Department of Justice logo



**Sentence Reduction for Guilty Pleas**

**Department of Justice Consultation**

**May 2025**

Table of Contents

[Ministerial Foreword i](#_Toc198216583)

[Responding to this consultation iii](#_Toc198216584)

[Duration and closing date iii](#_Toc198216585)

[Alternative formats iii](#_Toc198216586)

[Equality Considerations iii](#_Toc198216587)

[Rural Needs Impact Assessment iv](#_Toc198216588)

[Screening/Assessment Documents iv](#_Toc198216589)

[Privacy, confidentiality and access to consultation responses iv](#_Toc198216590)

[Complaints v](#_Toc198216591)

[1. INTRODUCTION 1](#_Toc198216592)

[2. BACKGROUND 2](#_Toc198216593)

[Previous consultation 2](#_Toc198216594)

[Progress since 2012 4](#_Toc198216595)

[3. THIS CONSULTATION 8](#_Toc198216596)

[4. SENTENCE REDUCTIONS FOR GUILTY PLEAS 9](#_Toc198216597)

[Northern Ireland 9](#_Toc198216598)

[Table 1: Guidance for sentence reductions where a guilty plea is made (NI) 10](#_Toc198216599)

[England and Wales 10](#_Toc198216600)

[Table 2: Sentencing Council guideline on reductions for guilty pleas 11](#_Toc198216601)

[Scotland 12](#_Toc198216602)

[Ireland 13](#_Toc198216603)

[Other jurisdictions 13](#_Toc198216604)

[Prevalence of guilty pleas, their timing, and impact on delay 13](#_Toc198216605)

[5. ISSUES AND CHALLENGES 14](#_Toc198216606)

[6. ADDRESSING THE ISSUES 18](#_Toc198216607)

[7. OPTIONS AND ISSUES FOR CONSIDERATION 19](#_Toc198216608)

[OPTION ONE: Retain the current arrangements 19](#_Toc198216609)

[OPTION TWO: Statutory requirement for guidelines 19](#_Toc198216610)

[OPTION THREE: Statutory reduction scales 20](#_Toc198216611)

[ISSUE FOR CONSIDERATION: Levels of sentence reduction rates 20](#_Toc198216612)

[ISSUE FOR CONSIDERATION: Special reductions for really early guilty pleas 20](#_Toc198216613)

[JUDICIAL DISCRETION 21](#_Toc198216614)

[Annex A 22](#_Toc198216615)

[Annex B 29](#_Toc198216616)

[Annex C 31](#_Toc198216617)

# Ministerial Foreword

One of my key aims as Minister of Justice is to drive consistent improvement in the Northern Ireland justice system. Justice must be done and be seen to be done. This means respecting due process, as well as meeting the needs of victims, and maintaining the confidence of the public.

In an inevitably complicated process, we need to make the best use of time – for the public who use our courts, for the judiciary in times of increasing demands and complexity, for the legal profession, and most importantly for the victims of crime who need to see justice done in a fair and timely way.

With the legislative and procedural changes made to help improve the justice system over the past number of years, I feel the time is now right to re-visit an issue my predecessor David Ford considered in a 2012 consultation.  That aspect is where considerable time is spent by our prosecution services in preparing for a previously entered not guilty plea and trial, only to see that change to a guilty plea at the door of court.

Northern Ireland has a high level of such cases where long preparations for a trial are swept away by a change of plea.  So it is now the time to consider improvements to the way cases involving changes of plea are dealt with, and the way in which subsequent sentence reduction procedures can apply.

Admitting responsibility early in the process can avoid trauma for some victims who might otherwise have to attend court, give evidence, and be subject to cross-examination.  It can at the same time speed cases through the court system.

On the other hand, applying sentence reduction – a long-established practice set in legislation - can be misunderstood, particularly in cases where there has been a late change of plea.  It can be seen as being to the advantage of the offender or to the detriment of the victim and/or public confidence in the court process.

It is important that our arrangements are clear and understandable for all concerned.

Our current system of sentence reduction is based in legislation, with reduction rates established in key judgments from the Northern Ireland Court of Appeal.  That may still be appropriate, but it is worth exploring alternatives. In some other jurisdictions, a statute-based approach can be followed, with sentencing guidelines required in law.  Guidelines can then specify the levels of reduction to be applied at what time and on what basis.

Perhaps a revised approach to sentence reduction arrangements and laws in NI would improve clarity for the public, victims of crime and witnesses, and as a result improve confidence in our justice system.

 Much has been done and continues to be done in terms of increasing public confidence, speeding up justice, and at the same time considering the needs of victims.  We must continually strive to improve.  My overall and continuing aim therefore is to deliver a faster, fairer justice system and in this specific consultation, to seek views on how we might improve this important area.

 I look forward to receiving your views.

**Naomi Long MLA**

**Minister of Justice**

# Responding to this consultation

1. The Department invites your views on the issues raised by this consultation. We encourage respondents to answer the consultation questions via the on-line facility on NIDirect, accessible via [Sentence Reduction for Guilty Pleas](https://consultations.nidirect.gov.uk/doj/sentence-reduction-for-guilty-pleas).
2. If you are unable to respond using our online consultation facility, you can request a Microsoft Word version and email your response using the following address: [sentencereductionforguiltypleas@justice-ni.gov.uk](mailto:sentencereductionforguiltypleas@justice-ni.gov.uk) or you can write to us at:

Sentencing Policy Unit,

Department of Justice,

Block B, Knockview Buildings

Stormont Estate,

Belfast

BT4 3SG.

1. The Department will publish a summary of responses to the consultation. All information will be handled in accordance with the General Data Protection Regulations (GDPR)

# Duration and closing date

1. The consultation will run for eight weeks. It opens on 16 May 2025 and will close on 11 July 2025.

# Alternative formats

1. The consultation documents are available online at [DOJ Consultations](https://www.justice-ni.gov.uk/consultations/sentence-reduction-guilty-pleas). Copies in alternative formats can be made available on request. If it would assist you to access the document in an alternative format or language, please let us know and we will do our best to assist you.

# Equality Considerations

1. Section 75 of the Northern Ireland Act 1998 aims to encourage public authorities to address inequalities and demonstrate measurable positive impact on the lives of people experiencing inequalities. Its effective implementation should improve the quality of life for everyone in Northern Ireland.
2. Section 75 requires public authorities to have due regard for the need to promote equality of opportunity between:
   * + persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation
     + men and women generally
     + persons with a disability and persons without
     + persons with dependants and persons without
3. The Department has carried out an Equality Impact Assessment (‘EQIA’) screening exercise when considering this consultation. The purpose of this screening was to identify if there is likely to be an impact on equality of opportunity and/or good relations and so determine whether an EQIA was necessary.
4. At this point, we do not consider that a full EQIA is required.

# Rural Needs Impact Assessment

1. The Department gave consideration to a Rural Needs Impact Assessment as part of the consideration of these policy proposals. It identified that there would be no significant adverse or differential impact on people living in rural communities compared with those in an urban setting.

# Screening/Assessment Documents

1. Copies of these screening assessments are available on our website along with the consultation document. We welcome any comments you might have on these.
2. The Department will take account of the evidence gathered through this consultation in developing final policy proposals and will revisit the screening documents and rural needs impact assessment if required.

# Privacy, confidentiality and access to consultation responses

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 (e.g. a member of the public). All responses from organisations and individuals responding in a professional capacity will be published. We will remove email addresses and telephone numbers from these responses; but apart from this, we will publish them in full. For more information about what we do with personal data please see our consultation privacy notice at Annex B.
2. Your response, and all other responses to the consultation, may 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. Any such disclosures will be in line with the requirements of UK data protection legislation. Please refer to Annex C.
3. 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 the FOIA or EIR.
4. Further information about confidentiality of responses is available by contacting the [Information Commissioner's Office](https://ico.org.uk/)

# Complaints

1. If you have any concerns about the way this consultation process has been handled, please submit your complaint by email to [Governance.Unit@justice-ni.gov.uk](file:///C:\Users\2337476\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\RJ76NM1I\Governance.Unit@justice-ni.gov.uk) or write to the following address:

Governance Unit Corporate Engagement & Communications Division

Department of Justice

Room B5.16 Castle Buildings,

Stormont Estate

Belfast BT4 3SG

## INTRODUCTION

* 1. The purpose of this consultation is to take views on the way in which the criminal justice system in Northern Ireland deals with reductions in sentence length when a plea of guilty is entered.
  2. The law requires a court, when determining a person’s sentence, to take into account any plea of guilty, the reasons or circumstances behind it, and the timing of that plea.  Reductions of up to around a third can be applied to what the sentence would otherwise have been, depending on the point at which the plea was made and other surrounding circumstances.
  3. Whilst every factor affecting a sentence must be carefully considered, the timing of a guilty plea can cause particular challenges: for victims, when a late change of plea occurs having faced what can be lengthy and anxious periods preparing for a possible trial; for the justice system, which will have seen much court and prosecution time taken up in case preparation; and for the public, whose confidence in the system can be reduced.
  4. This consultation explains the backdrop to the current position and decision to consult, summarises the approaches taken in Northern Ireland and neighbouring jurisdictions, outlines the issues and challenges which arise, and options for addressing these. Some questions are posed at the end of the document.
  5. The Department is working to introduce a Sentencing Bill by the end of this year. Depending on timing, and the outcome of this consultation, it is possible that any decisions flowing from this consultation which require primary legislation could be addressed in that Bill. Extra content for that Bill will of course require agreement of the Executive, and its inclusion will be subject to the exacting timetable for the legislation, as well as resource being available to complete the complex drafting process. With that in mind we have limited this consultation to an eight-week period to allow work on analysis of responses to be completed over the summer period, and give us the best chance to legislate in this mandate, if that is considered to be appropriate.
  6. In addition, the Department is developing a separate review of further sentencing issues. This consultation focuses on the specific issue of sentence reduction for guilty pleas, and we would encourage respondents to comment on that basis. Your comments may also help us to develop the matters for consideration in the forthcoming review.

## BACKGROUND

### Previous consultation

* 1. The Department previously consulted in this area in January 2012 when it published a consultation paper entitled Encouraging Earlier Guilty Pleas. The paper sought to identify what might be done to speed up the court process in terms of guilty pleas whilst also reducing trauma for victims and witnesses.
  2. The consultation specifically excluded two aspects of the plea process:
* any suggestion of “plea bargaining” to encourage defendants to plead guilty.  Plea bargaining involves negotiation between prosecution and defence representatives to identify a lesser charge in return for a guilty plea; and
* the possibility of imposing a stiffer sentence in cases where a person who pleads not guilty is later convicted.  Under UK law, everyone is innocent until proven guilty - a fundamental principle of the justice system.  Any proposal for longer sentences for those who plead not guilty and are then found guilty would, in effect, be punishing the individual in question for exercising their fundamental right to plead not guilty.
  1. As was the case in 2012, these do not form any part of this current consultation**.**
  2. The 2012 consultation considered three options.
  3. The first option was to enhance the existing arrangements by increasing understanding and transparency of the then existing scheme through awareness-raising initiatives. Defendants would have been provided with appropriate information at relevant stages, advising that a reduction in sentence may be available for an early guilty plea, while transparency would have been improved by requiring judges to state in open court the reduction that would have been awarded had a guilty plea been entered earlier.
  4. The second option was to reform the way the system operated to address the question of guilt or innocence at an earlier stage. This would have been achieved by:
* a streamlined process to ensure that cases which were likely to end in a plea of guilt would be dealt with quickly and proportionately;
* the provision of clear and concise summaries of criminal cases and evidence that the prosecution intended to rely on;
* creation of a formal “earliest opportunity” to plead, linked to the deadline for service of the prosecution papers and the date of the first hearing; and
* changes to transparency of sentencing arrangements – an understanding of the amount of reduction likely to have been available for an early guilty plea was likely to be a critical factor in the suspect's decision.  This would have required the court to state the reduction it would have given to the defendant had they entered a plea at an earlier stage.
  1. The third option was to introduce legislation allowing a defendant who pleaded guilty at an early stage to receive a legislatively defined sentence reduction. The reduction could have been linked to the point at which a plea was made.  The presumption would not have been automatic: judges could have been given powers to withhold discount in certain circumstances, for example where the case against the defendant was overwhelmingly strong.   Judges would have retained discretion to decide the level of reduction to be applied, depending on the facts of the case, but within a fixed range.

#### The outcome of the 2012 consultation

* 1. For Option 1 the Department recognised that increasing awareness of the existing arrangements would not, of itself, have a significant impact on encouraging earlier guilty pleas. It seemed clear however that there would be benefit in enhancing the understanding of the current arrangements, pending wider reform. The Department committed to consider further ideas in this area pending an ongoing Criminal Justice Inspection thematic inspection report on early guilty pleas. The Department also recognised that, in practice, many judges already stated in open court the level of sentence reduction that would have been awarded for an early plea.  Its view was that making this a duty in appropriate cases would help increase transparency of the early guilty plea scheme at the sentencing stage. This would require legislation.
  2. It was recognised that the success of any Option Two proposals (particularly to ensure early engagement between the defence and prosecution) would rely upon changes to processes and procedures within the criminal justice system. The Department decided to give further consideration to the concept of early engagement between prosecution and defence which would be a fundamental component of any earlier guilty pleas scheme.  Linked to this, it would be important to consider how the provision of an *early view of the case* against the accused could be facilitated.
  3. In terms of a recognised ‘earliest opportunity to plead’ again the Department felt that further work would be needed to determine when this point might be. The Department was not persuaded that moving away from the current arrangements, where the trial judge determines the earliest point on a case-by-case basis, was necessarily the correct approach
  4. In relation to the transparency of sentencing arrangements, the Department saw merit in requiring the trial judge to indicate in their sentencing remarks the level of reduction that would have been available if a guilty plea had been entered. The Department’s view was that this was a narrowly focused reform which, though intended to increase the understanding and transparency of sentencing arrangements, would have the effect of constraining judicial discretion.
  5. At that time, the Lord Chief Justice was already consulting on the use of guideline cases in producing sentencing guidance in Northern Ireland. The Department had found no strong evidence of particular issues with the application of judicial discretion in this area and was not convinced that this option was necessary.

#### General conclusion of the 2012 consultation

* 1. The more general and overarching conclusion was that the success of any early guilty plea scheme would, in part, be dependent upon reform of the committal process, for example, to enable the direct transfer of a defendant to the Crown Court, without committal, in certain circumstances. This then became an important feature of the way forward and the Department’s legislative plans.

### Progress since 2012

* 1. A number of important developments delivering improvements both in terms of system effectiveness and enhanced recognition of the needs of victims have taken place since the 2012 consultation.
  2. A key focus has been the improvement of committal proceedings to quickly deal with cases and at the same time reduce the stresses on victims and witnesses.
  3. The Justice Act (NI) 2015[[1]](#footnote-1) made significant improvements in both of these areas. These included:
* Changes to the process of committal for trial – the procedure to determine if there is sufficient evidence to justify putting a person on trial in the Crown Court – not only to speed up process, but also to reduce the impact on victims and witnesses who may have to give (sometimes traumatic) evidence more than once.  The committal process was further refined under the Criminal Justice (Committal Reform) Act (NI) 2022[[2]](#footnote-2).
* A requirement for the Court when passing sentence, where a defendant has been convicted after trial or does not enter a guilty plea at the earliest opportunity, to indicate what sentence would have been passed if the defendant had pleaded guilty at the earliest opportunity.
* Statutory provision to afford victims the opportunity to make victim personal statements.
* Victim and Witness Charters established to clearly set out the services and the standards to be provided to victims and witnesses.
  1. A series of reports made further recommendations about improving services for victims and witnesses and reducing delay.  Of note, these included:
* The Criminal Justice Inspection NI (CJINI) Report: The Use of Early Guilty Pleas 2013[[3]](#footnote-3) which recognised, *inter alia*, arrangements to fast-track guilty pleas for sentencing; the benefits of early guilty plea schemes in England and Wales; and “accelerated hearings” in Scotland for those who want to enter a guilty plea.
* The Audit Office Report – Speeding Up Justice: avoidable delay in the criminal justice system 2018[[4]](#footnote-4) recommended that “the Department should establish an action plan and a timetable for the eradication of the committal process”.
* The CJINI Report: Sexual Violence 2018[[5]](#footnote-5) on the handling of sexual violence and abuse cases by the NI justice system which recommended that the Department consider a process ofdirect transfer to the Crown Court for serious sexual offences and child abuse offences.
* The Gillen Review: Report into the law and procedures in serious sexual offences in Northern Ireland 2019[[6]](#footnote-6), which called for, *inter alia*, “radical steps to combat excessive delay in the criminal justice system”, including a recommendation for a special sentence reduction for ‘really early’ guilty pleas to be granted in serious sexual offences.
* The Public Accounts Committee’s Report on Speeding Up the Justice System in 2021[[7]](#footnote-7), which examined the reasons behind the lengthy processes in completing Crown Court Cases. It found that progress through the courts is punctuated by administrative delays and adjournments, and concluded that the key criminal justice organisations needed to work together more effectively to address delay. One of the recommendations was for a legislative general duty of engagement and pre-hearing communication between the prosecution and defence in all Crown Court cases.  Work in this area is being taken forward to encourage more guilty pleas being entered at an earlier stage in proceedings than currently occurs and to also facilitate fewer more effective hearings.

* 1. Victim surveys[[8]](#footnote-8) have also played an important role in identifying the need for change, providing important information on victims’ experiences of trials:
* Across the more recent surveys, almost two thirds of respondents (65%) were not ultimately required to give evidence at court.
* The same proportion cited the main reason for not having to give evidence as the defendant pleading guilty.
* Less than half of respondents (41% in 2022/23[[9]](#footnote-9)) who gave evidence at a trial indicated that they would be likely to do so again (32% of victims and 56% of witnesses).
  1. Important initiatives have been:
* Victim and Witness Charters;
* the establishment of a Victim and Witness Care Unit;
* a Registered Intermediary Service;
* legal entitlements to Victim Personal Statements;
* tailored guides to the criminal justice system; and
* the important appointment of a Commissioner Designate for Victims of Crime and Victim Champions across criminal justice organisations.
  1. The Department also developed, consulted on, and published Victim and Witnesses Strategy 2021-2024 (which was recently extended to cover 2025), and includes the commitment to establish the Victims of Crime Commissioner as a statutory role with a range of powers and duties to build on the work already achieved by the Commissioner Designate who has been in post since June 2022.
  2. Underpinning all of this work has been the commitment by the Northern Ireland Executive in the Fresh Start Agreement (2015[[10]](#footnote-10)) to implement, among other matters, further measures to speed up criminal justice and support victims.

#### Ongoing work

* 1. Further work is ongoing aimed at improving the experiences of victims and witnesses within the criminal justice system. The Department of Justice funds the delivery of a number of support services for victims and witnesses of crime. Most recently additional tailored support services have been provided for specific cohorts of victims who may experience particular vulnerabilities. These include the provision of advocacy services for victims of domestic and sexual abuse and for victims of hate crime; and the establishment of Sexual Offences Legal Advisers (SOLAs) who can provide independent legal advice, pre-trial, to complainants in serious sexual offence claimants, particularly in relation to the disclosure of third-party material or an application to introduce their previous sexual history.
  2. The Department has consulted on and plans to introduce new legislation, a Victims and Witnesses of Crime Bill, which is intended to help further improve the experiences of victims and witnesses within the criminal justice system. The Bill will include provisions to clarify the right of complainants in serious sexual offence cases to pre-trial representation to the court, to support them to object to the disclosure of third-party material or to an application to introduce their previous sexual history; this would effectively expand the role of the SOLA services and afford additional protections to complainants in these cases.
  3. The Victims and Witnesses of Crime Bill will also include provisions that are intended to enhance the protection of the Article 8 of the European Convention on Human Rights (‘ECHR’) rights of complainants of serious sexual offences under the disclosure regime, without compromising the Article 6 ECHR rights of the defendant to a fair trial.
  4. The Department also intends to make provision for the establishment of a statutory Commissioner for Victims and Witnesses of Crime, whose role will be to give a voice to victims and witnesses of crime, represent their interests and drive improvement and best practice across the criminal justice system in order to deliver improved outcomes for victims and witnesses. Significant improvement in this area has already been made by the work of the Commissioner Designate for Victims of Crime, however statutory powers and duties will further enhance the effectiveness of this role.
  5. The Department continues to work with partners across Government and the criminal justice system to deliver the Gillen Review: Report into the law and procedures in serious sexual offences in Northern Ireland 2019. In addition to the progress that has already been made (which has seen improvements to the disclosure regime and to Achieving Best Evidence; the establishment of a protocol to expedite cases involving children; the establishment of Remote Evidence Centres; and the introduction of SOLAs and Children’s SOLAs), work is underway to consider and make recommendations for a Barnahus-informed model of wrap-around response for child victims of serious sexual offences and to establish arrangements to pilot the concept of Pre-Recorded Cross Examination in Northern Ireland.
  6. The Department has also been engaging to inform the development of a new five-year Victims and Witnesses of Crime Strategy and intends to launch a public consultation on a draft strategy in May 2025.

## THIS CONSULTATION

* 1. Despite the significant changes and improvements made over recent years, some challenges remain – challenges which the Department is keen to address to improve the justice system further.  Therefore, building on the legislative and procedural improvements to date, we feel that the time seems right to take a fresh look at what more might be done in this space.
  2. In particular, as you read this consultation paper, we ask you to consider:
* Have the procedural changes already implemented done enough to improve the guilty plea process?
* Should the legislative process be further refined or perhaps strengthened?
* Might a statutory requirement for sentencing guidelines be an option?
* Is now the time to re-consider the levels of sentence reduction available for guilty pleas and for them to be placed in law?
  1. As mentioned above, the Department is developing a separate review of further sentencing issues. This consultation focuses on the specific issue of sentence reduction for guilty pleas, and we would encourage respondents to comment on that basis. Your comments may also help us to develop the matters for consideration in the forthcoming review.

## SENTENCE REDUCTIONS FOR GUILTY PLEAS

### Northern Ireland

1. As is the case in other jurisdictions, the ability for our courts to reduce a sentence in recognition of a guilty plea is long established in law and practice.

4.2 Since 1967, Northern Ireland law has provided that, when sentencing an offender who has pleaded guilty, the court must take into account the fact the offender has pleaded guilty, the circumstances and stage at which an indication to plead guilty was given.

4.3 This duty is now found at Article 33 of the Criminal Justice (NI) Order 1996.

4.4 In addition, section 88 of the Justice Act (NI) 2015 (the Act) requires a court, in certain circumstances when passing sentence, to indicate the sentence that it would have passed had the defendant entered a guilty plea at the earliest reasonable opportunity.

4.5 The intention is to increase awareness of the availability of sentencing reduction for an early plea and add some clarity around the level of reduction that may be available in particular circumstances.

4.6 The Act does not itself define “the earliest reasonable opportunity”.  The first opportunity for a plea in the Crown Court is at arraignment.  An early acceptance of guilt is a simpler process in the magistrates’ courts, where proceedings are summary in nature.

4.7 Early opportunities to plead therefore vary across court tiers.  Given the number of adjournments that can routinely arise, particularly in the Crown Court, “earliest” or “early” may be at a number of points in the process.

#### Sentencing Guidance

4.8 Guidance on the levels of sentence reduction that should be applied at different stages is found in guideline judgments of the Northern Ireland Court of Appeal published on the NI Judiciary website[[11]](#footnote-11) available to the public, the legal profession, and the judiciary.

4.10 The broad principles of sentence reduction for guilty pleas were most recently summarised in the case of *R v Gavin Coyle* [2024] NICA 22, which outlined:

* A reduction of around one third is usually reserved for guilty pleas entered at the earliest opportunity[[12]](#footnote-12).
* Credit can then reduce to a maximum of 20-25% up to the start of the trial.
* This is all with the caveat that sentencing judges retain a discretion to apply greater or lesser credit for a plea at a later stage if the circumstances dictate it and are explained.

### Table 1: Guidance for sentence reductions where a guilty plea is made (NI)

|  |  |
| --- | --- |
| **Reduction\*** | **Timing of plea (or indication to plead guilty)** |
| Maximum of one-third (33.3%) | At an early stage or at arraignment. |
| Reducing to a maximum of around 20-25% | Thereafter and up until the start of the trial. |

\*Judges retain a discretion to apply greater or lesser reduction for a plea at a later stage if the circumstances dictate it and are explained.

#### The sentencing process

4.11 When a person (the defendant) is convicted of an offence the Court must then determine what sentence to impose. In delivering the sentence the judge will clearly set out the factors the court has taken into account. These will include: the appropriate sentence for the offence(s); any mitigating or aggravating factors specific to the case; their consideration of any sentence reduction if a guilty plea has been entered; and any final adjustments to take account of the impact of delay on the defendant’s right to a fair trial within a reasonable time, or other matters relevant to the case and identified as requiring to be considered at this stage.

4.12 This exercise in considering a reduction in sentence occurs *after* the appropriate sentence for the offence has been determined.  In other words, the court will look at the facts of the case, its severity, the aggravating or mitigating factors that apply, and determine the sentence which should apply had a plea of guilty not been entered, before then considering the appropriate reduction.

4.13 In some, though not all, cases the judge may have written sentencing remarks which can be made available and/or published on-line.

4.14 The sentencing judge then refers to guideline cases from the NI Court of Appeal to decide whether to apply a reduction to reflect the defendant’s acceptance of offending, and what any level of reduction should be.  Differing rates of reduction can apply depending on the timing of the plea and on the range of relevant factors specific to each case.

### England and Wales

4.15 In England and Wales, a Sentencing Council was created by statute in 2010 to promote greater transparency in sentencing while maintaining the independence of the judiciary.  Section 125(1) of the Coroners and Justice Act 2009 requires courts to follow the Council’s sentencing guidelines when sentencing defendants.

4.16 Section 73 of the Sentencing Act 2020 requires courts to take account of the stage at which an offender indicated the intention to plead guilty, and the circumstances in which the indication was given.

4.17 This duty is reflected in the Sentencing Council’s Reduction in Sentence for Guilty Plea guideline[[13]](#footnote-13), the purpose of which is stated as being “to encourage those who are going to plead guilty to do so as early in the court process as possible”. A defendant may receive an indication of their sentence if pleading guilty however nothing in the guideline can be used to put pressure on a defendant to so plead.

4.18 The main features of the guideline are:

* a cap on the reduction for a guilty plea of one third;
* where a defendant pleads (or indicates) at the first hearing a reduction of one-third will always be made regardless of the strength of evidence;
* a plea at second hearing will attract a reduction of one-quarter – thereafter a sliding scale applies to a maximum one-tenth reduction on the first day of trial;
* it applies regardless of whether the offence is summary only, either way or indictable only;
* admissions in interview, co-operation with investigation and demonstrations of remorse are to be treated as mitigation separately from the guilty plea reduction; and
* exceptions - where it would have been unreasonable to expect the defendant to indicate a guilty plea sooner a one-third reduction should still be made.

### Table 2: Sentencing Council guideline on reductions for guilty pleas

|  |  |
| --- | --- |
| **Reduction** | **Timing of Plea** |
| Maximum one-third (33.3%). | In any case |
| One-third (33.3%). | Plea or indication to plead given at first hearing |
| One-quarter (25%). | Guilty plea at second hearing |
| One quarter (25%) to one-tenth (10%). | A sliding scale applies, dropping to a maximum one-tenth reduction for a plea on the first day of trial. |

### Scotland

4.19 In Scotland, sentence reduction (sentence differential) is permitted by section 196 of the Criminal Procedure (Scotland) Act 1995. Section 196 requires that when sentencing, a judge should have regard to the stage the defendant has indicated intention to plead guilty and the circumstances in which the indication was given. An offer to plead guilty is governed by section 76 of the Criminal Procedure (Scotland) Act 1995. A guilty plea can be entered at any time up to and including the trial itself.

4.20 There are two primary forms of plea negotiation operating in Scotland:

* ‘charge negotiation’ (and the related ‘fact negotiation’) - the prosecution and defence agree on which charges to amend or delete in exchange for a guilty plea to the remaining charge(s); and
* ‘implicit sentence negotiation’ - the defence offers a guilty plea in the hope of a reduced sentence compared with the sentence which would be passed for the same charge(s) if the person was to be found guilty after a trial.

4.21 Sentence negotiation is implicit, and judges do not participate in explicit discussions about the likely sentencing outcome if the individual pleads guilty.  Nor is there any judicial indication of how a sentence may or may not differ based on how an individual pleads. This limited judicial involvement differs from England and Wales where the defendant may receive an indication of their sentence if pleading guilty.

4.22 The Scottish Sentencing Council was created by way of the Criminal Justice and Licensing (Scotland) Act 2010 and was established in 2015. The Council prepares sentencing guidelines for the courts, promotes awareness and understanding of sentencing, and publishes information about sentencing.

4.23 In sentencing an offender, the Scottish courts must have regard to any applicable sentencing guidelines, and must state reasons for departing from them if they decide not to follow them.

4.24 The Scottish Sentencing Council notes that whether a reduction is applied and how much it will be is up to the judge. Research suggests that the reduction is usually not more than one-third and can often be less, however this does not apply to the ‘protection of the public’ part of a sentence.

4.25 Following a recent research study on public attitudes to sentences following a guilty plea[[14]](#footnote-14), the Council reported “While public views of sentencing are complex, many respondents highlighted concerns about transparency in sentencing and that it was not always clear how sentences are calculated and implemented. This illustrates a need for greater transparency of information about sentencing to be available.”

4.26 The Council has said it will consider these findings as it develops guidelines on guilty plea sentence reductions in Scotland.

### Ireland

4.27 The position in Ireland is broadly similar to the position in Northern Ireland. Reduction in sentence for a guilty plea is provided for in section 29 of the Criminal Justice Act 1999. The legislation provides that if the court considers it appropriate to do so it can take into account the stage in the proceedings when the individual indicated they intended to plead guilty and the circumstances which the indication was given.

4.28 The Judicial Council in Ireland, established by the Judicial Council Act 2019, has as one of its functions the achievement of public confidence in the judiciary and the administration of justice.

4.29 In 2020 the Council established a Sentencing Guidelines and Information Committee which published in 2022 a Sentencing Guidelines and Judgments document[[15]](#footnote-15). To date the Council has not specifically addressed the guilty pleas issue.

### Other jurisdictions

4.30 The Department is aware of other jurisdictions - Australia, Canada, Belgium, USA for example – where reduced sentences are possible for guilty pleas, albeit in different formats.  (Some involve plea-bargaining, USA for example, which is not proposed as part of this consultation.)

### Prevalence of guilty pleas, their timing, and impact on delay

4.31 Late changes in plea are a feature of criminal trials in Northern Ireland, as is delay.  For example, recent data shows that, while 62% of Crown Court cases are resolved through guilty pleas, only 13% pleaded guilty at arraignment (i.e. when they were first formally asked to indicate their plea to the Court).  It is clear, therefore, that significant numbers of Northern Ireland defendants change their plea at a late, or very late stage.

4.32 This inevitably contributes to delay in the system and can lead to a significant number of hearings and adjournments taking place before a case is finally disposed of. This also compares poorly with the position in England and Wales where there are, on average, half the number of adjournments in Crown Court proceedings compared with Northern Ireland.

## 5. ISSUES AND CHALLENGES

5.1 There continue to be challenges around the impact that reductions for guilty pleas can have on the justice system, particularly when these come late in the process.

5.2 As we see from the figures set out at paragraph 4.31 above, significant numbers of defendants in Northern Ireland change their plea at a very late stage after often lengthy and costly case preparation has taken place.

5.3 Where a defendant pleads not guilty, this then requires considerable police and prosecution preparation; judicial, court and defence time; and costs more generally. When a plea changes to guilty at a very late stage, further challenges can arise:

* Victims and witnesses will have experienced the considerable stress of anticipating and preparing themselves for a court trial that does not then proceed because of the late change of plea;
* Additional case time and indeed costs - not only in individual cases but across the system as a whole - can be incurred which can be avoided if earlier pleas are made;
* Confidence in the criminal justice system can be eroded as the public sees significant time and resource being devoted to case preparation that could have been avoided; and
* Particularly for victims, seeing sentences reduced at a very late stage can lead to a sense of injustice and loss of confidence in the court system.

5.4 Looking at some of the issues specifically:

### Victims and Witnesses

5.5 Victims express differing opinions on reduced sentencing for guilty pleas.  Some see it as a good thing where their case can be dealt with quicker and without the stress and anxiety of anticipating a trial over a lengthy period of time. Others struggle to understand why a sentence reduction should be applied, particularly in cases where there could be no argument over the defendant’s guilt.  Some would prefer the trial to run its course so that they can have their voices heard.

5.6 Victim and Witness Surveyscommissioned by the Department along with representations by the Victims and Witnesses Commissioner (Designate) have shown the importance of victims’ and witnesses’ needs and understanding for a successful criminal justice process.

5.7 The Department’s surveys have shown, for example, that whilst high levels of satisfaction are seen in some areas of victim and witness treatment, satisfaction with the sentence ultimately imposed can be quite low[[16]](#footnote-16).  This may in part be attributed to a lack of understanding of the sentencing exercise.

5.8 At a more strategic level, under the Department’s current Victim and Witness Strategy, a key commitment was to task the Victims of Crime Commissioner to review the adequacy and effectiveness of relevant laws and operational practices.  As part of that ongoing work, the Commissioner has been advocating a review of the approach to sentence reductions for guilty pleas.

### Costs

5.9 Costs can be a difficult area to consider in what is a sensitive and complex topic, but it would be wrong not to acknowledge that guilty pleas at an early stage in proceedings do carry some financial and resource benefits – they can reduce adjournments, help relieve court schedules and free up time to focus on cases that are going to trial, and it is important that we try to ensure that criminal justice resources are used as effectively as possible.

5.10 There are different types of costs, all of which are important in a number of ways. They include:

* the human cost to victims and witnesses; the anxiety and stress of preparing for trial that may not in the end be needed; the social and psychological costs they face;
* physical resource costs in terms of court time, pressure on court schedules, delay in seeing cases completed;
* operational and legal costs associated with every court hearing in terms of police, prosecution, defence, judicial and court time; and
* “opportunity costs” to other cases which are held up by time and resources spent on late plea cases.

5.11 It is important to stress that financial cost is not the driver behind the current consultation, nor is it about encouraging the innocent to plead guilty or denying victims their voice for the sake of financial savings.  The benefits of a guilty plea can be both emotional as well as economic and can accrue to victims and witnesses as well as the criminal justice system more widely in more qualitative, less quantitative ways.

### Confidence

5.12 Clarity and understanding is vital for confidence in the sentencing process.  The judiciary go to great lengths to communicate their reasons for individual sentences. A judge will deliver sentence in open court, usually at a specific sentencing hearing which all victims and witnesses involved in the case are able to attend.

5.13 The judiciary are very aware of the negative impact that some terminology can have on victims and strive to avoid terms that imply that credit or discount is being applied for entering a guilty plea. The recognised terms of “reduction in” or “reduced sentence” as well as a requirement for the court to set out the sentence that would have been imposed if the defendant had pleaded guilty at the earliest opportunity, are key components for sentencing remarks and are intended to help victims and offenders understand the sentencing process.

5.14 It is nevertheless often the case that, where sentence is being passed in a case involving a guilty plea, victims and witnesses may not be in attendance.  They may not therefore hear the factors leading to a particular sentence or why a sentence has been reduced in recognition of a plea.  The Department’s sense is that sentence reduction is not fully understood, and that this may impact negatively on public confidence. Increasing public awareness may help to improve public confidence.

### Delay in the Justice System

5.15 The speed that cases progress is extremely important to victims and witnesses, their families and their communities.  This is also a factor that impacts on public confidence in the justice system, and is an area where the Department has made considerable progress in recent years.

5.16 Median times to conclude a criminal case from date of incident to disposal at court have fallen by 16% from 2021/22 to 2023/24 (from 226 days to 190 days)[[17]](#footnote-17).

5.17 These figures appear to be driven by the pace of case disposal seen in the magistrates’ courts, where time taken in both charge and summons cases have fallen across this time by 12% and 20% respectively.

5.18 The experience of the Crown Court has been slightly different.  In charge cases, times have remained fairly stable, between 535 to 551 days; but summons case times have increased by 17% (from 1029 to 1199 days).

5.19 Median times however do not always tell the full story, and the spread of case times can also be important.  In 2023/24, 80% of Crown Court charge cases took 843 days to be dealt with, so work to address delay in every aspect of the process must continue.

5.20 The existence of a system for encouraging guilty pleas to be made as early as possible is seen as an important tool in addressing delay.

#### Operational impacts

5.21 In any departure from the current approach, it might be argued that prescriptive or tabular guideline systems which attempt to categorise harm and culpability rigidly could lead to sentences outside the appropriate range for the specific facts being imposed, a foreseeable consequence of which could be an increase in appeals:  If judicial discretion were to be reduced, there may be opportunities for applicants to argue a case has been placed in the wrong category resulting in a manifestly excessive sentence.  Conversely, cases mis-categorised below the appropriate range could lead to an increased number of references from the DPP on the basis of undue leniency.

5.22 The outworking of this could be an increase in the NI Court of Appeal’s caseload, creating resource pressures not only within the criminal appeal system but potentially impacting judicial allocation across other High Court divisions and a potential additional strain on the legal aid budget.

5.23 Guilty pleas are particularly valuable in complex cases and the potential unintended consequence of reduced flexibility must be considered. A framework perceived as too rigid might inadvertently lead to fewer defendants pleading guilty, resulting in an increase in contested trials and, potentially, more acquittals.

5.24 While there may be only a small risk of such consequences, they should nevertheless be considered in the context of the options put forward in this consultation.

## 6. ADDRESSING THE ISSUES

6.1 Do current arrangements need to be revised? Would a more structured approach to sentencing in guilty plea cases improve victim, witness and public confidence? And at the same time provide a more effective and speedy criminal justice process?

6.2 Structures and procedures in England & Wales for example (discussed at Section 4 above) offer food for thought on what could be put in place within this jurisdiction.They appear to result in a markedly higher proportion of early pleas, and perhaps also offer a greater opportunity for valuable clarity, transparency. and fairness.

6.3 Questions arise therefore as to whether a case-law based system is the best approach for us. In summary, the questions include:

* Should Northern Ireland retain its current arrangements whereby case authorities determine the approach to guilty pleas, their timing, and the reductions that can apply?
* Should a system based on published or statutory sentencing guidelines be considered?
* Should a scale of sentence reduction rates, based in legislation be considered?
* What levels of sentence reduction should apply?
* Are there any offences where a special sentence reduction for really early guilty pleas should be considered?
* Do we need to work on public awareness-raising?

## 7. **OPTIONS AND ISSUES FOR CONSIDERATION**

### Option one: Retain the current arrangements

7.1 The current arrangements as described in Section 4 above are such that there is no specific sentencing guidelines document *per se*.  Guidance is provided by way of case authorities from the Northern Ireland Court of Appeal.

7.2 A sentence reduction of around one third is usually reserved for guilty pleas entered at the earliest opportunity or when the defendant indicates acceptance of guilt at an earlier stage.  The available reduction then reduces to a maximum of 20%-25% up to the start of trial.  This is subject to the caveat that sentencing judges retain a discretion to apply a greater or lesser reduction at a later stage if the circumstances dictate it and are explained.

7.3 The benefits of this approach are that the judiciary continue to apply their expertise and judgment based on the cases before them. It allows the courts maximum flexibility to react to particular circumstances of each case, and it acknowledges the complexity of the sentencing exercise. It is also worth noting that the Department intends to legislate in its forthcoming Sentencing Bill to enable the NI Court of Appeal to provide guideline judgments ‘as the need arises’.  It is intended that this proposal will allow immediate reactions by the Court, should any change be considered necessary.

7.4 The question arises though as to whether the challenges described above are of sufficient significance as to need to be addressed, and if so, how this can be achieved without making some changes?

### Option two: Statutory requirement for guidelines

7.5 Looking to the experience of England and Wales, one option would be to follow a similar approach, whereby sentencing guidelines are required by law. The detailed content of the guidelines would be non-statutory and could be developed by the judiciary, government, another body, or a combination of these working together. The law would simply require guidelines to be put in place.

7.6 This could provide an interim solution in advance of fuller consideration of a more formal sentencing guideline body, which the Department proposes to consider in its separate forthcoming review of further sentencing issues.

7.7 A perceived advantage of such an approach might be the involvement of others in what has until now been an exclusively judicial role. There might be better opportunities to publish and disseminate the guidelines which in themselves could be written in an accessible form. These changes would have the potential of encouraging more early pleas, bringing greater clarity more generally, and potentially uplifting confidence in the sentencing process.

7.8 A further practical advantage would be the flexibility, since the content would not be set in statute, for the guidelines to be readily updated if required– for instance, in response to procedural reforms that might enable earlier pleas to be entered – without the need to revert to the legislative process itself.

7.9 There are, of course, no guarantees that this option would result in a change in the numbers or timings that guilty pleas are indicated or entered, but it is envisaged that it could go some way to addressing clarity and transparency of the process.

### Option three: Statutory reduction scales

7.10 A further option would be to make direct statutory provision setting specific sentence reduction scales in primary legislation.

7.11 The legislation could provide for specific rates of sentence reduction at specific times in the court process. The earlier a plea is entered, the higher the level of reduction could apply – much as exists at present, but with the backing of legislation.

7.12 Similar to the statutory guidelines option, an approach like this could provide greater clarity, potentially increasing the likelihood of early pleas, and might increase awareness, understanding of and confidence in the sentencing process.

7.13 A difficulty would be that any adjustment of the provisions would engage the complicated and lengthy legislative process, providing very limited flexibility as case authorities develop.

#### Issue for consideration: Levels of sentence reduction rates

7.14 As outlined above, the levels of sentence reduction that can be applied in Northern Ireland currently range from a maximum of around one third, depending on timing, motivation, and the details of the case.

7.15 These are not significantly different from the rates set out for England and Wales in the Sentencing Council’s guideline, suggesting that there is a relatively consistent approach across the jurisdictions.

7.16 Nonetheless, we are interested to hear your views on whether you consider these might need to be reviewed.

#### Issue for consideration: Special reductions for really early guilty pleas

7.17 As mentioned in paragraph 2.17 above, the Gillen Report into the law and procedures in serious sexual offences in Northern Ireland recommended that a special sentence reduction for ‘really early’ guilty pleas should be granted in serious sexual offence cases.

7.18 The Gillen Report recognised the importance of early pleas, noting that “if the justice system is to counter the stress and pressure which the trial process imposes upon complainants, then a step which would encourage early pleas has to be considered”. He went on to say: “Relieving most complainants of the burden of giving evidence and affording some measure of early closure is an aim not to be lightly dismissed.”

7.19 We seek views on this recommendation. In particular, we are concerned that singling out a specific type of serious offence for a potential special sentence reduction would raise issues around consistency. We also seek views on what stage of the proceedings would be considered ‘really early’, and what level of reduction might be appropriate in such cases.

### Judicial Discretion

7.20 Across each of the above options and issues for consideration, it is the Department’s view that, whichever might be considered, an overarching consideration is the discretion of the Court to deal with exceptional circumstances. Any statutory scheme would be likely to include provision allowing the court to depart from its duties where the circumstances so required.

## Annex A

## CONSULTATION QUESTIONS

PLEASE NOTE: ALL QUESTIONS ARE OPTIONAL

**We would encourage you to respond to the consultation using the on-line facility on NI Direct / citizen space, accessible via** [Sentence Reduction for Guilty Pleas](https://consultations.nidirect.gov.uk/doj/sentence-reduction-for-guilty-pleas)**.**

**Q.1. Name (optional):**

**Q.2. Email (optional):**

**Q.3. Organisation (optional):**

**No change: Leaving current arrangements as they are.**

**Q.4. Should current arrangements remain unchanged, whereby guidance is drawn from NI Court of Appeal judgments?**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Yes |  | No |  | No Opinion |  | Don’t Know |  |

**Q.5. Does the current system encourage timely guilty pleas?**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Yes |  | No |  | No Opinion |  | Don’t Know |  |

**Q.6**. **Does the current system support public confidence in sentencing?**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Yes |  | No |  | No Opinion |  | Don’t Know |  |

**Q.7. Does the current system provide enough clarity on how sentences may be**

**adjusted for pleas of guilty?**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Yes |  | No |  | No Opinion |  | Don’t Know |  |

**Q.8. Are the levels of reductions that can currently be applied correct in your view (please see table above)?**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Yes |  | No |  | No Opinion |  | Don’t Know |  |

|  |
| --- |
| If No please provide comments: |

**Q.9. Are the current points in time when differing reduction levels apply appropriate (please see table above)?**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Yes |  | No |  | No Opinion |  | Don’t Know |  |

|  |
| --- |
| If No please provide comments: |

**Statutory Guidance-Based Approach**

**Q.10. Should there be a statutory requirement for guidance on sentence reductions for guilty pleas? (If No please go to Question 12)**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Yes |  | No |  | No Opinion |  | Don’t Know |  |

|  |
| --- |
| Please explain your answer: |

**Q.11. If you answered Yes to Question 10, who should be responsible for issuing this guidance?**

|  |  |
| --- | --- |
| Judiciary |  |
| Government |  |
| Other |  |

|  |
| --- |
| If Other please explain: |

**Q.12. Would statutory guidance assist with any of the following – please select all that apply.**

|  |  |
| --- | --- |
| Timing of guilty plea |  |
| Public Confidence in Sentencing |  |
| Clarity in Sentencing |  |
| Other |  |

|  |
| --- |
| If Other please specify: |

**Statutory Scheme**

**Q.13. Should specific reduction rates and the points in time when they might apply be specified in legislation?**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Yes |  | No |  | No Opinion |  | Don’t Know |  |

|  |
| --- |
| Please provide comments: |

**Q.14. Would such a legislation-based scheme address any of the following? Please select all that apply.**

|  |  |
| --- | --- |
| Timing of guilty plea |  |
| Public Confidence in sentencing |  |
| Clarity in sentencing |  |
| Other |  |

|  |
| --- |
| If Other please specify: |

**Gillen Recommendation:**

**Q.15. Should there be special reductions for “really early” guilty pleas? (If No please go to Question 19)**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Yes |  | No |  | No Opinion |  | Don’t Know |  |

|  |
| --- |
| Please provide comments: |

**Q.16. If you answered Yes to Question 15, which offences should this apply to?**

|  |
| --- |
| Please provide comments: |

**Q.17. If you answered Yes to Question 15, what point in the proceedings do you consider to be “really early”?**

|  |
| --- |
| Please provide comments: |

**Q.18. If you answered Yes to Question 15, do you have a view on what the sentence reduction for a “really early” guilty plea should be?**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Yes |  | No |  | No Opinion |  | Don’t Know |  |

|  |
| --- |
| Please provide comments: |

**Raising Awareness**

**Q.19. Do you think raising awareness of the sentence reduction arrangements is needed?**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Very Important |  | Not  Important |  | No Opinion |  | Don’t Know |  |

**Any further comments**

**Q.20. Is there anything else you would like to add on any aspect of this consultation?**

|  |
| --- |
| Please provide any additional comments: |

## Annex B

## Privacy Notice – Consultations (DoJ)

Data Controller Name: Department of Justice (DoJ)

Address: Castle Buildings, Stormont, BELFAST, BT4 3SG

Email: [SentenceReductionforGuiltyPleas@justice-ni.gov.uk](file:///C:\Users\2339831\Documents\SentenceReductionforGuiltyPleas@justice-ni.gov.uk)

Telephone: 02890 378617

Data Protection Officer Name: DoJ Data Protection Officer

Telephone: (028) 90378617

Email: [DataProtectionOfficer@justice-ni.gov.uk](mailto: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)](http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted) and the [EU General Data Protection Regulation](https://gdpr-info.eu/art-6-gdpr/) (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](https://www.justice-ni.gov.uk/sites/default/files/publications/doj/retention-and-disposal-schedule-final-signed-copy.pdf) .

**What are your rights?**

* You have the right to obtain confirmation that your data is being [processed](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/individual-rights/individual-rights/right-to-be-informed/), and [access your personal data](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/subject-access-requests/)
* You are entitled to have personal data [rectified if it is inaccurate or incomplete](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/individual-rights/individual-rights/right-to-rectification/)
* You have a right to have personal data [erased and to prevent processing](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/individual-rights/individual-rights/right-to-erasure/), in specific circumstances
* You have the right to [‘block’ or suppress processing](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/individual-rights/individual-rights/right-to-restrict-processing/) of personal data, in specific circumstances
* You have the right to [data portability](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/individual-rights/individual-rights/right-to-data-portability/), in specific circumstances
* **You have the right to** [object to the processing](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/individual-rights/individual-rights/right-to-object/)**,** in specific circumstances
* **You have rights in relation to** [automated decision making and profiling](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/individual-rights/individual-rights/rights-related-to-automated-decision-making-including-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

[casework@ico.org.uk](mailto:casework@ico.org.uk)

## Annex C

## Confidentiality of consultation responses – Freedom of Information Act 2000

1. The Department intends to publish a summary of responses following completion of the consultation process.
2. Your response, and all other responses to the consultation, may also be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this public consultation.

1. Subject to certain limited provisos, the Freedom of Information Act gives members of the public a right of access to any information held by a public authority, in this case, the Department. This right of access to information includes information provided in response to a consultation.
2. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential.
3. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor’s Code of Practice on the Freedom of Information Act provides that:

* the Department should only accept information from third parties “in confidence” if it is necessary to obtain that information in connection with the exercise of any of the Department’s functions and it would not otherwise be provided;
* the Department should not agree to hold information received from third parties “in confidence” which is not confidential in nature; and
* acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

1. Further information about confidentiality of responses is available by contacting the Information Commissioner’s Office (or at <https://ico.org.uk/>).

1. [Justice Act (Northern Ireland) 2015](https://www.legislation.gov.uk/nia/2015/9/contents) [↑](#footnote-ref-1)
2. [Criminal Justice (Committal Reform) Act (Northern Ireland) 2022](https://www.legislation.gov.uk/nia/2022/4/contents) [↑](#footnote-ref-2)
3. [CJINI Report 2013](https://cjini.org/getattachment/6bf65923-3cab-4dee-a2a3-717cee809e80/report.aspx) [↑](#footnote-ref-3)
4. [The Audit Office Report – Speeding Up Justice](https://cjini.org/getattachment/6bf65923-3cab-4dee-a2a3-717cee809e80/report.aspx) [↑](#footnote-ref-4)
5. [Without witness. Public Protection Inspection 1: A thematic inspection of the handling of sexual violence and abuse cases by the criminal justice system in Northern Ireland.](https://www.cjini.org/getattachment/9bb62408-dcf2-4376-a13c-75d6c053cd91/report.aspx) [↑](#footnote-ref-5)
6. [gillen-report-may-2019.pdf](https://www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-may-2019.pdf) [↑](#footnote-ref-6)
7. [report-on-speeding-up-the-justice-system.pdf](https://www.niassembly.gov.uk/globalassets/documents/committees/2017-2022/pac/reports/speeding-up-justice/report-on-speeding-up-the-justice-system.pdf) [↑](#footnote-ref-7)
8. [Victim and Witness Experience of the Northern Ireland Criminal Justice System: Key Findings 2022/23](https://www.justice-ni.gov.uk/sites/default/files/publications/justice/Victim%20and%20Witness%20Experience%20of%20the%20Northern%20Ireland%20Criminal%20Justice%20System%20-%20Key%20Findings%20-%202022-23.pdf) [↑](#footnote-ref-8)
9. [Victim and Witness Experience of the Northern Ireland Criminal Justice System: Key Findings 2022/23](https://www.justice-ni.gov.uk/sites/default/files/publications/justice/Victim%20and%20Witness%20Experience%20of%20the%20Northern%20Ireland%20Criminal%20Justice%20System%20-%20Key%20Findings%20-%202022-23.pdf) [↑](#footnote-ref-9)
10. [A Fresh Start - The Stormont Agreement and Implementation Plan | The Northern Ireland Executive](https://www.northernireland.gov.uk/publications/fresh-start-stormont-agreement-and-implementation-plan) [↑](#footnote-ref-10)
11. [Judiciary NI](https://www.judiciaryni.uk/) [↑](#footnote-ref-11)
12. Such a reduction would not be available for the offence of murder. A life sentence is the only sentence available for this offence. When imposing a life sentence the Court may determine that the offender should never be released, and impose a ‘whole life order’; or it may determine that they may be considered for release after serving a minimum period in prison, often called a tariff. If released after the tariff period they will remain on licence for the rest of their life. There can be no reduction for a guilty plea where a ‘whole life order’ is imposed. Where a tariff is imposed, the maximum reduction for a guilty plea should be around one sixth. [↑](#footnote-ref-12)
13. [Reduction in sentence for a guilty plea – first hearing on or after 1 June 2017 – Sentencing](https://www.sentencingcouncil.org.uk/overarching-guides/magistrates-court/item/reduction-in-sentence-for-a-guilty-plea-first-hearing-on-or-after-1-june-2017/) [↑](#footnote-ref-13)
14. [New research reveals public attitudes to sentence reductions in Scotland | Scottish Sentencing Council](https://www.scottishsentencingcouncil.org.uk/news-and-media/news/new-research-reveals-public-attitudes-to-sentence-reductions-in-scotland) March 2025 [↑](#footnote-ref-14)
15. [Guideline Sentencing Judgments | The Judicial Council](https://judicialcouncil.ie/sentencing-judgments/) [↑](#footnote-ref-15)
16. [Victim and Witness Experience of the Northern Ireland Criminal Justice System: Key Findings 2022/23](https://www.justice-ni.gov.uk/sites/default/files/publications/justice/Victim%20and%20Witness%20Experience%20of%20the%20Northern%20Ireland%20Criminal%20Justice%20System%20-%20Key%20Findings%20-%202022-23.pdf) [↑](#footnote-ref-16)
17. [Case processing time for criminal cases dealt with a courts in Northern Ireland 23/24 | Department of Justice](https://www.justice-ni.gov.uk/publications/case-processing-time-criminal-cases-dealt-courts-northern-ireland-2324) [↑](#footnote-ref-17)