



Department of
Justice

An Roinn Dlí agus Cirt

Mánnystrie O tha Laa

www.justice-ni.gov.uk

CONSULTATION

ENABLING ACCESS TO JUSTICE PROGRAMME

DRAFT DELIVERY PLAN

JANUARY 2025

CONTENTS

1. WHY ARE WE CONSULTING	3
2. BACKGROUND	3
3. THE DELIVERY PLAN	7
4. HAVE YOUR SAY	8
5. RESPONDING TO THE CONSULTATION	8
6. ALTERNATIVE FORMATS	8
7. DURATION AND CLOSING	9
8. EQUALITY CONSIDERATIONS	9
9. RURAL NEEDS	9
10. PRIVACY, CONFIDENTIALITY AND ACCESS TO CONSULTATION RESPONSES	10
ANNEX A	12

1. WHY ARE WE CONSULTING?

- 1.1 This consultation seeks views on the Delivery Plan for the Departments Enabling Access to Justice Reform Programme.
- 1.2 The Minister of Justice is committed to improving access to justice. That means ensuring a right to fair trial, supported by high quality advice and representation; it means ensuring those who come into contact with the justice system, or who are in dispute, have the support they need at the right time; and it means ensuring issues are resolved using tools appropriate to complexity in a way which minimises stress and acrimony. The Enabling Access to Justice Reform Programme was initiated with the intention of examining whether the current approach to supporting access to justice is achieving those aims, if it is generating the best possible outcomes for citizens, and if it is ensuring value for money and the system is sustainable.
- 1.3 To aid analysis the Department has undertaken extensive research and engagement which has highlighted a number of areas where reform and a different approach might better ensure user needs and expectations are met and provide better clarity and assurance on how resources are being used. The draft Programme Delivery Plan details how the Department proposes to progress further consideration and implementation and we would welcome views on the Plan to ensure issues are being considered in an effective and efficient order that takes account of interconnectivities and the relative impact reforms may have on citizens and the operation of the system. This consultation seeks thoughts to that end.

2. BACKGROUND

- 2.1 Access to Justice can be supported in a number of ways, through information, support, advice, mediation, online resolution tools, and through the courts and representation. Legal aid for those who cannot navigate the system alone and who cannot afford advice and representation is a critical part of that picture but remedy need not solely be delivered by the courts and the needs of those who

come into contact with the system can often extend beyond legal matters. It is also the case, that, in some circumstances, resolving disputes through the courts can exacerbate issues experienced by system users. The initial evidence gathering phase of the Reform Programme therefore sought to examine whether the current approach could be adjusted to improve outcomes and provide greater assurance on service quality and benefit. Focus has been on ensuring the right supports and remedies are available at the right time, and in a time of increasing financial pressure, that resources are directed to areas of greatest value and support is available to the most vulnerable. Focus has also been on providing assurance to the wider community on how resources are being used and the system is sustainable.

2.2 Consideration has been informed by a wide evidence base including:

- previous Reviews such as the Access to Justice Review and the Gillen Review of Civil and Family Justice;
- learning from other jurisdictions;
- existing and new management information and data;
- the Fundamental Review of Criminal Legal Aid led by His Honour Tom Burgess C.B.E;
- a Foundational Review of Civil Legal Services;
- research commissioned by the Department in fulfilment of section 29 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 on means of supporting victims of domestic abuse in family proceedings;
- a Review and Rapid Priority Setting Exercise of Civil Legal Aid for cases of Domestic Abuse in Northern Ireland 'A Steep Learning Curve' jointly commissioned by the Department and the Commissioner designate for Victims of Crime; and
- other detailed stakeholder engagement.

2.3 That evidence has highlighted there would be benefits to reform in a number of areas falling under five key themes of:

- Improving Access to Justice;
- Ensuring Appropriate Quality Services;

- Ensuring Value;
- Managing Public Funds; and
- Oversight.

Improving Access to Justice

2.4 To improve access to justice the Department considers there is a strong case for:

- enhancing eligibility for legal aid to ensure a greater range of citizens are protected and for introducing simpler, fairer eligibility rules that focus resource on greatest need and greatest risk of harm;
- enhancing financing options to increase the pool of citizens who can pursue justice;
- better supporting early resolution in the interests of better outcomes, efficiency and cost reduction by reforming practice and procedure and ensuring there are no perverse financial incentives to prolonged litigation;
- enhancing transparency to aid informed decisions and self-efficacy; and
- building evidence on alternative dispute resolutions to provide a wider range of options for resolving disputes to reducing costs and the impacts of adversarial court process.

Ensuring Appropriate Quality Services

2.5 To ensure the provision of quality services that meet all the needs of citizens the Department considers there is a strong case for:

- providing bespoke tailored services at the point of entry to address the wider needs of those who encounter the justice system so as to ensure more effective participation and to mitigate long-term impacts and costs; and
- examining whether the regulatory and redress framework for providers of public legal services might be enhanced to provide further assurance to service users on the advice and representation they are receiving and to the public more generally on value for money.

Ensuing Value

2.6 The Department also considers there is a strong case for taking steps to ensure the continued availability of high value support, advice and representation including by:

- undertaking a root and branch review of the remuneration framework for public legal services to assess the added value of work practitioners are required to undertake and the fees which should attach;
- establishing a working group to aid data collection;
- establishing a reference group to aid the root and branch review;
- implementing a more immediate uplift in fees for some aspects of publicly funded legal services to reflect economic and procedural changes since fees were last amended and to aid viability and stability; and
- examining other potential steps the Department might take to aid the viability of public legal services and the representativeness of service providers, including progressing extended rights of audience to increase capacity and considering if interim payments might aid the financial viability of smaller firms and career progression for women and younger members of the professions.

Managing Public Funds

2.7 The Department also considers there is a strong case for taking steps to provide additional assurance on value for money and to provide assurance that resources are focused on supporting the most vulnerable by:

- examining scope and merits rules for the provision of public legal services to ensure resources are targeting greatest need, private funding is not being displaced and those who can afford to contribute to legal costs do so in the interests of sustainability and fairness;
- examining limitations to certification to ensure the continued availability of legal aid does not engender delay or unfairly diminish public resource at the expense of other services;
- increasing transparency and assurance by bringing all spend on public legal services within the purview of the Departmental Accounting Officer in line with PAC/NIAO recommendations.

Oversight

2.8 The Department considers there is also a strong case for:

- modernising and simplifying the existing framework for review of public legal services provision; and
- developing a Strategy for Access to Justice to set the principles which should govern the operation of the system, how resources should be prioritised and how and when different categories of dispute should be resolved in the interests of better managing resources and assessing effectiveness.

2.9 The Minister has decided to take action on each of those areas and the proposed approach to consideration and implementation is detailed in the Delivery Plan on which the Department is now seeking views.

3. THE DELIVERY PLAN

3.1 The Reform Programme is wide ranging and ambitious. The Delivery Plan is consequently multiyear but, to ensure citizens have an effective, efficient and sustainable system to support access to justice, the Department intends to move at pace wherever possible and the Delivery Plan reflects that ambition.

3.2 The Delivery Plan also reflects the need to ensure any changes introduced are based on a wide and robust evidence base through consultations and, where appropriate, pilots to test concepts and gather further evidence, on each area of proposed reform. Views are consequently not being sought on the substance of policy proposals at this juncture but on the order of consideration. The proposed sequencing of actions reflects evidence already gathered on the need for reform and the potential impact of those reforms on citizens and the viability and sustainability of the system. The Department would however welcome views on sequencing to ensure the relative benefits have been properly assessed.

3.3 The Department is also conscious delivery of the Reform Programme will be contingent on the collaboration and cooperation of justice system partners and of the potential resource implications of supporting evidence gathering processes. The Department would therefore be grateful if, in considering sequencing, respondees could reflect on resource implications and the feasibility of contributing on issues on which they have an interest within the proposed timescales.

4. HAVE YOUR SAY

4.1 We would be grateful to receive your views on sequencing and in particular on:

- **The extent to which you agree with the order in which reform proposals are to be progressed as stated in the Delivery Plan? and**
- **If you don't agree with the proposed order, how would you instead prioritise action?**

5. RESPONDING TO THE CONSULTATION

5.1 Responses to the consultation can be made by emailing eajdconsultations@justice-ni.gov.uk or you can write to us at:

**Enabling Access to Justice Division
Department of Justice
Massey House
Stormont Estate
Belfast
BT4 3SX**

6. ALTERNATIVE FORMATS

6.1 Copies of this document and the Delivery Plan in alternative formats can be made available upon request. If it would assist you to access the document in

an alternative format or language other than English, please let us know and we will do our best to assist you.

7. DURATION AND CLOSING DATE

- 7.1 The Consultation will run for a period of 8 weeks from 20 January 2024. Responses **should be submitted by 11.59pm on 27 March 2025.**

8. EQUALITY CONSIDERATIONS

- 8.1 As a public authority under Section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the needs to promote equality of opportunity. This legislation also requires public authorities to identify whether a policy has a differential impact upon relevant groups; the nature and extent of that impact and whether such impact is justifiable. These obligations are designed to ensure that equality and good relations considerations are made central to policy development.

- 8.2 The Delivery Plan has been subjected to Equality Screening (which is available on the Department of Justice website) and, at this point we do not consider that a fuller Equality Impact Assessment (EQIA) is required. The Department will take account of the evidence gathered through this consultation and revisit the equality screening if required:

- **Do you have any comments on the Draft Equality Impact Assessment Screening?**

9. RURAL NEEDS

- 9.1 As a public authority under section 1(1) of the Rural Needs Act (Northern Ireland) 2016, the Department is required to have due regard to rural needs in the development and delivery of strategies and policies.

9.2 The Delivery Plan has been subjected to a Rural Needs Impact Assessment and, at this point, we believe that the impact on rural areas should be considered as individual proposals are being developed.

- **Do you have any comments on the Draft Rural Needs Impact Assessment?**

9.3 As there is an obligation to consult for a period of **12 weeks on the impact assessments**, the Department has taken the decision to consult separately on the Delivery Plan and the impact assessments to limit delays on the policy proposals. The closing date for views on the impact assessments **only** is **24 April 2025**.

9.4 If you have any comments about the way this consultation process has been handled, you should send them to: Governance.Unit@justice-ni.gov.uk.

10. PRIVACY, CONFIDENTIALITY AND ACCESS TO CONSULTATION RESPONSES

10.1 For this consultation, we may publish all responses except for those where the respondent indicates that they are an individual acting in a private capacity. All responses from organisations and individuals responding in a professional capacity may be published (see privacy notice at Annex A).

10.2 We will remove any personal information, if provided, from the published responses but apart from this, we may publish them in full.

10.3 Your response, and all other responses to this consultation, may also be disclosed on request in accordance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR); however, all disclosures will be in line with the requirements of the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) (EU) 2016/679.

10.4 If you want the information that you provide to be treated as confidential it would be helpful if you could explain to us why you regard the information you have provided as confidential, so that this may be considered if the Department should receive a request for the information under FOIA or EIR.

Privacy Notice – Consultations (DoJ)

Data Controller Name:	Department of Justice (DoJ)
Email:	ejjdconsultations@justice-ni.gov.uk
Data Protection Officer Name:	DoJ Data Protection Officer
Telephone:	(028) 90378617
Email:	DataProtectionOfficer@justice-ni.gov.uk

Being transparent and providing accessible information to individuals about how we may use personal data is a key element of the [Data Protection Act \(DPA\)](#) and the [EU General Data Protection Regulation](#) (GDPR). The Department of Justice (DoJ) is committed to building trust and confidence in our ability to process your personal information and protect your privacy.

Purpose for processing

We will process personal data provided in response to consultations for the purpose of informing the development of our policy, guidance, or other regulatory work in the subject area of the request for views. We will publish a summary of the consultation responses and, in some cases, the responses themselves but these will not contain any personal data. We will not publish the names or contact details of respondents, but will include the names of organisations responding. If you have indicated that you would be interested in contributing to further Department work on the subject matter covered by the consultation, then we might process your contact details to get in touch with you.

Lawful basis for processing

The lawful basis we are relying on to process your personal data is Article 6(1)(e) of the GDPR, which allows us to process personal data when this is necessary for the performance of our public tasks in our capacity as a Government Department.

We will only process any special category personal data you provide, which reveals racial or ethnic origin, political opinions, religious belief, health or sexual life/orientation

when it is necessary for reasons of substantial public interest under Article 9(2)(g) of the GDPR, in the exercise of the function of the department, and to monitor equality.

How will your information be used and shared?

We process the information internally for the above stated purpose. We don't intend to share your personal data with any third party. Any specific requests from a third party for us to share your personal data with them will be dealt with in accordance the provisions of the data protection laws.

How long will we keep your information?

We will retain consultation response information until our work on the subject matter of the consultation is complete, and in line with the Department's approved Retention and Disposal Schedule [DoJ Retention & Disposal Schedule](#).

What are your rights?

- You have the right to obtain confirmation that your data is being [processed, and access to your personal data](#);
- You are entitled to have personal data [rectified if it is inaccurate or incomplete](#);
- You have a right to have personal data [erased and to prevent processing](#), in specific circumstances;
- You have the right [to 'block' or suppress processing](#) of personal data, in specific circumstances;
- You have the right to [data portability](#), in specific circumstances;
- You have the right to [object to the processing](#), in specific circumstances; and
- You have rights in relation to [automated decision making and profiling](#).

How to complain if you are not happy with how we process your personal information

If you wish to request access, object or raise a complaint about how we have handled your data, you can contact our Data Protection Officer using the details above.

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law, you can complain to the Information Commissioner at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF or casework@ico.org.uk