



Opening Statement by Fíona Ní Chinnéide, Probation Service to the Oireachtas Joint Committee on Justice on the General Scheme of the Criminal Justice (Legal Aid) Bill 2023.

- For delivery on Tuesday 3rd October 2023

Thank you for this opportunity to contribute to the Committee's deliberations. My name is Fíona Ní Chinnéide and I am the Director of Operations (Prisoners & Reintegration) in the Probation Service. I am joined today by my colleague, Leah McCormack, Assistant Principal Probation Officer who leads the Probation Service's Legal & Quality Assurance Unit.

As you may be aware, the Probation Service is part of the Department of Justice with the primary purpose of assessment and management of people who have offended and are subject to Probation supervision in the community.

Those referred to us have committed a broad spectrum of offences. On any one day, the Probation Service is engaged in work with over 10,000 people in the community, including 2,000 persons in custody, subject to post release or part suspended sentence supervision orders and 500 children also subject to Probation supervision orders.

The Probation Service provides those subject to its supervision (adults and children) with individualised structured plans to address their offending behaviour and link them to supports in their community to address the factors contributing to their offending. One of our core aims in the Probation Service is to motivate and assist those who have committed offences to change, while facilitating opportunities for them to explore the harm caused by their offending. The Probation Service recognises the harm caused by crime and that victims are important stakeholders in the Justice system. The Restorative Justice and Victims Services Unit which is part of my Directorate was established in 2018 and provides a central point of contact to respond effectively to the victim requests and queries.

The Probation Service welcomes the publication of the Criminal Justice (Legal Aid) Bill 2023 which seeks to modernise the operation of the Criminal Legal Aid Scheme and will introduce a number of important reforms that seeks to safeguard the operation of the Scheme into the future.



In the Probation Service, we understand that an efficient and effective legal aid scheme is fundamental to safeguarding fair, equal, and meaningful access to justice. Without legal representation, an ordinary person without any experience of criminal law and court proceedings would be at a disadvantage against the potential legal resources of the prosecution.

The General Scheme of the Bill does not directly impact the day-to-day work of the Probation Service. Except, insofar as persons are entitled to seek legal aid when they are prosecuted by the Probation Service for non-compliance with their Court Order. It is also relevant when individuals are entitled to apply for legal aid as a victim in certain matters or as a parent, guardian, or other responsible adult.

While acknowledging this, the Probation Service can play a central role in criminal justice proceedings, both at pre-sentence and post-conviction and is uniquely placed to assess and consider the social determinants that impact on those appearing before the courts in relation to criminal proceedings. The Probation Service is also committed to reducing the number of victims through the effective supervision of those convicted of criminal offences. Our practice and service provision is victim sensitive and is informed and underpinned by the Criminal Justice, (Victims of Crime) Act, 2017 and the Victims of Crime Charter. We therefore welcome the opportunity to highlight some general observations on the Bill for the committee today.

We welcome new measures included within the Bill which aim to strengthen oversight and governance structures, in order to deliver a high quality service to all recipients. Some of these measures include:

- The proposal to transfer administrative responsibility for the criminal legal aid scheme to the Legal Aid Board, which we understand could provide higher levels of efficiency and effectiveness in the delivery of the Scheme.
- The provision of a new Oversight Committee (*Part 6 Head 39*) involving stakeholders which we understand will contribute to more effective cross-agency collaboration.
- The introduction of a simple and transparent written or online application system for Criminal Legal Aid (*Head 12*), supported by a Statement of Financial Circumstances



(*Head 13*) which we understand will enhance the service-user experience for some and hopefully encourage increased access to legal representation, where appropriate.

The Probation Service welcomes the Bill's proposal to extend free legal advice to victims (*Part X Advice to Victims of Sexual Offences. Head 47*). These changes are in line with commitments made by the Minister for Justice under *Supporting A Victim's Journey: A Plan to Help Victims and Vulnerable Witnesses in Sexual Violence Cases* and will complement the capacity framework being established by the Assisted Decision Making (Capacity) Act 2015.

The Probation Service supports all attempts to ensure that the Legal Aid Scheme is more responsive to victims' needs and this is central to the work of our Restorative Justice & Victims Services Unit.

Finally, the Probation Service notes that the General Scheme of a Bill allows for legal advice to be granted to a parent, guardian, or other responsible adult in certain cases (*Head 47 (3B)*), which is particularly relevant to proceedings under the Children Act 2001, as amended.

We welcome the alignment with the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (*Section 4, 11 and Principle 7*) and the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime. We fully support the extension of the Legal Aid Scheme to parents, guardians or other responsible adults and will endeavour to promote awareness of the Scheme when working with children and their families through the course of our work.

In summary, the Probation Service welcomes the publication of the new General Scheme of the Criminal Justice (Legal Aid) Bill 2023. Access to legal representation is recognised as a core component in any modern, fair and equal justice system. Thank you once again for having the opportunity to speak to you today.

ENDS.