design and Planning

### *Preliminary research*

Data and initial information has been reviewed in order to inform the scope of this inspection. Scoping interviews have taken place with relevant personnel in each organisation.

### *Benchmarking, research and data collection*

Collection of benchmarking information and data, where available, from other jurisdictions and sectors in Northern Ireland and a review of inspection and research reports will be undertaken.

### *Contact with agencies*

Terms of reference will be prepared and shared with the DoJ, the PSNI, the PPS, Veterinary Services Enforcement (DAERA), Child Maintenance and Enforcement Division, the Benefit Security Division (both within the DfC), Trading Standards, the Health and Safety Executive for Northern Ireland, and Tourism NI (all within the DfE), prior to the initiation of the inspection. Inspectors will request that a Liaison Officer from each inspected organisation should be nominated for the purposes of this inspection.

Policies and procedures, management information, minutes of meetings and related documentation from the inspected organisations will be requested and reviewed.

## Delivery

### *Stakeholder consultation*

The following stakeholder organisations will be consulted:

- the PPS;
- the PSNI;
- the Northern Ireland Courts and Tribunals Service;
- Judiciary (Magistrates' and Crown Court);
- the Bar Council Criminal Law Committee; and
- the Law Society Criminal Law Committee.

### *Development of fieldwork plan*

CJI will liaise with the inspection Liaison Officer in each organisation to arrange a series of meetings and focus groups with relevant individuals.

Case file reviews will be limited to dip-sampling to ensure the strategic approaches are achieving the desired outcomes, quality standards are applied and cases are progressed effectively.

### *Initial feedback to agency*

On conclusion of the fieldwork the evidence will be collated, triangulated and analysed and emerging recommendations will be developed. CJI will then present the emerging findings to appropriate organisations.

### *Drafting of report*

Following completion of the fieldwork and analysis of data, a draft report will be shared with the inspected bodies for factual accuracy check. The Chief Inspector will invite the inspected bodies to complete an action plan within six weeks to address the recommendations and if the plan has been agreed and is available, it will be published at the same time as the final report. The report will be shared, under embargo, in advance of the publication date with the inspected bodies.

### **Publication and Closure**

A report will be sent to the Minister of Justice for permission to publish. When permission is received the report will be finalised for publication. A press release will be drafted and shared with the inspected bodies prior to publication and release. A publication date will be agreed and the report will be issued.

### *Indicative Timetable*

Scoping/Research:	January – February 2024.
Stakeholder consultation:	March – April 2024.
Agency fieldwork:	April – June 2024.
Draft Report to agencies:	Autumn 2024.
Factual accuracy feedback received:	Autumn 2024.

The above timetable may be impacted by factors outside CJI's control. The reviewed organisations will be kept advised of any significant changes to the indicative timetable.



First published in Northern Ireland in June 2025 by

**Criminal Justice Inspection  
Northern Ireland**

Block 1, Knockview Buildings

Belfast BT4 3SJ

**[www.cjini.org](http://www.cjini.org)**