

Part A: Roles and Responsibilities

Overview of the Public Prosecution Service for Northern Ireland

1. The Public Prosecution Service for Northern Ireland (PPS) is a non-ministerial department, and is headed by the Director of Public Prosecutions, who is appointed by the Attorney General for Northern Ireland.
2. The PPS is the principal prosecuting authority in Northern Ireland, with responsibility for taking decisions as to prosecution which are initiated or investigated by the police, and for the conduct of criminal proceedings - including those cases involving children and young people. The PPS also considers cases initiated or investigated by other statutory authorities, such as Belfast Harbour Police, and the Police Ombudsman for Northern Ireland.
3. Since the devolution of policing and justice to the Northern Ireland Assembly in April 2010, the PPS has been designated as a non-ministerial government department. Funding for the PPS is provided by the Northern Ireland Assembly through the Estimate process. As a non-ministerial department, the Service is not directly accountable to a Minister within the Northern Ireland Executive. However the Justice (Northern Ireland) Act 2002 provides for the Director and Attorney General for Northern Ireland to consult with each other as required on any matter for which the Attorney General is accountable to the Northern Ireland Assembly.
4. While the PPS works closely with the police and other agencies, it is wholly independent; its decisions are impartial, based on an independent and professional assessment of the available evidence and the public interest.
5. The PPS Management Board supports the Director in his leadership of the PPS and in reaching decisions on the strategic direction of the Service. The Board receives standing information for each meeting on key areas of performance including achievement against agreed key delivery targets and financial data. During the specified period, the Board received regular updates on key operational developments, risks and emerging issues in respect of the Covid-19 pandemic, as well as the PPS's / CJSNI's planning response to the emergency.

6. During the specified period, a number of new committees were also established. The Gold Command Team, chaired by the Director, was implemented in March 2020 and was authorised to take appropriate strategic and operational decisions to promote continuity of the PPS's core business and ensure the co-ordination of relevant activity across the CJSNI. The Operational Recovery Group (ORG) was established In August 2020 by the Gold Command Team and was intended to support Gold in discharging its roles and responsibilities, particularly in managing a phased return to normal operational business following the initial peak of the Covid-19 pandemic. Details of the Gold Team and ORG, as well as general information concerning the governance of the PPS, are set out in the high level overview already provided to the Inquiry in November 2024. Minutes of the Gold and ORG which reference children and young people have been provided (**Gold PPS/01 - INQ000531592 to PPS/08 - INQ000531599 / ORG PPS/09 - INQ000531600 to PPS/14 - INQ000531605**). All minutes can be made available. A list of acronyms commonly used in minutes has been provided at **PPS/45 – INQ000582864**).
7. The following points should be noted in respect of the various minutes:
 - Gold Group meeting dated 11 August 2020 - reference to a “lack of clarity over the operation of Youth Courts”. This was to indicate that whilst PPS were in a position to issue prosecutorial decisions in cases involving children and young people, the ability to list such cases was outside the Service's control. During this period, it was necessary to liaise with NICTS (who were responsible for the scheduling of courts and listing of cases) regarding ongoing plans for the operation of the youth courts across NI.
 - Gold Group meeting dated 24 November 2020 – reference to Phase 2 of the Remote Evidence Centre initiative. The second phase of this initiative commenced at the end of September 2023. Guidance for staff was published within Staff Instruction No. 13 of 2023. (**PPS/46 - INQ000582868 / INQ000582867 / INQ000582865 / INQ000582866**)
 - Gold Group meeting dated 24 November 2024 – reference to protocols for vulnerable witnesses and defendants in the Magistrates' Court. We are not aware of a specific protocol in this area.

PPS Statement in Response to Rule 9 Request (Module 8) – 20-03-25 (Final)

- Gold Group meeting dated 28 September 2021 – reference to paper by Ms Smyth, a member of PPS staff based in the Policy and Information Unit, who is the organisation's policy lead for youth justice matters. The purpose of this briefing paper was to update the PPS's Senior Management Team on the progress of a new 'Early Intervention' disposal for children and young people, which was being developed by the Youth Justice Agency for Northern Ireland, the Police Service for Northern Ireland and the PPS. Following dissemination of the briefing document, PPS and partners continued to work on the development of the diversionary disposal which enabled children to address any offending behaviour and exit the justice system without a criminal record on completion of a relevant programme. The initiative subsequently commenced (on a pilot basis) on 1 January 2025. Details of the pilot were provided to PPS staff in Policy Information Note 13 of 2024 (PPS/47 - INQ000582870 / INQ582869).
- ORG meeting dated 22 October 2020 – reference to 'Working Together files'. In November 2015 Criminal Justice Inspection Northern Ireland (CJI) released a report on the quality and timeliness of police files. In response to that report, PPS and PSNI formed a joint working group to explore the issue further. The Working Together Project (which evolved from an earlier group known as the 'Interface with Police' project, commenced in 2012) was established as a result. The main focus of the work was on improving file quality and reducing delay.

A two phase Pilot study was carried out in Belfast, the aim of which was to establish methods for improving file quality and reducing delay in summary cases. Phase one began in February 2017 and introduced changes in the building and submission of files to the PPS by police. This involved the introduction of 'streamlined' no prosecution files, police assessment of the anticipated plea and the development and use of agreed evidential standards.

Phase two began in February 2018 and involved the early service of papers to the defence in 28 days charge cases in Belfast and a move to file builds based on the anticipated plea, as identified by Police Decision Makers (PDMs). These measures were intended to encourage a more effective first hearing - via an early guilty plea or identification of issues at an earlier stage in contested cases.

Following on from the pilot, it was agreed that the Working Together approach should be rolled out to all summary cases and the process was introduced

PPS Statement in Response to Rule 9 Request (Module 8) – 20-03-25 (Final)

throughout Northern Ireland in May 2019. Guidance was issued to PPS staff in Staff Instruction No. 10 of 2019 (**PPS/48 - INQ000582876 / INQ000582875 / INQ000582874 / INQ000582873 / INQ000582872 / INQ000582871**).

8. For the purposes of prosecution in Northern Ireland, a 'young person' or 'child' is defined as someone that is under 18 years of age at the commencement of criminal proceedings. The PPS do not have special arrangements in place for those aged 18-25 years. Individuals within this age group would fall to be considered as adults by the PPS.
9. PPS receive files electronically from police, and cases involving children and young people will be flagged/highlighted at the point of submission. The files are held in a designated 'youth work queue'. The majority of cases involving children and young people are allocated to specialist youth prosecutors to take the prosecutorial decision, however, certain cases may be allocated to prosecutors in specialist units within PPS; for example, serious sexual offending and homicide will be dealt with by prosecutors in the Serious Crime Unit, and any terrorist related offences will be allocated to prosecutors within the Central Casework Section.
10. Once a case involving a child or young person has been allocated, the prosecutor will move to consider the file and take a decision.
11. The Code for Prosecutors (**PPS/15 - INQ000513705**) provides guidance on how the PPS take decisions on whether or not to prosecute. Prosecutions in all cases are initiated or continued where it is satisfied that the test for prosecution is met. This is a two stage test:
 - The Evidential Test – the evidence which can be presented in court is sufficient to provide a reasonable prospect of conviction.
 - The Public Interest Test – prosecution is required in the public interest.
12. The Evidential Test must be passed before the Public Interest Test can be considered. Each of these Tests must be separately considered and passed before a decision to prosecute can be taken.
13. In addition to the Code for Prosecutors, prosecutors will also apply the PPS's Guidelines for the Prosecution of Young People (**PPS/16 - INQ000583158**), Guidelines for

PPS Statement in Response to Rule 9 Request (Module 8) – 20-03-25 (Final)

Diversion (**PPS/17 - INQ000583159**), Victim and Witness Policy (**PPS/18 - INQ000531609**), and all other relevant policies and guidance when taking their decisions. It should be noted that the guidance came into force as follows:

- ‘Guidelines for the Prosecution of Young People’ was published in December 2021. This is the only version published to date.
- ‘Guidelines for the Use of Diversionary Disposals’ was published in June 2021. This was an update on a version originally published in July 2019. The revision included several minor textual changes to remove references to the Guidelines for the Prosecution of Young People which had been originally published in February 2019 for consultation only. The final policy was delayed for a variety of factors including the impact of the pandemic.
- ‘Victim and Witness Policy’ was published in June 2017. This is the only version published to date.

Note: Paragraph 3.3.1 of the Guidelines for the Use of Diversionary Disposals refers to the Youth Engagement Clinics in operation in Northern Ireland. It should be noted that the PSNI and YJA are responsible for the management of these clinics. The clinics did not operate for the entirety of the specified period due to the various restrictions, social distancing requirements then in force etc. Further details can be obtained from the PSNI or the YJA.

14. There are additional factors taken into account when taking a decision in cases involving children and young people. All personal background information in relation to the child is considered, and all decisions are taken in accordance with the principles underpinning the youth justice system in Northern Ireland, and in line with international obligations under the United Nations Convention on the Rights of the Child. Prosecutors are required to balance the public interest factors in favour of prosecution of offences with those against prosecution whilst having regard at all times to the best interests of the child.
15. When taking decisions in cases involving children and young people, prosecutors will always consider whether it is appropriate to issue a diversionary disposal, such as an Informed Warning, Restorative Caution or Diversionary Youth Conference. There will, however, be situations where a diversionary disposal is not appropriate, and these may arise where the offence is a particularly serious one, for example, the child has

continued to re-offend despite the fact they have had the benefit of a previous diversionary disposals. In such situations, the case will proceed to prosecution.

16. Once a decision to prosecute has been taken the case will proceed to the Youth Court. In Northern Ireland, as in other jurisdictions, there are separate arrangements for dealing with children who enter the criminal justice system. This includes dedicated Youth Courts and a range of different sentencing options.

Role of Regional Youth Prosecutors

17. PPS recognise that cases involving young people merit careful consideration by prosecutors due to the sensitivities and vulnerabilities of the children involved. To this end, the PPS has established dedicated teams of specialist Youth Prosecutors, based in each of its regional offices, who have developed an expertise in taking prosecutorial decisions in cases involving young people who offend. Youth Prosecutors also have an advocacy role and are responsible for the conduct of prosecutions in the Youth Court.
18. The majority of cases involving young people who offend are dealt with by the Youth Prosecutors, however as noted at paragraph 8 above, very serious offences may be dealt with by specialist prosecutors in other sections.
19. Currently there are 14 Youth Prosecutors within the PPS, spread across three regional teams. There are:
 - Four Youth Public Prosecutors (NICS Deputy Principal Grade), and one Youth Senior Public Prosecutor (NICS Senior Principal Grade) based in Belfast and Eastern Region (Belfast Office, PPS HQ);
 - Three Youth Public Prosecutors based in Southern Region (Newry Office);
 - Five Youth Public Prosecutors and one Youth Senior Public Prosecutor in Western Region (Foyle Office).
20. The staffing capacity of the regional youth teams was unchanged during the specified period. However there were occasional issues with absences due to sickness, and a loss of experience due to temporary promotion, both of which may have impacted on the performance of the respective teams at various stages.

Prosecution of a Defendant Who Turns 18 During Proceedings

21. In Northern Ireland, those individuals who have attained the age of 18 when an offence is committed will enter the adult justice system. However, in accordance with Article 30(2) of the Criminal Justice (Children) (NI) Order 1998, when proceedings in respect of a child have been commenced before a Youth Court and he/she turns 18 prior to the conclusion of the proceedings, the court may continue to deal with the case and make any order which it could have made if the young person had not attained that age. In such circumstances, the youth prosecutor who took the prosecutorial decision will continue to have carriage of the case, and the matter will continue to be prosecuted, and eventually disposed of in the Youth Court.

Allocation of Cases involving Children and Young People and Determination of Court Venue

22. Prosecutors are responsible for taking decisions as to whether a case is dealt with in the Youth Court or the Crown Court.
23. In accordance with PPS policy, prosecutors shall only in exceptional circumstances direct that a young person is prosecuted in the Crown Court on indictment. In any such situation, a record for the basis of their decision should be made and retained on the file.
24. The PPS's position is reflected in the Crown Court Practice Direction concerning the Trial of Children and Young People (**PPS/19 - INQ000531610**) which was issued by the Lord Chief Justice in Northern Ireland in 2011. The Practice Direction confirms that it will only be in the most serious cases that a young person will be committed for trial in the Crown Court. The PPS is not aware of any amendments to the Practice Direction during the specified period.

Part B: Planning Prior to the Pandemic

PPS Role in Government Pandemic / Civil Emergency Planning

PPS Statement in Response to Rule 9 Request (Module 8) – 20-03-25 (Final)

25. PPS officials were not specifically involved in governmental pandemic planning or planning for children in the context of civil emergencies. The Service did, however, have a Business Continuity Plan (**PPS/20 - INQ000531611**) and supporting annexes (**PPS/21 - INQ000531612 to PPS/28 - INQ000531619**) which set out the structures and responsibilities of the various criminal justice agencies in the event that it was required.
26. The Business Continuity Plan was utilised and formed the initial starting point for PPS planning around the Pandemic. However, many of the planned actions were disregarded when it became apparent that the courts were forced to close, contrary to the existing planning assumptions.
27. On 10 March 2020, PPS representatives - Mr Davison (Assistant Director) and Mr Spiers (Business Assurance Team) - attended an initial meeting organised by the Department of Justice for Northern Ireland (the 'Coronavirus Readiness Meeting') to discuss planning for the pandemic within the wider criminal justice system. Meetings of the group were held on a regular basis thereafter (every 1-2 days in the last 2 weeks of March). In April 2020 this changed to every 2-3 days and by May/June it was scheduled weekly. From this point PPS were represented at the weekly meetings by a different Assistant Director (Ms McGrath).
28. During the meetings, discussions focused on the impact of the pandemic on the criminal justice system in general, and the types of offending where police expected to see an increase/decrease. There were no discussions relating specifically to the impact on children, other than the fact that there was expected to be a rise in domestic violence and abuse cases.
29. Minutes and more detailed notes of the Coronavirus Readiness Meetings can be obtained from the Department of Justice.

Part C: Coronavirus Related Offences

New Coronavirus Related Offences – Legislative Provisions

30. Legislation is a matter for the NI Assembly and PPS officials were not directly involved in the formulation of the original Coronavirus provisions.

31. Following a conversation between the Deputy Director of Public Prosecutions (Mr Agnew) and Ms Pearson of the Executive Office on 7 June 2021, and subsequent discussions between the Director and the Permanent Secretary, Mr May on the following day, the Deputy Director wrote to Ms Pearson on 11 June (**PPS/29 - INQ000531620**). The purpose of the letter was to set out in writing the PPS's position on engagement with the Executive Office and other government departments in relation to potential revisions to the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021. The Deputy Director recognised that there was a tension between any assistance that may be provided by the PPS and the need to maintain the independence of the Service as regards future decision-making on Coronavirus-related offences. As a result, the view was taken that the PPS needed to exercise some caution and that feedback in relation to the challenges experienced by prosecutors would be the most appropriate form of engagement. A list of the issues that had arisen in past cases was compiled by PPS and attached to the letter as Annex A (**PPS/30 - INQ000531621**). None of the issues raised in Annex A related to children and young people specifically. Annex B to the letter provided some of the key points arising from the HMIC's report on the policing of the Sarah Everard vigil. The HMIC had highlighted the difficulties for police due to the non-exhaustive nature of the list of 'exceptions' to the general stay at home rule – this has previously been shared with senior police. The key points were that, regardless of what conduct was listed in the specified reasonable excuses (and what conduct was therefore not expressly recognised as lawful), police are required to decide on the specific facts of each protest that is proposed or is taking place. This decision must carefully assess whether, in all the circumstances, enforcing the restrictions in the Regulations would be a disproportionate interference with the protesters' human rights such that, if prosecuted for an offence under the Regulations, they would be able to establish a 'reasonable excuse' defence (**PPS/31 - INQ000531622**).

PPS Prosecutorial Role

32. In the initial stages of the pandemic, prosecutors within the PPS Policy and Information Unit were responsible for adding the new Coronavirus Act offences to the Causeway Operations Team (COT) system. This is a database which can be accessed by criminal justice organisations and other government organisations. It contains a list of offences which are utilised by police, PPS, and NICTS to facilitate the investigation, charging and prosecution of such offences.

33. As these offences were new, the PPS senior team directed that decision-making relating to breaches of the Coronavirus provisions (including those involving children and young people) should be centralised, with prosecutorial decisions to be taken by a small team of experienced Senior Public Prosecutors within the Service's Central Casework Section. This included cases involving children and young people and no specialist youth prosecutors were appointed to the team, however those Senior Public Prosecutors were able to consult with the Regional Youth Prosecutors in cases where any advice was required (e.g. on matters involving youth diversion). Where possible, breaches of the Coronavirus Regulations by children were dealt with by way of a diversionary disposal - no new guidance was issued for this purpose. If diversion was not considered to be appropriate, a decision to prosecute was taken and the cases involving young people would proceed to the Youth Court. All other cases involving children and young people were dealt with by the Youth Prosecutors in the usual way. Responsibility for decision-making in cases involving breaches of the Coronavirus provisions were passed back to the Regional Offices (including the specialist Youth Teams) in November 2021.
34. A range of guidance materials was provided to PPS staff, setting out the details of the new provisions and the applicable offences. These included:
- Staff Instruction No. 2 of 2020 (March 2020): Interim Guidance - Introduction of the Coronavirus Act 2020. **(PPS/32 - INQ000531623)**
 - Staff Instruction No. 4 of 2020 Interim Guidance (March 2020): Introduction of the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020. **(PPS/33 - INQ000582863 / INQ000582862)**
 - Staff Instruction No. 5 of 2020 (April 2020): Assaults involving Coughing or Spitting during the Coronavirus Emergency: Guidance for Prosecutors as to the Appropriate Charge. **(PPS/34 - INQ000531626)**
 - Staff Instruction No. 12 of 2020 (June 2020): Introduction of the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020. **(PPS/35 & 35a - INQ000531627 / INQ000531628)**

Liaison with key stakeholders in relation to the arrest, charge and prosecution of the Coronavirus Offences

PPS Statement in Response to Rule 9 Request (Module 8) – 20-03-25 (Final)

35. Liaison across the Criminal Justice System Northern Ireland (CJSNI) at a senior level was co-ordinated by the Criminal Justice Programme Delivery Group (CJPDG) – later renamed as the Criminal Justice Improvement Group (CJIP). The CJPDG reported to the Criminal Justice Board.

36. The initial membership of the Criminal Justice Programme Delivery Group was as follows:

Organisation	Member
1. Department of Justice	Mr Capper
2. Northern Ireland Prison Service	Mr Armour
3. Northern Ireland Courts and Tribunals Service	Mr Luney
4. Police Service of Northern Ireland	Mr McVea
5. Probation Board for Northern Ireland	Ms Lamont
6. Public Prosecution Service	Marianne O’Kane
7. Forensic Science Northern Ireland	Ms Morton
8. Office of the Lord Chief Justice	Ms Kilpatrick
9. Youth Justice Agency	Mr McGeown
10. Attorney General’s Office	Ms McCallion

37. The terms of reference (April 2020) set out a number of workstreams designed to develop and deliver a coordinated approach, as follows:

- Understanding demand, volumes and backlogs at each stage of the system (both now and on an ongoing basis during the recovery stage), based on common reporting.
- Exploring alternative options to deal with cases to manage volumes and reduce backlogs.
- Agreeing the priority areas the system should focus on throughout the recovery phase to ensure the best use of resources.
- Mapping out how and when the system should recover on a phased basis, recognising:
 - the capacity of each organisation;
 - the separate need to consider recovery for civil and family justice;
 - differences in Magistrates’ Court, Crown Court and youth court business; and
 - end to end impacts across the system.

PPS Statement in Response to Rule 9 Request (Module 8) – 20-03-25 (Final)

- Capturing positive new ways of working that have been introduced (understanding their impact and agreeing how they can continue to be deployed) and capturing obstacles that have impacted on the system's response to COVID-19 (agreeing what operational and legislative changes might be required in future). Consideration will also be given to practices adopted in other jurisdictions.
- Ensuring defendants, victims and witnesses are regularly updated.

None of the workstreams related specifically to children and young people.

38. CJSNI efforts were co-ordinated via the Department of Justice. Details of the work (including minutes of meetings) and the various workstreams are available from the Department of Justice.
39. From mid-2020 regular meetings were also held between the PPS, NICTS and the Office of the Lord Chief Justice to discuss ongoing operational issues in respect of the courts (for example, the use of remote evidence via 'SightLink'). These meetings were attended by various PPS representatives including the Assistant Director for Belfast and Eastern (Mr Davison / Ms Carlin from spring 2021) and PPS Regional Business Managers. Relevant updates were provided to the PPS's Operational Recovery Group and Gold Group where appropriate (see paragraphs 58 – 60 below for further details).

Freedom of Information Request (FOI 472/22-23)

40. Of the total of 769 persons prosecuted or diverted in respect of Coronavirus breaches, 72 were aged 17 or under and 340 were aged 18-25, at the time of the offence.
41. The breakdown of prosecutions by PPS Region is as follows:

Region	Persons Prosecuted or Diverted
	Total
BELFAST AND EASTERN REGION	428
WESTERN REGION	240
SOUTHERN REGION	92
CENTRAL CASEWORK SECTION	9
ALL	769

42. The breakdown of prosecutions or diversions by gender is as follows:

Gender	Persons Prosecuted or Diverted
	Total
FEMALE	247
MALE	522
ALL	769

43. The breakdown of prosecutions or diversions by age bracket is as follows:

Age Group (at time of offence)	Number of Persons Prosecuted or Diverted
10-11	0
12-13	3
14-15	19
16-17	50
18-25	340
26 and Over	350
UNKNOWN	7
ALL	769

44. Additional data in respect of decisions issued (by decision type and age-group), and court outcomes (by result type and age-group) has also been provided (**PPS/49 - INQ000582877**). Data in respect of the remaining categories (ethnicity, socio-economic background and looked after children) cannot be provided as the relevant identifiers are not recorded on the PPS Case Management System. (Note: It is not possible to provide an analysis of sentencing outcomes due to the manner in which the details are held on the PPS Case Management System. Provision of this information would require an extensive manual exercise. Relevant data may be obtained by contacting NICTS directly.)

Review of the Children and Young People Convicted of Coronavirus Offences

45. The PPS has not undertaken an assessment/review of the background and/or demographic characteristics of children and young people convicted of Coronavirus offences. Whilst the potential merits of a review/assessment are recognised by PPS, the Service has not undertaken such an exercise. Since the pandemic, the operational resources of the organisation have been focused on recovery and the clearing of the

backlogs resulting from the closure of the courts and on a programme of priority new business relating to modernisation and increasing efficiency. It should also be noted that the information available to support such an exercise is very limited. As highlighted above, key identifiers such as ethnicity, socio-economic background and looked after children status are not recorded on the PPS Case Management System.

Part D: PPS NI Guidance

Changes Made to Relevant Guidance in Relation to Children and Young People

46. No new or amended internal guidance was issued by PPS specifically in relation to children and young people during the specified period. At this time, prosecutors operated under agreed procedures which were later codified in the PPS Guidelines for the Prosecution of Young People, published in December 2021.

Part E: Time Spent on Remand

Consultation in Relation to the Consideration of Statutory Custody Time Limits for Children and Young People

47. PPS officials were not involved in any consultation in relation to custody time limits for children and young people during the specified period.

Part F: Data Held by PPS NI

Figures Held by the PPS in Relation to the Charging and Prosecution of Children and Young People

48. Data has been provided in respect of the numbers of prosecution decisions issued by the PPS during the specified period, including an analysis by region, gender and

age-bracket (see **PPS/36 – INQ000531629**). Data in respect of ethnicity, socio-economic background and looked after children cannot be provided as the relevant identifiers are not recorded on the PPS Case Management System.

Figures Held by the PPS in Relation to Court Outcomes in Cases involving Children and Young People

49. See document reference **PPS/36 - INQ000531629**. It should be noted that data in respect of the numbers of children and young people who were held on remand during the proceedings cannot be provided as the relevant information is not recorded on the PPS Case Management System. The NI Courts and Tribunals Service (NICTS) may be in a position to assist.

Part G: PPS NI Caseloads

Impact of the pandemic on the PPS's caseload (for both trials and sentence) relating to children and young people

50. It should be noted that data in respect of the numbers of children and young people who were held on remand or on bail cannot be provided as the relevant information is not recorded on the PPS Case Management System. The NICTS may be in a position to assist.

Number of Children and Young People Who had their Trial Adjourned during the Specified Period

51. The information specified in terms of the numbers of children and young people in custody or on bail, the reasons that a trial/sentence was ineffective / adjourned and how long the adjournment lasted etc. are not recorded on the PPS Case Management System. The NICTS may be in a position to assist.

PPS Actions to ensure Youth Court Proceedings were Treated as a Priority during the Specified Period

52. During the initial period of the emergency, the majority of court venues in Northern Ireland were closed. However Youth Prosecutors continued to take decisions as expeditiously as possible in cases involving children and young people, in order to ensure that when the Youth Court recommenced listing, the cases would be ready to proceed, thus reducing the potential for any further delay.
53. In August 2020, 'Form HR1' was introduced by the Office of the Lord Chief Justice. The form was used in a number of court tiers in both criminal and civil cases and provided information in relation to cases where a substantive hearing was to be (or had been) arranged. A 'substantive hearing' was one which required the physical attendance of witnesses or relevant persons in the courtroom. For criminal matters, this included, for example, the scheduling of contests in the Magistrates' Court, some bail hearings and the listing of PE/PIs.
54. The HR1 form was completed collaboratively between PPS and defence representatives and was subsequently lodged with the relevant court office. The court office then notified all parties of the arrangements for the hearing once they had been put in place. The information required included:
- Details of the legal representatives;
 - The required court date;
 - Whether the hearing could proceed remotely, with witnesses appearing in person or as a hybrid arrangement;
 - Any witness support required (e.g. interpreters).
55. In order to plan and prioritise outstanding contests (given the limited capacity across the court estate), the Presiding District Judge also introduced an initial arrangement whereby the PPS and defence representatives (or unrepresented parties) were provided with an opportunity to highlight those contests which they considered to merit priority listing. This included cases, for example, where a vulnerable person was involved (for example those under the age of 18). This review exercise was carried out using the HR1 form. The information provided via the HR1 informed a judicial decision as to whether the contest could be dealt with remotely, or by physical attendance in a courtroom, or a hybrid of the two, taking into account the nature of the case and the restrictions in place. The HR1 form also provided the information necessary to plan and timetable substantive hearings.

56. At the time of the HR1 launch, neither the PPS nor police were in a position to facilitate the remote giving of evidence by civilian witnesses. Following representations made by PPS at a meeting with NICTS and OLCJ on 24 August 2020, it was agreed by all parties that the issuing of summonses in cases involving children and young people should recommence.
57. Form HR1 was replaced by a new 'Form HR2' in late 2020. The HR2 was an abridged version of the HR1. It was to be completed by the PPS prosecutor (Directing Officer) when received from the defence and lodged by email with the relevant Court Office. The Court / District Judge then notified all parties of the arrangements for the hearing once they were made. It should be noted that there was no specific section within Forms HR1 or HR2 directing PPS staff to consider child and youth defendants as priority cases. If prosecutors considered such a case to be one which should be prioritised, the details and rationale were recorded on the forms as needed. In general, prosecutors are familiar with the standing instruction that cases involving children and others who may have vulnerabilities, should be prioritised.
58. Detailed guidance in respect of the Form HR1 was issued to PPS staff in August 2020. (PPS/37 & 37a - INQ000531630 / INQ000531631). Guidance in respect of the HR2 was issued in December 2020 (PPS/38 & 38a - INQ000531632 / INQ000531633).

Engagement between the PPS and the Northern Ireland Courts and Tribunal Service Regarding the Identification of Priority Cases

59. A number of initial meetings were held between PPS, NICTS and OLCJ officials in late May / early June 2020 to discuss ongoing operational matters, including court scheduling issues.
60. On 24 August 2020, PPS attended the first in a series of more formal meeting with NICTS. Whilst other meetings between PPS and NICTS were held and attended by senior management from the relevant organisations in relation to overall strategy, this meeting was intended to act as the main forum for discussing operational issues such as the listing of priority cases with the aim of returning to some level of court business as quickly as possible. As noted above, at the initial meeting it was agreed to recommence the issuing of summonses in cases involving young people.

61. Meetings of this group continued on a weekly basis thereafter, before being held fortnightly from October 2020 onwards. OLCJ attended after the initial meeting and the group was expanded later to include the PSNI. Minutes of these meetings which reference children and young people have been provided (**PPS/39 - INQ000531634 to PPS/43 - INQ000531638**). All minutes can be made available. (Note: In terms of the meeting minutes dated 16 November 2020, PPS is not aware of any specific actions undertaken to support the Young Witness Service at this time).
62. PPS senior management initially agreed to identify initial batches of cases which were deemed to be suitable for a priority contest. This commenced in August 2020 with the selection of a batch of thirty cases in the Magistrates' Courts (15 per region) which were deemed to be suitable for a priority contest. HR1 forms were completed for all cases selected, and following engagement with defence solicitors, checks for witness availability were conducted and the forms submitted to the relevant court office. Final decisions in relation to the listing of cases were taken by the court. In terms of guidance on prioritisation, Staff Instruction No. 18 of 2020 stated as follows
- "Cases selected by PPS will typically be those involving domestic or sexual violence and abuse, hate crime or where the victim(s) or witnesses are under 18 years of age."*
63. Initially all hearings in the Youth Court were held virtually. This practice continued until 24 August 2020 when in person hearings resumed. The hearings were, however, limited in terms of numbers due to issues with court capacity.
64. Defendants who turned 18 during the course of proceedings remained before the Youth Court and were therefore given the same priority as all other youth cases. The cases involving children and young people were brought to a conclusion as expeditiously as possible.

Part H: Crown Court Proceedings

Prioritisation of Youth Defendants in the Crown Court

65. In general, the number of cases involving children and young people in the Crown Court is relatively small, and the situation was similar during the specified period.

66. Youth Prosecutors continued to take decisions as expeditiously as possible in cases involving children and young people. This was in order to ensure that when the court capacity permitted, the cases would be ready for listing, thus reducing the potential for further delay.
67. Prosecutors completed the Form HR1 / HR2 (which also applied to the Crown Court), highlighting priority cases involving young people.

Engagement between the PPS and NICTS Regarding the Identification of Priority Cases

68. Cases identified by PPS senior management as having priority would have included those involving young people, domestic or sexual violence and abuse, hate crime or where the victim(s) or witnesses were under 18 years of age.
69. During the initial stages of the specified period, only limited hearings took place virtually in the Crown Court. Trials were unable to proceed, given the requirement for juries in Crown Court cases which could not be managed on a virtual basis.
70. If the case commenced in the Youth Court, the individual who attained the age of 18 during proceedings could still be returned to the Youth Court for sentence. If, however, the case was proceeding on indictment, the Crown Court would continue to deal with the case until the conclusion of the proceedings.

Part I: Children and Young People as Witnesses

Identification of Cases Involving Children and Young People as Complainants / Witnesses during the Specified Period

71. The process for identifying child witnesses and complainants remained the same during the specified period. All victims and witnesses are dealt with by the PPS / PSNI Victim and Witness Care Unit (VWCU). Once received electronically from police, cases are

PPS Statement in Response to Rule 9 Request (Module 8) – 20-03-25 (Final)

allocated to a case worker within the VWCU. The case worker then reviews the case and identifies any child victims or witnesses. Thereafter, a needs assessment is conducted by the case worker in relation to the child. All correspondence is sent to the parent/guardian of the child.

72. In the event of a contested hearing or trial, the parent or guardian will be advised that the child will be automatically eligible to apply for special measures, and the application to the court will be made by the prosecutor who took the decision in the case. A referral will also be made to the NSPCC Young Witness Service to ensure the young person receives the relevant support for any forthcoming hearings.

Prioritisation of Cases that Involved Children and Young People as Complainants / Witnesses

73. The PPS ensures that all actions in relation to child witnesses and complainants are carried out as expeditiously as possible in order to avoid unnecessary delay. When completing the relevant forms (HR1/HR2), prosecutors would complete the prioritisation section, highlighting the presence of child witnesses or complainants in a case. NICTS were, however, responsible for the listing and prioritising of cases and once a case was listed by the court, VWCU moved to issue invitations to victims/witnesses regarding their attendance at court.

74. As outlined above, Forms HR1 and HR2 were used for purposes of case prioritisation.

Number of Cases Involving Children and Young People as Complainants / Witnesses during the Specified Period

75. Data has been provided in respect of the numbers of young victims aged 25 and under who were issued with a witness invitation to attend during the specified period (see **PPS/36 – INQ000531629** – worksheet 2). The following points should be noted:

- Figures are available for victims who are called as witnesses *only* as the available age data for other witnesses is incomplete;
- While the figures indicate the numbers of individuals invited to attend to give evidence, it is not possible to say how many were actually required to give evidence; and

- Information in respect of adjournments is not recorded on the PPS Case Management System. NICTS may be in a position to assist.

Part J: Lessons learned

Analysis Undertaken of the Impact on Children and Young People of the Decisions Made by the PPS NI during the Specified Period

76. To date the PPS has not conducted any formal analysis of the impact on children and young people of the decisions made by PPS during the specified period.
77. PPS officials have not undertaken any specific review, assessment or lessons learned exercises regarding decisions made in relation to children in response to the pandemic. The primary focus of the organisation to date has been on recovery, and returning to a normal level of court business.
78. Whilst a formal lessons learned exercise has not been taken forward in respect of children and young people specifically, the PPS has carried out an overall self-assessment exercise focusing on the Service's recovery efforts in the immediate aftermath of the pandemic (**PPS/44 - INQ000531639**). This was in response to an inspection by Criminal Justice Inspection NI (CJI) which looked at file quality, disclosure and case progression within the CJSNI, as well as trial recovery from the Covid-19 pandemic. The aim of this element of the inspection was to:

“Examine the effectiveness of criminal justice system planning assumptions, priorities, strategies and delivery with regard to trial recovery from the pandemic.”

CJINI's final report was published in June 2023. However, the assessment did not look specifically at the level of service provided in the Youth Court and / or for children and young people appearing in the Crown Court.

Declaration

The contents of this statement are true and accurate to the best of my knowledge and belief.

Personal Data

Marianne O' Kane

Senior Assistant Director (Serious Crime and Regions)

20 March 2025