**Tom O’Malley Implementation Report – Progress Update – Q1 2022**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Status:** | Not Started Yet | On Track | Minor Delivery Issue | Significant Delivery Issue | Completed |

|  |  |  |
| --- | --- | --- |
|  | **Summary Implementation Plan for O’Malley Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences** |  |
| **Recommendation Number** | **Action** | **Timeline** | **Responsible Function/ Department** | **Update** **February 2022** | **Current Status** |
| **1.1** | **Increase public awareness of the Criminal Justice (Victims of Crime) Act 2017** |  |
| Develop Victims Charter website and distribute printed materials to public locations regarding Act. | Website and distribution of materials Q4 2020 | DOJ (Transparency)AGS (supporting initiatives as appropriate) | Website launched on 4 February 2021. Print and digital assets have been created and work has begun to distribute them around the country, and online, Posters detailing 10 of the most important victim’s rights are now on display in 1,000 GP waiting rooms. The transparency function have now started to distribute the posters to Garda stations, libraries and the Court Service buildings.Work continues on the creation of other assets. The main poster has now been translated into Irish. Work is continuing to translate the poster into other languages used extensively in Ireland, before distribution. | On Track |
| Launch Victim’s Rights Awareness Raising Campaign. | Victim’s Rights Campaign Q1 2021 | DOJ (Transparency)AGS (supporting initiatives as appropriate) | Awareness raising of victims’ rights and of the new website continues on social media.Funding has been allocated to expand awareness raising activities of victims’ rights in 2022 with two new initiatives:* To work with services that support victims of crime to promote their services locally;
* To create messaging designed to reach marginalised communities.
 | On Track |
| Consider Annual Conference with state, social and community groups. | Annual Conference Q1 2021 | DOJ (Transparency)AGS (supporting initiatives as appropriate) | The first Annual Victims’ Forum for state, social and community groups is scheduled to take place on 10 March 2022.Topics will include subjects relevant to victims’ rights advocates and the criminal justice system and invitations will be extended to NGOs funded under the Departments’ Victims of Crime grant scheme. | On Track |
| Maintain network of champions in state organisations regarding Charter. | Ongoing | DOJ (Transparency)AGS (supporting initiatives as appropriate) | New Network of Champions has been established. | Completed |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Recommendation Number** | **Action** | **Timeline** | **Responsible Function/ Department** | **Update** **February 2022** | **Current Status** |
| **1.2** | **Government sponsored programme of public education on consent** |  |
| Launch Consent website Q1 2021. | Consent Website Q1 2021 | DOJ (Transparency) | Through working with DFHERIS and NUIG, The Department of Justice have agreed with Active\* Consent to fund the creation of a digital hub, which will – for the first time – provide an integrated, publicly available resource on consent awareness and learning bringing together a variety of related educational and promotional material in one place. The information hub was launched in July 2021, with further elements being rolled out early in 2022 and a review of the project happening in July 2022.  | On Track |
| Launch Consent awareness rising campaign Q2 2021. | Consent Campaign Q2 2021 | D/FHERISDOJ (Transparency) | The Department has entered into a partnership with DFHERIS and NUIG to develop, launch and promote an awareness rising campaign around the meaning and importance of consent for third level students and staff.The campaign was launched on 19 July 2021, and will have an initial focus on staff and students at third level, but with the intention to make resources accessible to a wider cohort.Work is continuing to develop and launch a public awareness campaign on the meaning and importance of consent.Valuable research that will assist in developing the public awareness campaign is currently being conducted by the DRCC, with the assistance of funding provided by the Department.The campaign’s aim will be to develop a national shared understanding on the meaning and importance of sexual consent, which in turn will lead to: building a community in Ireland that is better informed about consent and more supportive and responsive to victims of such violence; a decrease in sexual harassment and sexual violence; and Increased reporting by victims and others.D/FHERIS - National HE consent awareness campaign #unmuteconsent launched by HEA and IUA in collaboration with other HE stakeholdersNational Campaign in planning phase, engagement ongoing with stakeholders | On Track |
| Redevelop SPHE and RSE in 2021, publishinterim guidance materials before end of 2020 to be supplemented incrementally during 2021. | SPHE and RSE Q4 2020 and 2021 | D/EducationNCCA | This work is progressing well and sections of the toolkit (a portal repository of teaching and learning resources linked to the Primary SPHE Curriculum, the SPHE Junior Cycle Short Course and Senior Cycle SPHE Framework) have been published. These toolkits will be expanded during 2022 to include further age and stage appropriate guidance for teachers on how to address the important and sensitive topics within the SPHE classroom. In tandem with this work, preparation for the broader redeveloping and updating of the SPHE curriculum is continuing. It is expected that a draft Junior Cycle specification will be signed off by the NCCA in the summer and open for public consultation in September. The Junior Cycle specifications are subsequently expected to be completed by the end of 2022. Updated specifications for primary and senior cycle will follow immediately afterwards. | On Track |
| Begin work on a single online access point for RSE resources in January 2021. The NCCA is to examine opportunities for SPHE/RSE within the new Junior Cycle Wellbeing area of learning, stakeholder meetings to commence October 2020. | Ongoing | D/EducationNCCA | Update as above | On Track |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Recommendation Number** | **Action** | **Timeline** | **Responsible Function/ Department** | **Update** **February 2022** | **Current Status** |  |
|  | **Government sponsored programme of public education on consent** |  |  |  |
|  | Carry out programmes of education and public awareness activity in theHigher Education Institutions (HEIs), ongoing since 2019, national awareness raising campaign Q2 2021, HEI Action Plans by February 2021, submit Framework Implementation progress to the HEA Q3, 2021.Launch national survey on harassment, sexualharassment and bullying of staff and students in HEIs in 2020. | HEI Action Plan Q1 2021HEIImplementation Updates Q3 2021HEI Consent Campaign Q2 2021Launch HEI Survey Q4 2020 | D/FHERIS | D/FHERIS - Action Plans received March 2021Initial progress updates received on framework implementation September 2020; HEI progress updates received Q4 2021.Surveys of staff and students undertaken April 2021. Report published 27 January.  | Completed |  |
| **1.2** | Continue to produce HSE Sexual Health and Crisis Pregnancy Programme (SHCPP) a range of booklets for parents to supportthem with talking to their children about relationships and sexuality, including the topics of consent. The HSE SHCPP also manages [www.](http://www/) sexualwellbeing.ie which includes information on sexual consent and consent in practice. | OngoingHSE SCCPPbooklets currently under development | D/Health | Ongoing | On Track |  |
|  | Engagement between D/Health, HSE and disability service providers to ensure that consent is covered in ongoing sex and relationships education and support for disability service users. Put in place disability focused public education on consent after 18 months following buy in. | OngoingDisability focused public education on consent in place after 18 months following buy in. | D/Health | Ongoing | On Track |  |
|  | DCEDIY/Tusla bid made for “Consent Ed” project. If EU funding is received to start in January 2021. | OngoingDCEDIY/Tusla Consent-Ed Project Q1 2021 | DCEDIY/Tusla | Tusla - Consent Ed grant approval confirmed from EU, project set-up in train. | On Track |  |
|  |  | Ongoing |  |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Recommendation Number** | **Action** | **Timeline** | **Responsible Function/ Department** | **Update** **February 2022** | **Current Status** |
|  | **Greater inter-agency communication to promote a victim-centred approach to the provision of services.** |  |
|  |  |
|  | Complete DSGBV Audit Q2 | DSGBV Audit Q2 | DOJ (Criminal Policy) | * DOJ – Audit has been completed was published in July 2021. The audit recommendations, together with the ongoing work of implementing Supporting A Victim's Journey, the current review of accommodation needs undertaken by Tusla, and the development of the next National Strategy on DSGBV, will provide the Department with valuable guidance for designing our systems to best meet the needs of victims of DSGBV and improve how to tackle DSGBV in the longer-term.
 |  |
|  | 2021. | 2021 | D/CDEIY/Tusla, | Completed |
|  | Complete mapping exercise to identify the nature, spread and level of services that may be encompassed by this implementation plan with relevant stakeholders, before the end of 2020. | Mapping Exercise Q4 2020 | DOJ (Criminal Policy) | A subgroup was established with DOJ, TUSLA and NGO members to take this recommendation forward. A work plan for the group entails:* The victim’s journey will be mapped,
* The types of support the victim had received would be identified, where the victim’s right to be heard through all stages of the criminal justice system was implemented, and;
* Identify any gaps in the process.

The NGOs who are on the subgroup examined the journey of a typical client or clients of their services and map their journey. This is intended to give us the full complexity of the journeys that face individual victims. The NGO’s have now made submissions encompassing the journey faced by a victim of domestic, sexual or gender-based violence and also for a victim of trafficking. * This subgroup also commissioned an expert consultant to analyse and categorise the supports provided with grant funding made by the Department of Justice in 2021 to date under the Victims of Crime grant scheme.
* The consultant identified a) geographical areas and b) categories of victims which represent gaps or unmet needs in the current provision of these support services for victims of crime within the criminal justice system.
* The consultant completed this exercise in July 2021 and the Department contacted identified NGOs to arrange to distribute additional funding to provide additional emergency services
 |  |
|  |  | D/CDEIY/Tusla, | On Track |
| **1.3** | Feed implementation plan into development of the next National Strategy on Domestic, Sexual and Gender-Based Violence (DSGBV). Complete work underway on identification of specific training needs and coordination across a range of victim supports. | Scoping work on development to begin Q1 2021 | DOJ (Criminal Policy | A Request for tender for expert support for current strategy was publicised and we now have an external expert to provide support to the Strategy Monitoring Committee in relation to the monitoring of the existing Strategy and the development of its replacement. Development of the new strategy will also take recommendations suggested in the DSGBV audit.Final draft of the new strategy will be launched in April 2022. | On Track |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Recommendation Number** | **Action** | **Timeline** | **Responsible Function/ Department** | **Update** **February 2022** | **Current Status** |
| **1.4** | **Facilities for victims and other vulnerable witnesses should be of a consistent standard throughout the country.** |  |
| Include further vulnerable witness and victim support facilities in the Provincial City/County Town venues included in the current National Development Plan.(also see action 10.1 - evidence via video link for the purposes of Section 9a of the Bail Act 1997) | Ongoing | Courts Service AGS | No update at this time | On Track |
| Provide a new special victims interview suite in Kerry. | Interview suite to be completed by Q1 2021 | AGS | Interview suite completed and operational since December 2021. | Completed |
| Plan to guide development of Onehouse Barnhaus model nationally will be approved by Interdepartmental Group at meeting scheduled for 29 October. | Onehouse Barnhaus model to be approved on 29 OctoberAn interdepartmental agreement approving the model has been signed by all three of the Departments on the IDG- The DCEDIY, the DoJ and the DoH | D/CDEIY/DoJ/DoH | The IDG has established the Barnahus National Agency Steering Committee (BNASC). The NASC is comprised of senior managers from Tusla, AGS, HSE and Children’s Health Ireland, under the leadership of an independent chairperson. The BNASC will organise and oversee operational matters associated with the development and management of Barnahus nationally. It is proposed that the Barnahus model will operate in three locations-Galway, Cork and Dublin. Over time it is planned that centres will develop regional outreach capacity. The IDG will continue to meet on a regular basis and maintain a policy and advisory role for the overall service.The premises in Galway is now established, and this is no longer a ‘pilot’ service. There are project teams in place at each of the two other planned sites- Barnahus East (Dublin) and Barnahus South (Cork) to co-ordinate the development of the services at each location. The Interdepartmental Steering Group continues to meet quarterly. Additional funding for the project has been secured from the EU Technical Support Fund and the Dormant Accounts Fund. | On Track |

|  |  |  |
| --- | --- | --- |
|  | **Investigation and Prosecutions of Sexual Offences** |  |
| **Recommendation Number** | **Action** | **Timeline** | **Responsible Function/ Department** | **Update** **February 2022** | **Current Status** |
| **2.1** | **All serving members of An Garda Síochána engaged in front line policing to receive specialist training for engaging with victims of sexual crime and vulnerable witnesses.** |  |
| Provide Divisional Protective Service Units (DSPUs) specialist training for engaging with victims of sexual crime. | Ongoing | AGS | Specialist Training Given to DPSU staff by way of a bespoke training course up to 2019.A significant number of DPSU personnel have been allocated to their roles in 2020 and onwards when training wasn’t being delivered due to Covid 19 implications – the result is that a training deficit has developed with those new personnel still awaiting specialist training National Canvass of DPSU training demand has now been completed. | Minor Delivery Issues |
| Provide training for all members of An Garda Síochána on engagement with victims and understanding the victim’s perspective. | All AGS Training 2021, 2022 | AGS |   | On Track |
| **2.2** | **Regular monitoring by external experts of specialist training provided by An Garda Síochána.**Regular monitoring by external experts of specialist training provided by An Garda Síochána. | End Q1 2021initially | AGS | Negations have concluded with the ISPCC and Children’s Ombudsman, with agreement that a tri-party group will convene in November 2021 to draft terms of reference for a review to begin in Q1,2022. The Expert Group will be made up of the following, * Garda National Protective Service Bureau

Ombudsman for Children’s OfficeISPCCThis has not advanced during this period as it is presently diametrically aligned to 2.1 | On Track |
| **2.3** | **Full roll out of Divisional Protective Services Units nationwide.**Divisional Protective Services Units (DSPUs) have been established and are in operation in every Garda Division across the State since September 2020. | Roll out completed | AGS | **Completed**  | Completed |
| **2.4** | **An Garda Síochána to review the number and geographical spread of special interview suites throughout the State.**Review of the use, frequency and availability issues arising regarding Interview Suites will be undertaken by Q2 2021. The findings of this report will determine if an application for additional suites is required. Conduct a review every three years. | Q2 2021 initially | AGS | Commenced – the review has commenced and will be concluded by Jan 2022. Final report will include recommendations | On Track |
| **2.5** | **Operation of specialist interview suites to be periodically evaluated by an external expert.**Recruit external expert to monitor specialist training referenced in recommendation 2.2 for specialist interview suites. Suitable candidates are already in the process of being identified for consideration. | Q1 2021 initially | AGS | Negations have concluded with the ISPCC and Children’s Ombudsman with agreement that a tri-party group will convene in November 2021 to draft terms of reference for a review to begin in Q1 2022. The Expert Group will be made up of the following, * Garda National Protective Service Bureau
* Ombudsman for Children’s Office
* ISPCC

This has not been advanced during this period as it is also aligned to 2.1 and 2.2 – it makes sense that the one working group would be deployed to fulfil both functions. | On Track |
| **2.6** | **Establish new Sexual Offences Unit within Office of the Director of Public Prosecutions.**Establish the first phase of the Sexual Offences unit by the end of 2020, to be fully operational during 2021. | Q4 2020Ongoing in 2021 | ODPP | Phase one of the SOU has been operational since April 2021 and consideration is being given to how best to expand the unit in light of the very large increase in the caseload of the office across all offence categories and the consequent pressure on resources. | Completed |

|  |  |  |
| --- | --- | --- |
|  | **Anonymity, Public Attendance and Media Reporting of Sexual Offences Trials** |  |
| **Recommendation Number** | **Action** | **Timeline** | **Responsible Function/ Department** | **Update** **February 2022** | **Current Status** |
| **3.1** | **Victims in all trials for sexual assault offences should remain entitled to anonymity, irrespective of the outcome of the trial.** |  |
| Begin scoping work in January 2021, with a view to bringing draft heads of the legislative amendments to Government for approval before the end of 2021.Determine if any amendments to legal aid legislation might be desirable to give full effect to this recommendation. | Scoping Work begins Q1 2021 | DOJ (Criminal and Civil Legislation and Criminal Policy). | LAB – The Board has been contacted by the Department with a view to beginning the consultation process in relation to the amendments required to the Civil Legal Aid Act 1995 to implement these recommendations and a meeting has been arranged. | On Track |
| Consider other relevant legislative amendments which will be of assistance to victims in their progression through the system in conjunction with those recommended in the Report. | Government Approval of Draft Heads Q4 2021 | LAB will be consulted on any amendments to legal aid legislation. | Ongoing | On Track |
| **3.2** | **Introduce legislation to extend anonymity to victims in trials for offences contrary to ss. 21 and 22 of the Criminal Law (Sexual Offences) Act 2017.** | Scoping Work Q1 2021 | DOJ (Criminal and Civil Legislation and Criminal Policy). | Ongoing | On Track |
| See recommendation 3.1. | Government Approval of Draft Heads Q4 2021 | LAB will be consulted on any amendments to legal aid legislation. | Ongoing | On Track |
| **3.3** | **Accused persons in all trials for sexual assault offences should be entitled to anonymity unless convicted.** | Scoping Work Q1 2021 | DOJ (Criminal and Civil Legislation and Criminal Policy). | Ongoing | On Track |
| See recommendation 3.1. | Government Approval of Draft Heads Q4 2021 | LAB will be consulted on any amendments to legal aid legislation. | Ongoing | On Track |
| **3.4** | **Persons accused of any offence contrary to ss. 3 to 8 of the Criminal Law (Sexual Offences) Act 2017 should be entitled to anonymity on the same basis as now applies to an accused on trial for a rape offence.** | Scoping Work Q1 2021 | DOJ (Criminal and Civil Legislation and Criminal Policy). | Ongoing | On Track |
| See recommendation 3.1. | Government Approval of Draft Heads Q4 2021 | LAB will be consulted on any amendments to legal aid legislation. |  Ongoing | On Track |
| **3.5** | **The definitions of “published” and “broadcast” in the Criminal Law (Rape) Act 1981 should be reviewed.**See recommendation 3.1. | Scoping Work Q1 2021Government Approval of Draft Heads Q4 2021 | DOJ (Criminal and Civil Legislation and Criminal Policy).LAB will be consulted on any amendments to legal aid legislation. | Ongoing | On Track |
| **3.6** | **Express statutory provision should be made for the exclusion of the public from the trials of other sexual offences that are not covered by existing legislation.** | Scoping Work Q1 2021 | DOJ (Criminal and Civil Legislation and Criminal Policy). | Ongoing | On Track |
| See recommendation 3.1. | Government Approval of Draft Heads Q4 2021 | LAB will be consulted on any amendments to legal aid legislation. | Ongoing | On Track |
| **3.7** | **Victims in all trials for sexual assault offences should remain entitled to anonymity, irrespective of the outcome of the trial.** |  |
| Legislative provisions which provide that where a trial is held otherwise than in public, the verdict and sentence (if any) must be announced in public should be repealed. | Scoping Work begins Q1 2021 | DOJ (Criminal and Civil Legislation and Criminal Policy). | Ongoing | On Track |
| See recommendation 3.1. | Government Approval of Draft Heads Q4 2021 | LAB will be consulted on any amendments to legal aid legislation. | Ongoing | On Track |

|  |  |  |
| --- | --- | --- |
|  | **Preliminary Trial Hearings** |  |
| **Recommendation Number** | **Action** | **Timeline** | **Responsible Function/ Department** | **Update** **February 2022** | **Current Status** |
| **4.1** | **Legislation should be introduced for the establishment of preliminary trial hearings.** |  |
| Publish draft legislation on preliminary hearings before the end of December 2020. | Draft legislation published Q4 2020 | DOJ (Criminal Legislation, ODPPCourts Service | The Criminal Procedure Act 2021 was signed into law by the President on 24 May 2021. The Act provides for the introduction of preliminary trial hearings and makes a small number of other amendments to criminal legislation. The Act has not yet been commenced as the Courts Service has to put the necessary arrangements and Court Rules in place. Once the necessary arrangements and relevant Court Rules are in place then the Act will be commenced.Rules have been signed off by Superior Courts Rules Committee.  The Minister signed off on these rules on 23.02.22.  Rules for Circuit Court have not yet been signed off by Circuit Court Rules Committee.  It is hoped when they see how Central Criminal Court operate the preliminary hearings system that the Circuit Court Rules Committee will also agree to similar Rules. In relation to the updates to sexual offences legislation that have been recommended in the O’Malley Report, the scoping exercise has been completed and work has started on drafting the Heads of a General Scheme of a Sexual Offences Bill. The sexual offences general scheme now includes provisions for the new National Referral Mechanism for Human Trafficking, Law Reform Commission recommendations and elements on the UN Convention on rights of the child. It is envisaged that the General Scheme will be submitted to the Minister in Q2 2022. | On Track |
| **4.2** | **Any defence application to be made at trial to question a victim about his or her sexual experience under the terms of s. 3 of the Criminal Law (Rape) Act 1981 should be notified to the Court at that hearing, and the Legal Aid Board notified accordingly.**This will form part of the legislation on preliminary trial hearings, see recommendation 4.1. | Draft legislation published Q4 2020 | DOJ (Criminal Legislation) ODPPCourts Service | As above | On Track |
| **4.3** | **Any issues relating to the appointment or role of an intermediary, and any other special measures required for vulnerable witnesses, should also be addressed at a preliminary trial hearing.**This is both an operational and a legal matter which will require provisions in relation to the preliminary trial hearing to be in place. Many special measures can be addressed through liaison between the Courts and the relevant party and their legal representatives, following a scheme for the training, accreditation and hosting of a register for the engagement of intermediaries being put in place.Any legislative requirement will form part of the legislation on preliminary trial hearings, to be published before the end of December 2020. | Draft legislation published Q4 2020 | DOJ (Criminal Legislation) ODPPCourts Service | As above  | On Track |
| 4.44.44.44.**4.4** | **Prosecution and defence will notify the judge conducting the preliminary trial hearing of any outstanding matters which may prevent the trial from commencing on the scheduled date.**Immediately implement this recommendation, once the necessary legislative arrangements for preliminary trial hearings are in place. | See Action 4.1 | DOJ (Criminal Legislation)ODPPCourts Service | ODPP - Action is dependent on the necessary legislation being in place. | On Track |
| **4.5** | **Lawyers in private practice representing either the prosecution or the defence should be duly remunerated for their work in preparing for and attending preliminary trial hearings.**ODPP will engage with relevant stakeholders to determine appropriate fees. It is not possible at this stage to set a timescale pending the necessary legislation being enacted, following publication at the end of 2020. | Arrangements will be finalised following enactment of the legislation. | ODPPDJ (Policy and Service Delivery)DPER LAB | ODPP - DOJ is engaging with the ODPP, as they set the criminal prosecution fees in conjunction with DPER sanctioned limits.Defence legal aid fees are a matter for the DOJ and Legal Aid Board and are set on the basis of parity with the prosecution rates.  | On Track |

|  |  |  |
| --- | --- | --- |
|  | **The Trial of Sexual Offences** |  |
| **Recommendation Number** | **Action** | **Timeline** | **Responsible Function/ Department** | **Update** **February 2022** | **Current Status** |
| 5.1 | **Provision to be made to allow the barrister who is briefed to represent a victim when an application is being made to engage in questioning of a victim at sexual offence trials while the questioning takes place.**Begin scoping work in January 2021 and bring draft heads of the legislative amendments to Government for approval before the end of 2021. Carry out work to determine if any amendments to legal aid legislation arenecessary to give full effect to the recommendation. | Scoping Work Q1 2021Government Approval of Draft Heads Q4 2021 | DOJ (Criminal Legislation)LAB will be consulted on any amendments to legal aid legislation | LAB – the Board is happy be provide observations on any amendments to legal aid legislation. | On Track |
| 5.2 | **The right to separate legal representation for victims under section 3 of the Criminal Law (Rape) Act 1981 (in circumstances where an application is made to question a victim about other sexual experience) should be extended to include trials for sexual assault.**Begin scoping work to determine the necessary approach in January 2021 and bring draft heads of the legislative amendments to Government for approval before the end of 2021. | Scoping Work Q1 2021Government Approval of Draft Heads Q4 2021 | DOJ (Criminal Legislation) | The updates to sexual offences legislation that have been recommended in the O’Malley Report, the scoping exercise has been completed and work has started on drafting the Heads of a General Scheme of a Sexual Offences Bill.  | On Track |
| **5.3** | **Appropriate steps should be taken to ensure that judges and lawyers are familiar with section 21 of the Criminal Justice (Victims of Crime) Act 2017, especially as it relates to the questioning of victims during sexual offence trials.**Information on training for judges and lawyers is set out at in the Chapter dealing with Training. | See Training Section |  |  | On Track |
| **5.4** | **Where the defence intends to apply to the trial judge for leave to question a victim about other sexual experience, it should be required to notify the judge conducting the preliminary trial hearing of that intention.**Draft legislation on preliminary hearings will be published before the end of December 2020. | Q4 2020 | DOJ (Criminal Legislation) | Update as at 4.1 | On Track |

|  |  |  |
| --- | --- | --- |
|  | **The Trial of Sexual Offences** |  |
| **Recommendation Number** | **Action** | **Timeline** | **Responsible Function/ Department** | **Update** **February 2022** | **Current Status** |
| **5.5**  | **Once notification has been given at a preliminary trial hearing of intention to apply for leave to question a victim at trial under the terms of section 3 of the Criminal Law (Rape) Act 1981, the Legal Aid Board should be immediately informed. The Legal Aid Board, in turn, should endeavour to ensure that the victim is represented by counsel of a level of seniority similar to that of counsel representing the prosecution and defence.**Carry out further work to determine if any amendments to legal aid legislation might be desirable to give full effect to this recommendation. It will be necessary for the Terms and Conditions of the Barristers Panel to be amended and for these amended terms and conditions to be consented to by the Minister for Justice and the Minister for Public Expenditure and Reform. | Q2 2021 | LAB,DOJ (Civil Governance and Legislation)DPER | In November 2020, Civil Governance function of the DOJ wrote to seek the consent of the Minister for Public Expenditure and Reform to make changes to the fee structure of the Legal Aid Board’s Barristers Panel, in light of the O’Malley report recommendations. Sanction in support of the proposed changes have since been obtained as follows:* In March 2021, sanction was conveyed for either a single Junior or Senior Counsel to support victims in connection with applications under section 3/4 of the Criminal Law (Rape) Act 1981 in which they are entitled to separate legal representation and where they have been granted legal aid. This receipt of sanction followed discussion with the Legal Aid Board who agreed with it being sufficient for either a Junior or Senior Counsel (not both) to attend court to represent victims in such cases.
* In June 2021, sanction was conveyed by that Department for a Brief fee of €1,200 and Refresher Fee of €610 in respect of the abovementioned Senior Counsel. Remuneration for the Junior Counsel is to remain at current levels.
 | On Track |
|  **5.6** | **Effective steps should be taken to bring the existence of section 19A of the Criminal Evidence Act 1992 regarding the disclosure of counselling records to the attention of victims and any persons who are advising them.**ODPP already has publicly available information on section 19A and has developed memorandums of understanding with a range of NGOs in this regard. ODPP will also support AGS in disseminating information to victims and their legal representatives.Make available victims’ information on section 19A to the public by AGS in Q1 2021. Provide initially on the Garda Website and electronically thereafter as the Garda Active Mobility app is developed.The Legal Aid Board will also take measures to publicise this provision. | AGS Q1 2021 | AGSODPP and LAB will support measures | LAB – we will support these measures but point out that the only parties with *locus standi* to make a s19 application are the prosecution and defence.AGS – Completed – relevant information uploaded to the Garda Website | Completed |

|  |  |  |
| --- | --- | --- |
|  | **The Trial of Sexual Offences** |  |
| **Recommendation Number** | **Action** | **Timeline** | **Responsible Function/ Department** | **Update** **February 2022** | **Current Status** |
| **5.7** | **Further consideration should be given to the question of whether the disclosure of medical records should be made subject to a statutory regime similar to that applicable to the disclosure of counselling records.**This will be considered in a future review of the law relating to sexual offences such as is being undertaken by the Law Reform Commission.Examine, with D/Health as lead with DOJ and the DPP, whether the disclosure of medical records should be made subject to a statutory regime similar to that applicable to the disclosure of counselling records. Complete this examination by the end of February 2021. | Q1 2021 | D/HealthDOJ (Criminal Policy) DPP | D/Health - No update at this time but hope to have progress to report at next meeting.This action relates to a statutory scheme for medical records. The development of legislative policy is primarily a matter for Government departments. The ODPP is happy to be part of the consultation process in due course as part of that policy initiative. | Minor Delivery Issue |
| **5.8** | **Positive obligation to be imposed on bodies to furnish counselling notes promptly to the Director of Public Prosecutions once requested to do so.**D/Health will engage with agencies under the remit of its Department to identify the reasons for any delays in furnishing records which might be causing difficulties for the DPP. Complete this exercise by February 2021.Arrange a campaign by D/Health to promote timely responses to the DPP on the part of agencies under its remit. | Q1 2021 | DOJ (Criminal Legislation)D/Health | D/Health - No update at this time but hope to have progress to report at next meeting. | Minor Delivery Issue |
| **5.9** | **Establish a formal code of practice to govern the collection and disclosure of a victim’s digital material and electronic data.**Review by An Garda Síochána into the practice of the collection of such evidence in 2021.The Legal Aid Board will input into any code of practice as required. | End 2021 | AGS ODPP LAB | LAB – The Board will contribute to the development of this code of practice however it is for others to drive.ODPP remain available for consultation on the development of this code.AGS– Agreement on funding for replacement phones – for victims who are required to surrender phones. Ongoing considerations needed, financial considerations, evidential considerations, victims considerations.This is a significant body of work and it is questionable whether AGS should be lead agency on this –Garda disclosure of evidence, in all cases will be dictated by applicable law surrounding disclosure and legal requirements surrounding same – an one-size-fits-all solution is unlikely to be either legally practical or operationally fit for purpose. It is suggested that any such guidance in this area will be subject to influence by the ECHR judgement in Dwyer Finally, a blanket practice of giving a victim/witness a generic phone/other device as a replacement for a more expensive smart-phone/other device which is being taken for evidence will not be successful and will serve to be a significant antagonistic pain-point, particularly in sexual crime investigations, which is unlikely to be successfully resolved via a uniform policy approach that will not have the capacity to recognise, and thereby accommodate, the features of individual cases The issue of how to resolved this is bigger than An Garda Síochána and it is, respectfully, suggested that a multi-group approach should be considered | On Track |

|  |  |  |
| --- | --- | --- |
|  | **Information for Victims** |  |
| **Recommendation Number** | **Action** | **Timeline** | **Responsible Function/ Department** | **Update** **February 2022** | **Current Status** |
| **6.1** | **Establish a website containing comprehensive information for victims of sexual crime.** |  |
| A new and expanded Victims Charter was published in February 2020, see website [www.victimscharter.ie](http://www.victimscharter.ie/) Detail on measures to further expand and enhance this website, with a view to better informing victims of their rights, are set out in the response to Recommendation 1.1. | Completed | DOJ (Transparency) | A dedicated section has been included in the new Victims Charter Website. The section includes detailed information for victims of recent and historical sexual violence on supports that are available to them and what to expect from the Justice System | Completed |
| **6.2** | **An Garda Síochána should develop a Garda ACTIVE Mobility App that will advise Garda members of the information they should be providing to victims in accordance with the Criminal Justice (Victims of Crime) Act 2017.**A business case to develop an App has been prepared for approval. The aim is to have it operational by Q3 2021. | Q3 2021 | AGS | Approval for project received. Originally due to commence in 2021. Delayed by Covid-19. The Mobility app proposal is with Garda ICT for development | On Track |
| **6.3** |  **Section 26(3A) of the Civil Legal Aid Act 1995 should be amended to provide that the Legal Aid Board may provide free legal advice to victims of sexual offences (and not just in cases where a prosecution is being taken).**. | Scoping to be completedin relation to legislative requirements by Q1 2021 | DOJ (Civil Legislation)LABAGS | Relevant legislative Head prepared, initial consultations conducted with LAB, Head to be incorporated in Criminal Legal Aid General Scheme, 1st draft of which was submitted to the Minister in Q4 2021 | On Track |
| **6.4** | **The range of offences to which Section 26(3A) of the Civil Legal Aid Act applies should be extended.**See recommendation 6.5. | Scoping to be completedin relation to legislativerequirements by Q1 2021 | DOJ (Civil Legislation)LAB | Relevant legislative Head prepared, initial consultations conducted with LAB, Head to be incorporated in Criminal Legal Aid General Scheme, 1st draft of which was submitted to the Minister in Q4 2021LAB – This requires an amendment to the 1995 Act. | On Track |
| **6.5** | **Section 26(3A) Civil Legal Aid Act 1995 should further be amended to provide legal advice, in appropriate circumstances, to a parent, guardian or other responsible adult where the victim is a child or a person with a mental illness or intellectual disability.**Carry out a scoping exercise to determine what legislative amendments are necessary in respect of these recommendations to be completed by 31 January 2021. | Scoping to be completedin relation to legislativerequirements by Q1 2021 | DOJ (Civil Legislation)LAB | Relevant legislative Head prepared, initial consultations conducted with LAB, Head to be incorporated in Criminal Legal Aid General Scheme, 1st draft of which was submitted to the Minister in Q4 2021.LAB – This requires an amendment to the 1995 Act. | On Track |

|  |  |  |
| --- | --- | --- |
|  | **Information for Victims** |  |
| **Recommendation Number** | **Action** | **Timeline** | **Responsible Function/ Department** | **Update** **February 2022** | **Current Status** |
| **6.6** | **A court familiarisation service should be available to all victims of sexual crime throughout the country who are due to appear as a witness in criminal proceedings.** |  |
| Examination of what is necessary to implement this recommendation will be carried out by AGS in early 2021. | AGS Q1 2021 | AGS,Courts Service ODPPNGO sector | Reviewed By AGS – identified that this is as previously thought very much a flexible and informal service between Counsel and Victim, AGS facilitate the introductions. The depth of the interaction between Counsel and Victim is dependent on the individual barrister. ODPP have commenced a review of the information given to victims as part of the pre-trial process and are examining the communication of these restrictions as part of that process. This review is still ongoing. | On Track |
| ODPP will examine how they deal with the explanation of restrictions in which the prosecution can interact with victims to ensure the integrity of proceedings as part of their overall information process for victims and consider whether any further information needs to be added by early 2021. | ODPP Q1 2021 |  | On Track |
| **6.7** | **All victims of sexual crime throughout the country should have access to personal support during criminal proceedings relating to the offence.**Review the supports, including the grant funding available from the Department of Justice, to all victims of sexual crime throughout the country to be completed before the end of 2020. | Q4 2020 | DOJ (Criminal Policy and Funds Administration) | A funding call was placed in December 2020 for frontline support services for Domestic abuse, Sexual crime, Human Trafficking and Victims of crime generally to map where these services are available with 70 organisations making submissions. These applications have now been examined to ensure appropriate coverage is available throughout the State for these support services: incl. geographic areas or categories of victims that are not adequately served, and can we provide this with expansion of existing services.The mapping exercise was completed in July 2021 and the Department contacted identified NGOs to arrange to distribute additional funding to provide additional emergency services, relevant to those already provided under current funding from this Department.Supports are also being examined in the context of the subgroup to map the victim’s journey. | Completed |

|  |  |  |
| --- | --- | --- |
|  | **Intermediaries** |  |
| **Recommendation Number** | **Action** | **Timeline** | **Responsible Function/ Department** | **Update** **February 2022** | **Current Status** |
| **7.1** | **A cohort of appropriately qualified intermediaries who have undergone a prescribed course of training on the role of intermediaries should be recruited and placed on a register.** |  |
| In response to recommendations 7.1 – 7.8Invite expressions of interest from 3rd level institutions to provide an appropriate training and accreditation for relevant professionals to be recognised as intermediaries in February 2021 with a view to having agreement in place with a third level institution by April 2021.Pilot, for 12 months, provision of the service in two areas (one urban Dublin area and one rural area) after which a costed plan would be prepared regarding extending the service throughout the State and details set out of any legislative amendments that are desirable.Engage with CORU and other relevant stakeholders to agree who would host the register and in relation to practical operational issues. Engagement will take place with the Courts Service in relation to access to the register. | Q1 2021 and ongoing | DOJ (Criminal Policy) Courts Service ODPP | A subgroup to examine the use of Intermediaries and establishment of a pilot began work in January 2021. This sub-group has meet a number of times since publication of the report, the last occasion being 10 March. ODPP are part of the subgroup.A work plan for the group entails: 1. Developing a framework for the operation and training of intermediaries
2. Managing/supervising the roll-out of the pilot
3. Managing/supervising full roll out across the State including management of the intermediaries register (long term goal)

An academic consultant, with the support of the sub-group, has been tasked with developing the framework for the operation and training of intermediaries and will engage with stakeholders in development of such. The pilot will take place in two locations, one in Dublin and one in a rural area. A Request for Tender for the consultant was advertised on 1 April. An academic/NGO consultant, (UL) with the support of the sub-group, has now been tasked with developing the framework for the operation and training of intermediaries and will engage with engage with stakeholders in development of such. Development of the course content is currently underway.  | On Track |
| **7.2** | **The task of recruiting and training intermediaries should be undertaken by the Department of Justice or an appropriate state agency. It should be possible to draw upon experience and expertise in neighbouring jurisdictions in establishing a training programme and assessing persons for their suitability.** | Q1 2021 and ongoing | DOJ (Criminal Policy) Courts Service ODPP | As response to 7.1 | On Track |

|  |  |  |
| --- | --- | --- |
|  | **Intermediaries** |  |
| **Recommendation Number** | **Action** | **Timeline** | **Responsible Function/ Department** | **Update** **February 2022** | **Current Status** |
|  **7.3** | **An adequate number of intermediaries should be appointed on a full-time basis.**See response to recommendation 7.1. | Q1 2021 and ongoing | DOJ (Criminal Policy) Courts Service ODPP | As response to 7.1 | On Track |
| **7.4** | **Intermediaries, where needed, should be involved from the earliest stages of the criminal process and, in particular, should be available to assist at Garda interviews of victims, defendants or other potential witnesses who may be vulnerable.**See response to recommendation 7.1. | Q1 2021 and ongoing | DOJ (Criminal Policy) Courts Service ODPP | As response to 7.1 | On Track |
| **7.5** | Where at all possible, the **same person should serve as intermediary in respect of a particular witness throughout the entire criminal process.**See response to recommendation 7.1. | Q1 2021 and ongoing | DOJ (Criminal Policy) Courts Service ODPP | As response to 7.1 | On Track |
| **7.6** | **The role of the intermediary should essentially be an advisory one. The intermediary would advise legal representatives and the court as to the most appropriate way of questioning the witness.**See response to recommendation 7.1. | Q1 2021 and ongoing | DOJ (Criminal Policy) Courts Service ODPP | As response to 7.1 | On Track |
| **7.7** | **Intermediaries may nonetheless, on occasion, be called upon to play a more active role at the questioning of a witness.**See response to recommendation 7.1. | Q1 2021 and ongoing | DOJ (Criminal Policy) Courts Service ODPP | As response to 7.1 | On Track |
| **7.8** | **An administrative structure should be put in place to maintain a register of qualified intermediaries, to arrange for the recruitment of additional ones where needed, and to arrange for the assignment of intermediaries, as required and on a case-by-case basis, for Garda interviews and criminal trials.**See response to recommendation 7.1. | Q1 2021 and ongoing | DOJ (Criminal Policy) Courts Service ODPP | As response to 7.1 | On Track |
|  |  |  |
| **Recommendation Number** | **Action** | **Timeline** | **Responsible Function/ Department** | **Update** **February 2022** | **Current Status** |
| **8.1** | **The Sentencing Guidelines and Information Committee should consider giving priority to drawing up a guideline on discounts for guilty pleas and also to sentencing guidelines for sexual offences.**We will progress this recommendation in 2021. | 2021 | Sentencing Guidelines and Information CommitteeJudicial Council | No updates at this time | Minor Delivery Issue |
| **8.2** | **A system of preliminary trial hearings should be established.**Publish draft legislation on preliminary hearings before the end of December 2020. | Q4 2020 | DOJ (Criminal Legislation) | The introduction of legislation on preliminary hearings, the Criminal Procedure Act 2021 was signed into law by the President on 24 May 2021. The Act provides for the introduction of preliminary trial hearings and makes a small number of other amendments to criminal legislation. The Act has not yet been commenced as the Courts Service has to put the necessary arrangements and Court Rules in place. Once the necessary arrangements and relevant Court Rules are in place then the Act will be commenced. | On Track |
| **8.3** | **Further empirical research should be undertaken on the processing of sexual offence cases to identify issue of delay.**Include in the Department of Justice’s research programme for 2021. | 2021 | DOJ (Information Management) | The Department’s Research and Data Analytics (RDA) Unit issued 2 requests  for tender for Parts 1 and 2 of this piece of work, i.e. 1. a rapid evidence review of the processing of sexual offences which, inter alia, will explore those processes in other jurisdictions and interventions applied & 2. an exploration of stakeholders experiences of the processing of sexual offences in Ireland. Both of these pieces of work commenced in September 2021.Once completed, the RDA will then produce a singular report bringing together parts 1 and 2 of the project – along with internal research on improvements in data availability.Research on the experiences of victims began in November 2021. This will be done in consultation with all relevant stakeholders. | On Track |
| **8.4** | **Any proposal for the appointment or allocation of additional judges to the criminal courts should be preceded by an assessment of the impact on victims participating in or attending sexual offence trials.**Implement this recommendation in consultation with the Courts Service as a matter of course to ensure that courtrooms, court registrars etc. are available.Implementation of this recommendation will also involve consultation with the ODPP so that the issue can be raised at any pre- trial hearing. | Ongoing | Courts Service | ODPP comment - Any such consideration of additional judges and courts should take into account the impact on resourcing needs for ODPP to support the running of prosecutions in those additional court sittings and the preparation of cases for those sittings. | On Track |

|  |  |  |
| --- | --- | --- |
|  | **Training** |  |
| **Recommendation Number** | **Action** | **Timeline** | **Responsible Function/ Department** | **Update** **February 2022** | **Current Status** |
| **9.1** | **All judges presiding over criminal trials for sexual offences and all lawyers appearing in such trials should have specialist training on experience of victims of sexual crime and questioning of witnesses who are especially vulnerable.** |  |
| Training will be completed for members of the judiciary in 2021. | Judiciary 2021 | Judicial Council | See action 9.2 | Minor Delivery Issue |
| Develop Bar of Ireland course of continuing professional development in line with the recommendations of the report. Develop and deliver this training between October 2020 and October 2021 and then on an ongoing basis thereafter. | Bar of Ireland Q4 2020 develop training and delivery thereafter | Bar of Ireland | Scoping is underway for the training programme.A formal response is awaited from the Department on the issue of funding which was raised in their submission. |  |
| Examine and adapt Law Society training programme to facilitate the training recommendations in the report. Explore if the Annual Criminal Law Conference in March 2021 could provide the training. | Law Society Q1 2021 | Law Society | Ongoing | On Track |
| **9.2** | **It is recommended that the Judicial Studies Committee, established by the Judicial Council Act 2019, should consider providing such training for judges.**Training will be completed for members of the judiciary in 2021. | End 2021. | Judicial Council | 8 judges have been trained in line with the recommendation and also trained to train colleagues. However owing to resourcing issues, particularly in freeing judges from their court sitting assignments to attend training, it will take some time to roll out the training to the extent recommended. | On Track |
| **9.3** | **The Law Society of Ireland and the Bar Council should take steps as soon as possible to provide specialist training within existing CPD frameworks for solicitors and barristers, respectively, who deal in any professional capacity with victims of sexual crime.**Provision of specialist training is addressed under 9.1 above. | Bar of Ireland Q4 2020Law Society Q1 2021 | Bar of IrelandLaw Society | Bar – See action 9.1 | Minor Delivery Issue |
| **9.4** | **The Law Society and the Bar Council will provide a list of solicitors and barristers, respectively, who have satisfactorily completed the prescribed course of specialist training.**Require Bar of Ireland members to earn a certain number of CPD points in relation to the prescribed training on a regular basis. The Council will assume responsibility for the roll-out of mandatory training for members. The Bar of Ireland will consult with relevant stakeholders having regard to data protection legislation and case law in relation to right of a defendant to engage a solicitor of his or her choice in Q1 2021. | Q1 2021 | Bar of IrelandLaw Society | Bar – See action 9.1 | Minor Delivery Issue |

|  |  |  |
| --- | --- | --- |
|  | **Training** | **Current Status** |
| **Recommendation Number** | **Action** | **Timeline** | **Responsible Function/ Department** | **Update** **February 2022** |  |
|  | In order to work on the implementation of the training recommendations, a subgroup was established to develop an approach to meeting training needs of a wide range of front-line staff and professionals, including legal professionals and members of An Garda Síochána. This sub-group has meet a number of times since publication of the report, the last occasion being 6 April.The role of the group is to:* Design a framework for provision of a range of training and awareness raising measures for those engaging with victims of sexual crime and vulnerable witnesses, and the categorisation of headings for specific types of training needed;
* Identify gaps in current provision; and
* Recommend measures to meet the needs and gaps identified.

The Department has engaged a consultant to conduct a mapping exercise to establish what training is already being provided, and in what areas. This exercise has commenced and aims to have a relatively short timeframe for completion in Q1 2022 so that the development work can begin. Following the mapping exercise, evaluation of the effectiveness of current training provision will take place where the sub-group will flesh out what gaps exist with support from the consultant. A facilitated consultation method will be examined at a later stage when evaluating effectiveness of current training.Once these first initial two stages are complete then measures will be put forward as to meet the needs and gaps identified. | On Track |
| **9.5** | **All personnel in State Agencies who are likely to have to deal with victims of sexual crime should have appropriate training.** | **Current Status** |
| Develop specific proposals as part of the 3rd National Strategy on Domestic, Sexual and Gender-Based Violence, which will be in place by the end of 2021. The Department of Justice will lead on implementation | Q4 2021 | DOJ (Criminal Policy) Legal Aid BoardDPP | See update on next strategy at 1.3 | On Track |
| Legal Aid Board will take measures to ensure all staff dealing with victims of sexual crime have appropriate training. | Ongoing | Legal Aid Board | LAB – The Board has nominated a staff member to be part of the Training Implementation Working Group Report | On Track |
| The ODPP legal steering training committee continually reviews training requirements. Provide further training on sexual violence, including in intimate relationships, in the context of the establishment of the ODPP Sexual Offences Unit. | Ongoing and Q 4 2021 - DPP | ODPP |  ODPP training is continuing and has included recent series on domestic and intimate partner violence, workshops on engaging with Victims and the impact of trauma and a pilot Workplace Support programme | On Track |
| The ODPP, in conjunction with the Law Society and the Bar Council, is assessing possibilities for an accredited training programme on vulnerable victims for legal professionals. This may also require the involvement of the Legal Service Regulatory Authority and the Honourable Society of Kings Inns.It is envisaged that this assessment process will take in the region of twelve months. Maintain existing training for staff, state solicitors and prosecuting counsel. | Ongoing and Q 4 2021 - DPP | DPP | Ongoing | On Track |
| **9.6** | **The Minister for Justice should appoint a planning and implementation committee to develop a specialist training programme for legal professionals who deal with victims and other vulnerable witnesses in sexual offence cases.**Implement this recommendation within the architecture of the next National DSGBV Strategy, which will be developed and in place by end- 2021. Work has already commenced on addressing specific training needs that have been identified. | Q4 2021 | DOJ (Criminal Policy) | This will be examined within the architecture of the next National DSGBV Strategy, which will be developed and in place by Q1 2022.See update at 1.3 | On Track |
| **9.7** | **Measures, including an inspection system, should be put in place to ensure that all those who provide counselling, therapy and related services to victims of sexual crime have appropriate training.**The professions of counsellor and psychotherapist are designated for regulation under the Health and Social Care Professions Act 2005 Act. Following its establishment in November 2018, the Counsellors and Psychotherapists Registration Board has begun the significant and complex body of work before the register can be opened and the title protected. The Registration Boards are working towards opening their registers, but it is not yet possible to indicate a date when the registers will open.Continue mapping exercise to identify statutory and non-statutory agencies involved in the delivery of restorative justice which is currently being undertaken as part of the “Restorative Justice Strategies for Change” (RJS4C) cross-European project. Publish this information on the Department of Justice funded project website in January 2021.Medical and nursing staff operating in Sexual Assault Treatment Units (SATUs), under the remit of the HSE, have completed post-graduate specialist education and there is an ongoing programme of Continuous Professional Development. | RJS4C Q1 2021 | D/HeathHSEProbation | The project is continuing to provide support to Criminal Justice Policy in relation to identified actions in its plan, to ‘Develop options for an appropriate mechanism and process to create awareness and availability of restorative justice at all stages of the criminal justice system with consistency of service ensuring quality in training and practice’. To this end two online stakeholder consultations were conducted in August to consider a range of options. There was an overall attendance of 259 participants with representation and engagement from the statutory, community, voluntary and academic sectors. Arising from that feedback further work is underway on a policy and implementation paper that will provides leadership on a national service delivery model that ensures increased capacity to deliver restorative justice safely and effectively. This work is being carried out by a Restorative Justice Subgroup of the Criminal Justice Strategic Committee in the Department. Led by Criminal Justice Policy it includes representatives of the Probation Service, An Garda Síochána, Courts Services and the Irish Prison Service.. This group met in February and arising from feedback and commentary, further work is underway on the policy and implementation paper. This will be presented to the Management Board of the Department for approval. It is intended that this policy will be sent to the Minister for approval by the end of Q1 2022 | On Track |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Recommendation Number**  | **Action** | **Timeline**  | **Responsible Function/                              Department**  | **Update February 2022** | **Current Status** |
|   10.1 (added 23 December 2020) | Establish a protocol, and ensure technological facilities are available to allow for a complainant to give evidence via video link for the purposes of Section 9a of the Bail Act 1997 *(in circumstances where leave of court to do so has been granted)*   |   Q4 2021 |     DOJ (Criminal Policy)   Courts Service   AGS   IPS   ODPP       | The parties involved in this recommendation have discussed what steps need to be taken to progress this. There are practical concerns which need to be examined fully to ensure any protocols established are workable in practice.   The IPS and Courts Service have finalised operational Standard Operating Procedures (SOPs) for the use of video link from prison to courts which are applicable in all custody court procedures. With the increased video link traffic, the IPS have established a Video link Coordination Unit to manage this capacity.   Ongoing communication is also maintained between the ODPP and Courts Service in relation to arranging video link facilities in all cases where it is required. The next step for this recommendation is to establish a pilot for video link for certain bail cases, at district Court level, and if successful it could be extending to other cases. Video Link Process has been finalised by Courts Service and AGS, to be piloted in CCJ for DMR – forwarded into the Office of the DPP (Chief Prosecution Solicitor) for consideration, after which time (and subject to the opinions/views on same expressed by this Office) pilot will become operational in CCJ for DMR cases. Courts Service are ready to go live. This action is linked to recommendation 1.4 which recommends that facilities for victims and other vulnerable witnesses are brought to a consistent standard throughout the country.  Full implementation of this recommendation is dependent on delivery of rec 1.4 as a vulnerable witness suite in a courthouse has been deemed the most appropriate location for a complainant to give evidence. This would ensure proximity to the primary courtroom should exhibits need to be shown.  | On Track |