

**Policy and Practice Committee – Friday 2 March 2018****Briefing Note****Brexit****Background**

On 23 June 2016, the United Kingdom voted to leave the European Union. On a turnout of 72.2% of the electorate, 51.9% voted to leave. In Northern Ireland, 56% of people voted to remain in the EU. On 29 March 2017, the UK Government invoked Article 50 of the Treaty on European Union. The UK is thus due to leave the EU on 29 March 2019.

**Implications for Department of Justice in Northern Ireland**

In October 2017, the DoJ organised a workshop in relation to Brexit Day 1 Delivery Planning. I attended on behalf of PBNI and all DoJ related organisations were asked to consider a number of areas where there would be a Day 1 impact. The DoJ asked that the assessment should be based on a “no deal” scenario although it is acknowledged that in December 2017, the UK and European Commission agreed on a text that completed the first stage of Brexit negotiations, focusing on three areas; the rights of EU and UK Nationals in each other’s territories, the financial settlement the UK will pay, and arrangements for the Irish border.

**PBNI Response**

At the Public Protection Advisory Group Seminar on 10 November 2017, there was a useful input from the current President of the Confederation of European Probation, Gerry McNally, who is an Assistant Director with the Irish Probation Service. He set out the differences between the Council of Europe and European Union and noted that the UK will still be a member of the Council of Europe after 2019 and, therefore, likely to be subject to the European Probation Rules which underpin our current and proposed Standards of Practice.

The Board were briefed in November 2017 and it was agreed that the Policy and Practice Committee would keep a watching brief on Brexit developments. I established an ad-hoc Committee comprising Michael Cox, Board Secretary; Catherine Teggart, Head of Finance; and Gail McGreevy, Head of Communications, and in addition to two meetings of this Committee, I have circulated documents sent by the DoJ and drafted PBNI responses on behalf of the Committee. I have also participated in a teleconference with the Ministry of Justice (MoJ) in London alongside DoJ officials and have been in written correspondence with the Director of the National Probation Service in GB, the MoJ representative for EU Exit in London and the Director and Deputy Director of the Irish Probation Service.

PBNI has identified four key issues arising from a “no deal” with the EU scenario. These are:

- Cross Border Court Reports (access to previous convictions for EU citizens appearing in NI courts).
- Enforcement of post-custody licences without availability of European Arrest Warrant (EAW).
- Information sharing in relation to sex offenders and offenders assessed as significant risk of serious harm to others.
- Access to Confederation of European Probation training and practice developments.

It has been agreed that the Department of Justice will lead on the first three issues. I have provided information to the DoJ leads, particularly in respect to the requirement for participation in European Criminal Record Information System (ECRIS). This allows report writers to obtain (via PSNI) the criminal record of EU citizens appearing in Northern Ireland courts and this is vital to assist on the assessment of risk which PBNI provide. There has been debate about the possibility of the UK remaining in ECRIS outside of a Treaty and this issue has been particularly raised with the Home Office by the DoJ following information provided by PBNI.

The PSNI has gone on public record to highlight the significant concerns that it had if the European Arrest Warrant was not available to a jurisdiction which has a land border with a member of the EU. PBNI support the view of the PSNI that some deal is required and this point has been made forcefully to civil servants based in London.

The Public Protection Advisory Group was established in 2006 specifically to address how increased cross border criminal justice co-operation could be taken forward and to implement the offender management and probation elements of the agreed Work Programme coming from the two Ministers of Justice. PPAG is made up of senior representatives of Police, Prisons, Probation and Justice departments from both jurisdictions, and is jointly chaired by Cheryl Lamont and Vivian Geiran (Director of the Irish Probation Service). The PPAG meets twice each year, alternating between Belfast and Dublin and addresses an annual work programme based on Ministerial priorities. It has also organised eight successful North-South seminars, the most recent one having taking place in November 2017 as noted above.

PBNI and PS agreed on a Protocol in relation to the Management of Sex Offenders and Offenders Assessed as Significant Risk of Serious Harm to Others in June 2006. This Protocol has been updated in 2007, 2010, 2014 and, most recently, in September 2017. I have attached this Protocol as an Appendix.

Agenda Item no Tabled                      Board Meeting – 17 August 2018                      Paper 104-2/18 (August)  
The final key issue identified by PBNI has been access to the Confederation of European Probation training and practice developments. Following a letter to the President and Secretary General, we received confirmation on 22 January 2018 that PBNI will be able to remain a member of CEP post-Brexit. The Secretary General indicated that he was very keen for PBNI to maintain membership and noted our positive contribution to the Confederation over the years.

PBNI has also flagged up issues in relation to EU funded projects in Northern Ireland which PBNI clients benefit from (both NIACRO and Extern have employment related projects funded by the EU and NIACRO also has a project to combat Hate Crime “Get Real”) funded by SEUPB (Special EU Programmes Body).

PBNI has indicated that it does not see any opportunities arising from Brexit for the organisation.

Cheryl Lamont discussed the Brexit issue with her counterparts from England/Wales, Scotland and the Republic of Ireland at a teleconference on 10 January 2018. PBNI has included an objective in the draft 2018-19 Business Plan: “Engage with the Department of Justice and Irish Probation Service to agree PBNI response to the UK decision to leave the EU”.

### Action

The Committee is asked to note this update.

**Paul Doran**  
**Director of Rehabilitation**  
**21 February 2018**

### Appendix:

North-South Protocol in relation to the Management of Sex Offenders and Offenders Assessed as Significant Risk of Serious Harm to Others – September 2017