

CAJ's submission no. S345

CAJ's submission to the Probation Board for Northern Ireland's consultation on its Review and Revision of NI Standards

June 2011

What is the CAJ?

The Committee on the Administration of Justice (CAJ) was established in 1981 and is an independent non-governmental organisation affiliated to the International Federation of Human Rights. CAJ takes no position on the constitutional status of Northern Ireland and is firmly opposed to the use of violence for political ends. Its membership is drawn from across the community.

The Committee seeks to ensure the highest standards in the administration of justice in Northern Ireland by ensuring that the government complies with its responsibilities in international human rights law. The CAJ works closely with other domestic and international human rights groups and makes regular submissions to a number of United Nations and European bodies established to protect human rights.

CAJ's activities include - publishing reports, conducting research, holding conferences, campaigning locally and internationally, individual casework and providing legal advice. Its areas of work are extensive and include policing, emergency laws and the criminal justice system, equality and advocacy for a Bill of Rights.

CAJ however would not be in a position to do any of this work, without the financial help of its funders, individual donors and charitable trusts (since CAJ does not take government funding). We would like to take this opportunity to thank Atlantic Philanthropies, Barrow Cadbury Trust, Joseph Rowntree Charitable Trust and the Oak Foundation.

The organisation has been awarded several international human rights prizes, including the Reebok Human Rights Award and the Council of Europe Human Rights Prize.

Brian McCaughey
Review and Revision of NI Standards Consultation
Business Planning and Development
2nd Floor, PBNI Headquarters
Probation Board for Northern Ireland
80-90 North Street
Belfast
BT1 1LD

28 June 2011

Dear Brian McCaughey,

As you will know, CAJ is an independent human rights organisation with cross community membership in Northern Ireland and beyond. It was established in 1981 and lobbies and campaigns on a broad range of human rights issues. CAJ seeks to secure the highest standards in the administration of justice in Northern Ireland by ensuring that the Government complies with its obligations in international human rights law.

Thank you for the invitation to the Committee on the Administration of Justice (CAJ) to make a submission to the **Review and Revision of Northern Ireland Standards** and we welcome the renaming of the standards to the PBNI Best Practice Framework which demonstrates the recognition of the need to look towards recognised best practice principles.

Process

CAJ commends the significant amount of work, which was undertaken in order to review and revise the Northern Ireland Standards, and draft the proposed Best Practice Framework, reflected, not least, in the size of the consultation document. We are grateful for your colleague's assistance in providing us with a printed copy of the *Northern Ireland Standards*, to facilitate our response. We suspect that the difficulty we had in printing the document may have occurred with other consultees and may be reflected by the number of responses you receive. We would also welcome further details on the extent to which this consultation process has engaged with Probation Service users themselves in the development of these standards; as a group, they have direct experience of their use which would be useful to the process.

CAJ questions the fact that training for operational staff on the Best Practice Framework will begin before the consultation is complete (commencing in April and running until September). It is not clear how staff will be informed of any changes that may emerge as a result of the consultation process or if the

following submissions to the consultation process. CAJ hopes that the Probation Board do not see this consultation process as a “tick-box exercise” but rather a meaningful process to contribute to the production of the best possible Best Practice Framework.

Highlighting the key changes within the consultation document is useful, and certainly makes the 321-page consultation document more approachable. However, some of these proposed changes would only really have resonance to those within the Probation Board, therefore there is limited contribution that CAJ can make here.

Language

CAJ sound a note of caution at the kind of language used in *Northern Ireland Standards*. For instance “PBNI will engage purposely with offenders”. (pg 5) Our concern is that the use of vague “management speak”, replete with jargon, undermines the integrity of the document and renders some parts of it incomprehensible. We advocate the use of clearer, plainer English in this document to both ensure that it is easy to read and understand.

Emphasising human rights

CAJ advocate a greater reference to human rights within this document (of either victims or those on probation) which should be the foundation of such standards. Whilst reference is made to the *Human Rights Act* and to the *Tokyo Rules*, we draw your attention to the *UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* (Bangkok Rules), which encourage the principle of ensuring measures acknowledge the gender specific needs of women.

CAJ notes that the final draft and approval process includes human rights and equality screening. We hope that human rights and equality standards are not considered by the Probation Board to be something to be added on at the end of the review, but rather a key part of the standards which is mainstreamed throughout the process. For instance, under the section *Improving PBNI Performance* where it states “Everything we do will be underpinned by equality.....”, CAJ would like to see the inclusion of national and international human rights standards, as a key value that underpins the work of the Probation Board.

Another method of enhancing human rights knowledge within the Probation Board and through the operation of these standards would be to set out, where relevant, exactly the nature of the particular rights that are referenced.

personal information in accordance with the Data Protection Principles as required by the Data Protection Act 1998 which requires personal information be processed in accordance with the individual’s rights”. The articulation of the relevant legislation or international human rights standards would be of benefit.

Reference to wider standards

The Probation Board does not operate in isolation; it is the subject of evaluation and inspection as well as being part of a wider global family of offender management. It is thus encouraging that the commitment to learning and development is made explicit at para 54.3 (pg 16) with reference, particularly to using research and evidence based practice to inform its work.

Probation may be one of the best-placed institutions to comment on the most effective manner which the Department of Justice and its partner governmental departments can cooperatively work to *prevent* individuals from engaging in criminal activity. As such we hope that the final draft incorporates principle lessons for preventing crime.

Resourcing

CAJ are more than aware on the current squeeze on resources in Northern Ireland. It is important that any changes to the Probation Board’s budget do not prevent the appropriate implementation of these standards.

Yours sincerely,

Caroline Parkes,
Criminal Justice Programme Assistant.