

**Response by the NSPCC Northern Ireland to the draft Criminal
Justice (NI) Order 2007**

January 2007

Introduction

1. The National Society for the Prevention of Cruelty to Children (NSPCC) is the UK's leading charity specialising in child protection and the prevention of cruelty to children. The NSPCC aims to end cruelty to children by seeking to influence legislation, policy, practice, attitudes and behaviours for the benefit of children and young people. This is achieved through a combination of service provision, lobbying, campaigning and public education.
2. The NSPCC has a range of interfaces with the criminal justice system in Northern Ireland through investigation of child abuse, in provision of post-abuse therapy services, work with children who sexual harm and through Young Witness Services. We are represented on a range of fora including the VVIW subgroup of the Criminal Justice Board and the Northern Ireland Sex Offender Strategic Management Committee. The NSPCC also sit on various subgroups of the NIO/DHSSPS sexual Violence Strategy.
3. This submission is a summary of the NSPCC's experience and expertise in a range of areas relating to the criminal justice system. We comment only those sections which have relevance to children young people.

Part 2 Sentencing

4. The NSPCC agrees with the overall aims of Part 2 of the draft legislation; namely to provide for new measures of sentencing and assessing dangerous, violent and sexual offenders through indeterminate sentencing and extended sentencing.
5. We welcome the proposed establishment of the Parole Commission for Northern Ireland and the emphasis placed on appropriate risk assessment as part of the decision making process. However, it is important the professional involved in this process receive appropriate and on-going training to ensure they make use of the most up-to-date and valid risk assessment tools.

6. We would like to see explicit links in the Commissioners' procedures as provided for in Schedule 5 and the new arrangements established to assess and risk manage sexual and violent offenders under Article 50. There will be an overlapping constituency of individuals and a clear need to set out roles of both the Commissioners and the agencies involved in public protection.
7. The Draft Sexual Offences (NI) Order 2007 will impact on the list of specified sexual offences to be included in this legislation as contained in the concurrent draft sexual Offences (NI) Order 2007. There is clear need to harmonise both pieces of legislation and we would suggest that they be implemented together.

Risk Assessment & Management

8. The NSPCC welcomes the proposed duty to be placed on a range of criminal justice agencies and other stakeholders to manage the risk posed by offenders in the community by statutory Secretary of State's guidance. We welcome NSPCC's role in the arrangements and our authorised status under the Children (NI) Order 1995 being recognised in the legislation.
9. The NSPCC has been a member of the Northern Ireland Strategic Sex Offender Committee from its inception and believes that a statutory code for information sharing and multi-disciplinary working is essential to the effective risk management of offenders and potentially dangerous persons in the community. We are of the view that the appointment of 2 lay advisors under Article 52 (2) is a sensible development to improve public accountability in the arrangements.
10. We would suggest however that the guidance to be produced by the Secretary of State makes clear that certain organisations in addition to co-operating and sharing information are in the lead in establishing, maintaining and developing the arrangements in particular PSNI, NIPS, PBNI and Social Services.

Part 5 Miscellaneous

11. The NSPCC also welcomes the provision of live link technology for vulnerable accused. When combined with existing provision for young witnesses, this will significantly improve children and young people's experience of the court system. It is imperative that when this provision is implemented, a whole system approach is taken to live link, special measures and other technology needs of all witnesses so that scarce information and communication resources are maximised for the greatest number of court users. This should be a key test for e-business initiatives demonstrating both value for money and added value.

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