

CONSULTATION SCHEDULE – Council Meeting 29 June 2023

	RECEIVED FROM	TITLE	SUBMISSION BY
1.	Department of Justice	Engagement Survey June 2023 on Live Links extensions September 2023 onwards	4 July 2023
	<p>In light of the interest your organisation has shown in past engagement regarding the policy concerning the use of audio or video conferencing tools (Live Links) for participation in a remote hearing or in the provision of evidence, it is hoped your organisation will contribute to this short, focused survey. The Department is seeking to ascertain from the main users of live links, either within courts or tribunals, their view upon any further extensions of the live link provisions created within the Coronavirus Act 2020. Accordingly, we would ask that you also circulate this survey to those with responsibility for planning within the council.</p> <p>Detail provided in Appendix 1.</p>		
2.	Ulster University	Reminder: Equality screening of Ulster University's new and revised policies - Public consultation	7 July 2023
	<p>In accordance with Section 75 of the Northern Ireland Act 1998 and commitments made within our Equality Scheme, the University is consulting on the equality screening of the following new and revised policies, as defined by the Equality Commission (NI):</p> <ul style="list-style-type: none"> • Renaming of Cinematic Arts Studio • Removal of desk phones • AHRC Impact Accelerator Account • Safeguarding Policy <p>Policy documents and screening pro formas are available to download on the University's Equality, Diversity and Inclusion (EDI) webpage.</p>		

	Please note some of these policies have been implemented and therefore are subjected to ongoing monitoring from a screening perspective.		
3.	Northern Ireland Electricity Networks	Over-Install Consultation update	21 July 2023
	<p>To achieve renewable policy targets in the most economical and efficient manner, the System Operators understand the need to make best use of existing assets on the system today. A significant number of stakeholders are keen to make use of existing or planned connection assets by augmenting the capacity factor of their generation sites by installing additional generation behind the same connection point without increasing their Maximum Export Capacity (“MEC”). This is referred to as an over-install project, that allows for projects to over-install generation capacity, but where a self-imposed cap is applied to the output, so that the contracted MEC at the point of connection is not exceeded. Currently, the over-install policy has a limit of 120% and is set out in the Alternative Connection Application and Offer Process (“ACAOP”) Decision Paper of May 2016. Given the evolving nature of technology combinations in Northern Ireland, the SOs believe it is timely to conduct a review of the current policy, to examine the potential to remove the limit for both Single and Hybrid Co-Located technology sites.</p> <p>Therefore, NIE Networks and SONI are publishing this consultation to gain holistic stakeholders’ perspectives and opinions on proposals to remove the existing 120% over install limit at a single connection point.</p> <p>View Consultation Paper</p>		
4.	Northern Ireland Electricity Networks	Distribution Code Consultation	28 July 2023
	<p>NIE Networks are today publishing a Distribution Code public consultation seeking the views from stakeholders on a proposed modification to the existing Distribution Code document Engineering Recommendation ERG99/NI.</p> <p>The Consultation can be viewed at D Code Consultation</p>		
5.	Department for Education	Consultation on the Department of Education 2023-24 Resource Budget	13 August 2023
	<p>The Department of Education has launched a public consultation on the equality implications following the announcement by the Secretary of State on the 2023-24 budget allocations.</p> <p>Copies of the consultation document and response form can be accessed from the Department’s website at 2023-24 Budget Equality Impact Assessment Consultation</p>		

6.	Northern Ireland Policing Board	Northern Ireland Policing Board Engagement Strategy 2023-25 Consultation	5 September 2023
<p>The Northern Ireland Policing Board (the Board) is currently consulting on the Engagement Strategy and would welcome the views of stakeholders and the wider community on this important area of the Board's work.</p> <p>Read the Engagement Strategy here</p> <p>The Board would welcome your feedback on the proposed 'Aims' and also the three 'Strands of Engagement' as outlined below:</p> <ol style="list-style-type: none"> 1. Engagement with the Community through Partnership & Collaboration 2. Engagement with Stakeholders (inc. Statutory Stakeholders) 3. Consultation, Research & Reports 			
7.	Northern Health and Social Care Trust	Consultation on Draft Equality and Disability Action Plans 2023-28	25 September 2023
<p>The six Health and Social Care Trusts in Northern Ireland have worked in partnership to develop new draft Equality and Disability Action Plans for 2023-28.</p> <p>The consultation documents are available at Draft HSC Disability and Equality Action Plans 2023-2028 - Northern Health and Social Care Trust (hscni.net)</p> <p>We are seeking your views on our draft Equality and Disability Action Plans and welcome your feedback.</p>			
8.	Department of Agriculture, Environment and Rural Affairs (DAERA)	Consultation on Northern Ireland's 2030 & 2040 Emissions Reduction Targets & First Three Carbon Budgets & Seeking views on Climate Change Committee (CCC) Advice Report: The path to a Net Zero Northern Ireland	11 October 2023
<p>The Department of Agriculture, Environment and Rural Affairs (DAERA) is delighted to present this consultation on behalf of the Northern Ireland Executive and look forward to hearing your views.</p> <p>The main aim of this consultation is to consult on the proposed 2030 and 2040 emissions targets for Northern Ireland and proposed carbon budgets for the periods 2023-2027, 2028-2032 and 2033-2037. We are also using this opportunity to seek the public's views on the Climate Change Committee's (CCC) Advice Report: The Path to a Net Zero Northern Ireland(external link opens in a new window / tab) published in March 2023.</p> <p>https://www.daera-ni.gov.uk/consultations/carbonbudget</p>			

Available to View

RECEIVED FROM	TITLE	PUBLISHED
Department of Finance	Policy Screening template for the Public Service Pensions (Valuation and Employer Cost Cap) Directions (Northern Ireland) 2023	Policy screening template - The Public Service Pensions (Valuations and Employer Cost Cap) Directions (Northern Ireland) 2023 Department of Finance (finance-ni.gov.uk)

Open Consultations (previously Listed)

- Equality screening of Ulster University's new and revised policies - Public consultation – submission by 7 July 2023
- The Executive Office - Equality & Human Rights Unit Budget Consultation 2023-24 – submission by 7 June & 2 August 2023
- The Executive Office - Consultation on The Executive Office Draft Equality Scheme 2023-2028 submission by 11 August 2023

Engagement Exercise on the proposal to legislate for further six month extensions of the ‘Live Links’ provisions within Parts 1 and 2 of Schedule 27 of the Coronavirus Act 2020

The Department is writing to seek your views and those of your colleagues/members within your organisation or profession on the proposal that the Department should continue to utilise the power provided at section 90(2) of the Coronavirus Act 2020 to extend the expiry date of the Act’s provisions on live links, in September 2023 and beyond while we await the return of a Northern Ireland Executive, to support progression of court and tribunal business.

One of the Department’s priorities is to maintain the delivery of public services as sustainably, effectively and efficiently as possible. The objective, if a further extension is made, is not only to optimise the benefit of the significant investment made on an enhanced digital court environment but to meet the needs of court users.

The Department carried out a public consultation on the use of ‘live links’ in 2022. Responses provided evidence of wide support to retain the use of live links relying upon the judiciary determining whether the use of live links was in the interests of justice for any particular case or participant.

The current provisions contained in section 90(2) of the Coronavirus Act 2020 are due to expire in September 2023. In the absence of a Minister, it will fall to the Department to consider whether any further extension of these live links provisions should be made.

Further information on the context for the Department’s proposal is enclosed.

We invite you to express your view on any matters you consider relevant to the approach being undertaken in regard to this policy by completing the attached Question and Answer section and returning it to maire.sheehan@justice-ni.gov.uk by 4 July 2023.

Any queries about the process or the issues raised should be directed to Máire in the first instance.

Context of the Department’s Proposal

The improvement and modernisation of our courts and tribunals has been a key priority for the Department of Justice. You will be aware these provisions facilitate the wider use of audio and video conferencing within any court or statutory tribunal so that the judge if satisfied it is ‘in the interests of justice’ can conduct all or part of any proceedings using live links.

The facilitation for remote or hybrid hearings remains essential if matters suitable for remote attendance and the recognised benefits mentioned in the Lady Chief Justice's Guidance of May 2023 are to be retained. While in November 2021 the Department's estimate was there may be a need for at least 3 six month extensions, in the absence of Ministers and a functioning Assembly the Department must consider whether additional extensions are required.

Although there was overwhelming support within the recent public consultation to retain access to the wider use of live links as part of the courts and tribunals modernisation agenda, any future legislation to be introduced in the Northern Ireland Assembly will be determined by an incoming Minister. The timing or progression of any draft legislation within the Northern Ireland Assembly will be subject to the priorities established by an incoming Executive, Assembly Committee for Justice and Minister for Justice.

Even if a decision is taken to introduce legislation in the Assembly to make provision for live links to be used in the future there is likely to be a continuing need for the 2020 Act provisions to be retained until such times as the new provisions are in place.

The extension of these powers allows the continuation of improving access to justice in a proportionate way while making use of available resources including the use of new technologies and digital working. The alternative is not to make extension orders and return, in particular the criminal courts, to relying on in person hearings for most remands as well as any hearings, whether contests or pleas.

Any extended use of remote/hybrid court access has to take appropriate account of the section 75 equality duty and obligations as well as protecting the right to a fair trial. The Department continues to review periodically the equality screening assessment conducted on live links.

The Department considers there is risk of significant detriment to the provision of a public service should the access to these powers for remote or hybrid hearings be lost. There is loss of the benefits for those caught up in legal proceedings who may find remote attendance less intimidating than attending in court as well as improved safety for some lay parties, particularly in cases involving allegations of abuse, alongside the opportunity to realise an advantage for public finances and carbon reduction.

Evidence from and since the Public Consultation on Live Links

An earlier engagement exercise conducted in November 2021 as well as the more recent public consultation in 2022 suggests there is nothing seriously contentious in regard to a policy of retaining the live links provisions within the 2020 Act until new

legislation could be put in place by a functioning Northern Ireland Assembly and Executive.

The 2022 public consultation on live links provided evidence of wide support from respondents to retain the use of live links relying upon the judiciary determining whether the use of live links was in the interests of justice for any particular case or participant.

Since the public consultation¹ launched in the summer of 2022 was completed, the Department published a summary of the responses² which included a precis of a report upon qualitative analysis research conducted by the independent Northern Ireland Statistics & Research Agency (NISRA) on remote and hybrid hearings.

In summary participants to the NISRA project reported an overall positive experience ‘conducting business’ using remote technology. It was summarised as “feedback suggests some civil cases worked quite well remotely whilst, many family cases benefitted from a more hybrid approach. Criminal cases of a more serious nature tended to work better in a face to face environment”. Participants also strongly felt there was a need for a consistent approach and expressed a perception that individual judges have different preferences towards remote hearings.

In addition, the recent Ministry of Justice (MoJ) report on “The impact of remote hearings³ on the Crown Court” suggests there is “little meaningful differences found in efficiency or effectiveness” when remote/hybrid hearings are used. The MoJ research found that there were only small reductions in hearing durations with remote/hybrid hearings such as for Plea and Trial Preparation Hearings but little or no impact on total case duration or number of hearings required in a case. The analysis of trial case outcomes suggested there are no impacts on the wider outcomes. Hybrid/Remote plea hearings didn’t impact the proportion of cases which required a trial. There was an insignificant difference associated with remote/hybrid plea hearings in that “slightly more guilty pleas were given and less dropped cases or no pleas entered”. The analysis also found there was a very small, and therefore not likely to be meaningful, reduction in discharges for those cases going to trial but having a remote/hybrid plea hearing had no impact on convictions, acquittals or not guilty verdicts.

Further Developments for the Courts

More recently, in May 2023, the Lady Chief Justice issued new Guidance titled “Guidance on Physical (In-Person), Remote and Hybrid Attendance”. This replaces

¹ July 2022 ‘**Audio and Video links for Northern Ireland Court and Tribunal Hearings**’

² [Audio and Video Links Live Links Consultation Responses | Department of Justice \(justice-ni.gov.uk\)](#)

³ It is clear that the remote hearings considered within this research would be viewed/described as “hybrid” in this jurisdiction given that remote encapsulated a court hearing “where at least one participant attends through audio or video rather than being in-person.”

the earlier June 2022 Guidance. The May 2023 Guidance stresses that all should attend court in person unless a judge has decided they can attend remotely. There is general guidance indicating the type of hearings or court business where in person attendance is expected, in particular by counsel or solicitors.

The guidance is clear that in the absence of an application made in advance by email to attend remotely, the expectation is in person attendance. There is also guidance on matters which generally could be suitable for remote attendance. E-link below is provided to the guidance and hard copy can be provided on request.

The May 2023 Guidance was followed by revised Sightlink Guidance⁴ issued by the Northern Ireland Courts & Tribunals Service (NICTS) essentially to ensure all court users were informed of new operational arrangements for accessing court hearings remotely. The Department's understanding is that the new arrangements, as the earlier arrangements were, will be subject to review.

Increased use of technology for court and tribunal business not only forms part of the Department's plan but the Lady Chief Justice, Dame Siobhan Keegan KC, in her opening of term address in September 2022 identified as a key priority moving forward with modernisation of the system.⁵ The May 2023 guidance records that it is essential the recognised benefits from the use of digital technology within the courts, for certain types of cases or evidence to be given, is retained while also maintaining the integrity and structure of the court.

There continues to be investment in improving the technology required to facilitate hearings using live links and this engagement exercise forms part of the continuing effort to collect evidence on the Northern Ireland experience of live links. We continue to monitor research emanating from neighbouring jurisdictions alongside any research conducted within Northern Ireland.

Extension of Live Links provisions past and future

The first order⁶ extending the live links provisions within the 2020 Act was made in January 2022 and approved by the Northern Ireland Assembly on 1 March 2022. The then Minister, in September 2022, made a further order⁷ extending these provisions until late March 2023. The 2020 Act only allows the provisions to be extended for up to six months at a time. The Department considered and concluded

⁴ **Remote/Hybrid Hearings– SightLink Technical Guidance – Updated May 2023**

⁵ The Judicial Modernisation Paper issued in autumn 2021 by the Lady Chief Justice established a shared view of the way forward across the inter-reliant areas of courts estate, service re-design, and digital transformation. It fed into the Vision 2030 project which is a shared commitment by the Northern Ireland Courts & Tribunals Service, the Department of Justice and the judiciary to deliver a modernised, efficient and effective courts and tribunals system. [Judicial Modernisation Paper September 2021.pdf \(judiciaryni.uk\)](#)

⁶ The Coronavirus Act 2020 (Extension of Provisions Related to Courts, Tribunals and Inquests) Order (Northern Ireland) 2022; SR 2022 No 24

⁷ The Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals) Order (Northern Ireland) 2022; 2022 No 227

there was a public interest in making a further order before the September 2022 extension expired. The alternative was not to make the extension order and return, in particular the criminal courts, to relying on in person hearings for most remands as well as any hearings, contested charges or pleas.

The Department, at that time, had taken account of the guidance issued by the Lady Chief Justice, in June 2022, which identified this digital tool accompanied by the increased digital experience of judges as providing a platform for wider reforms to improve access to justice. It observed how essential the retention of live links is as the justice system “moves towards and beyond recovery from the pandemic”.

Former Justice Minister Long engaged with ministerial colleagues about the September 2022 extension and “a third extension order in March 2023”. The extensions were put forward as a means of bridging the gap between the “public consultation, consideration of responses and legislating in the Assembly for use of live links in Northern Ireland”. All indicated they were content for access to live links to be maintained.

Loss of remote disposal of court business may impact efforts to address the backlog caused by Covid 19. Any additional delay for the resolution of disputes or criminal trials has an adverse impact upon victims, witnesses and defendants as well as access to justice more generally.

In light of the budget for 2023/24 announced by the Secretary of State for Northern Ireland, all public services are operating against a background of budgetary restraint. Many stakeholders have identified savings of time in travel or from the removal of sitting around courts waiting to be called to provide evidence. This has increased flexibility in the allocation of resources previously lost when having to attend or accompany others to court.

Many of the concerns expressed in earlier years have been addressed partly or fully, whether by familiarity with the technology or the recent guidance on Remote, In-Person and Hybrid Hearings. The Department continues to liaise with operational colleagues to explore potential legislative or administrative solutions to some of the issues arising out of the public consultation responses. Operational colleagues are aware of the request for clearer guidance for participants on entering a court remotely.

Exploration of how the technology available can be improved to enhance the experience of the user continues while user feedback has been reflected in changes and enhancements introduced. NICTS continue to evaluate options to build on or replace the existing conferencing products to provide enhanced functionality. The monitoring of usage will continue to ensure any investment is justifiable.

Engagement - Q & A

The Department of Justice supports an extension to ensure that courts and tribunals can continue to function as efficiently as possible in a way which does not impede access to Justice. The Department set out both in the November 2021 engagement and the 2022 public consultation our approach to the use of live links against the standards established under domestic and international obligations.

Q.1

Which of the following best describes your view on the proposal to make further extensions of live links provisions? (indicate/tick as appropriate)	
I think the provisions for remote hearings should continue to be extended beyond September 2023.	
I think the provisions for remote hearings should be extended beyond September 2023 but not beyond March 2024.	
I do not think the provisions for remote hearings should be extended beyond September 2023.	
I am Unsure	
I have no view	

Q.2

Can you indicate the business area/s which best describe the access or use of live links made by you or your organisation? (indicate/tick as appropriate including multiple areas where relevant)						
Criminal	Family	Commercial	Judicial Review	Personal Injury	Court of Appeal	Other/Tribunal (please state)
Can you indicate the court tier/s which best describe the access or use of live links made by you or your organisation? (indicate/tick as appropriate including multiple areas where relevant)						
Magistrates' Court	Crown Court	County Court	High Court	Court of Appeal Civil	Court of Appeal criminal	Other/Tribunal

Additional comments/observations

Please respond to the Department by 4 July 2023.

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