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Northern Ireland Court Service
Very High Cost Criminal Cases
Screening Form

June 2008

Section A: Scoping The Policy

- 1. Title of Policy:**

System of contracts for very high cost criminal cases at the Crown Court.
- 2. Aims and Description**

To facilitate the Northern Ireland Legal Services Commission (NILSC) in forecasting expenditure and exerting a proper level of control over costs to obtain better value for money from funds allocated to legal aid. This will be achieved through contracts between the NILSC and the solicitors/counsel of members of the public requiring state assisted legal services. The contracts will be managed by a Very High Cost Case Unit within the NILSC.
- 3. Who owns or defines the policy?**

The Northern Ireland Court Service.
Implementation of contracts will bring Northern Ireland into line with England and Wales where a similar system of contracts has been in operation for in excess of six years.
- 4. Which other policies are related to this policy?**

All policies associated with providing publicly funded legal services to the public.
- 5. Who are the main stakeholders in relation to the policy?**

The legal profession.
NILSC.
Members of the public requiring publicly funded legal services.
- 6. What factors/forces could contribute/detract from the aim or implementation of the policy?**

Buy in to the new administrative arrangements for remunerating the legal profession in very high cost cases at the Crown Court by both elements of the legal profession and the maintenance of high standards by NILSC in negotiating contract task lists would make a significant contribution to achieving the aims of the policy. The opposites of these would detract from meeting the aim of the policy.

Section B: Screening For Equality Issues

1. Is there any evidence of higher or lower participation or uptake by different groups?

	Yes (please specify)	No	Not known
Religious belief		✓	
Political opinion		✓	
Racial group		✓	
Age		✓	
Marital status		✓	
Sexual orientation		✓	
Gender		✓	
Disability		✓	
Dependency		✓	

Additional Comments:

The introduction of contracts will not affect a defendant's right to select his defence team or prevent any defence team member from representing a defendant. It is believed that a greater number of lawyers working on very high cost cases come from a male and catholic background, though the panel is not aware of any evidence which is in existence to support this belief.

2. Is there evidence or indications that different groups have different needs, experiences, issues and priorities in relation to this policy issue?

	Yes (please specify)	No	Not known
Religious belief		✓	
Political opinion		✓	
Racial group		✓	
Age		✓	
Marital status		✓	
Sexual orientation		✓	
Gender		✓	
Disability		✓	
Dependency		✓	

Additional Comments:

There is no evidence to suggest that the introduction of contracts will affect any of the groups differently.

3. Have consultations/research with relevant groups, organisations or individuals indicated that policies of this type create problems that are specific to them? (The user engagement guide and protocol provide useful support.)

	Yes (please specify)	No
Religious belief		✓
Political opinion		✓
Racial group		✓
Age		✓
Marital status		✓
Sexual orientation		✓
Gender		✓
Disability		✓
Dependency		✓

Additional Comments:

On 4 December 07, the Court Service gave a presentation to, and held a question and answer session with, representatives of the Law Society and Bar Council on the introduction of contracts. Whilst contracts will place some additional requirements on members of the legal profession, there is no evidence to suggest that it will affect any of the groups differently.

List the organizations/groups/individuals both internal and external, that you contacted during the development of the policy

NILSC
 Public Prosecution Service for NI
 Complex Crime Unit of the Legal Services Commission
 The Law Society
 The Bar Council

- a) Specify how comments were incorporated into the final draft policy**
 The initial consultation meeting raised no comments that required incorporation into the policy. A formal consultation exercise on the new contractual arrangements for remunerating the legal profession is to be undertaken in line with BERR guidelines.
- b) If ideas from groups weren't included please indicate why not**
 Not applicable as no ideas were forthcoming.

4. In relation to implementing this policy, is there an opportunity to better promote equality of opportunity or good relations by altering the policy or by working with others in Government or in the larger community?

Yes No

Please Specify:

5. Have you identified opportunities to:
- a) promote positive attitudes towards disabled people;
 - b) encourage participation by disabled people in public life?

Please Specify:

Not applicable as no opportunities identified.

6. **Monitoring Information: What data will be required to ensure effective monitoring of the policy following implementation?**
Monitoring of Section 75 compliance will be undertaken by exception. Any complaints will be investigated and, where appropriate, corrective action taken.
7. **Have you any other comments on the policy and/or screening exercise?**

No.

Section C: Human Rights Impact Assessment

Articles as identified by European Convention of Human Rights.

- Article 2 - Right to life
- Article 3 - Prohibition of torture, inhuman or degrading treatment
- Article 4 - Prohibition of slavery and forced labour
- Article 5 - Right to liberty and security
- Article 6 - Right to fair and public trial
- Article 7 - Right to no punishment with law
- Article 8 - Right to respect for private and family life, home and correspondence
- Article 9 - Right to freedom of thought, conscience and religion
- Article 10 - Right to freedom of expression
- Article 11 - Rights to freedom of assembly and association
- Article 12 – Right to marry and to found a family
- Article 14 – The prohibition of discrimination
- Protocol 1 Article 1 – Protection of Property
- Protocol 1 Article 2 - Right to education

Definitions of degree of risk of infringement of each article:

High risk – It is foreseeable that this policy is very likely to breach this Article.

Medium risk – This policy is likely, in certain circumstances, to breach this Article.

Low risk – It is possible, though very unlikely, that this policy will breach this Article.

1. Indicate any potential Human Rights implications associated with this policy, the perceived degree of risk (see above) and who the victim may be.

	Has this policy the potential to infringe the rights (Please Tick)		If yes indicate here the degree of risk – High, Medium or Low (See definitions above)	If yes indicate here who the potential victim(s) would be
	Yes	No		
Article 2		✓		
Article 3		✓		
Article 5		✓		
Article 6		✓		
Article 8		✓		
Article 9		✓		
Article 10		✓		
Article 11		✓		
Article 12		✓		
Article 14		✓		
Article 1 of Protocol 1		✓		
Article 2 of Protocol 1		✓		

2. Outline any justification for any infringements identified:

The panel is content that the introduction of new contractual arrangements with the legal profession does not have the potential to infringe human rights. Indeed, the contract itself contains certain provisions that may assist to safeguard human rights. It could be argued that Article 6 may be engaged as this policy relates to legal representation, however the panel are satisfied that the policy is not limiting access to justice or access to a lawyer of a defendants choosing, therefore there can be no infringement of Article 6, merely an engagement.

3. Are any alternatives available which may not infringe Human Rights?

Yes No

If yes, and the decision has been taken NOT to pursue the alternatives, please give a rationale for this decision.

4. Outline any action which could be taken to reduce the level of infringement.

5. Are there actions that can be taken that would promote human rights?

Yes No

Please specify:

Section D: Recommendation: Decision To Proceed To Full Equality Impact Assessment (Eqia)

On the basis of answers to Questions 1 to 4 in Section A (and in particular positive answers), do you recommend that the policy should be subjected to a full equality impact assessment?

Yes No

Please specify your reasons:

The introduction of contracts between the NILSC and the legal profession in very high cost cases at the Crown Court is a change in the administrative arrangements used to remunerate the profession acting in these cases. Whilst there may be more lawyers from a male and catholic background acting in these cases there is no evidence to suggest that the policy affects any of the Section 75 groups differently. In these circumstances, the panel is content that a full equality impact assessment is not required.

Section E: Timetable For Equality Impact Assessment (to be completed if you have made a recommendation for a full EQIA).

1. **Assess the policy in terms of its priority for equality impact assessment.**

	High	Medium	Low
Effect on people's daily lives.			
Strategic significance of policy			
Budgetary significance of the policy			

2. **Is the policy affected by internal or external strategies, policies or initiatives that are relevant to the scheduling of the EQIA?**

Yes No

Please Specify:

N/A

3. **Is the organisation carrying out an EQIA in the same area? Could they be conducted collaboratively?**

Yes No

N/A

4. What is the estimated scale of expenditure incurred by the policy?

N/A

5. Overall priority rating: HIGH X
MEDIUM
LOW

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

6. Estimated date for completing the Equality Impact Assessment

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Section F: Final Authorisation And Endorsement

a. To be completed by the Policy Developer(s)

Where a working group was set up to develop this policy, **please list their names below**. The chair or lead person of that group should sign this form and, in doing so confirms that policy screening under Section 75 of the Northern Ireland Act and screening for infringements to the Human Rights Act has been carried out on this policy.

Jim Coffey
Catherine Burns
John Halliday (Lead Person)
Alan Cartright (Equality Officer)

Signed:

Date:

Name: John Halliday

Title: Grade 7 PLSD

b. To be completed by responsible Executive Manager

I am satisfied that this policy has been properly screened for both equality and human rights, in accordance with Court Service policy. Based on the information provided by the policy developer from the policy screening, this policy:

- Needs to go to full EQIA

- Does not need to go to full EQIA

Signed:

Date:

Name: Paul Andrews

Title: Head of PLSD



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