



Northern Ireland
Assembly

COMMITTEE FOR JUSTICE

OFFICIAL REPORT (Hansard)

**Overview Briefing on the Main Areas of
Responsibility and Key Issues Facing the
Department of Justice**

26 May 2011

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Sydney Anderson
Mr Stewart Dickson
Mr Colum Eastwood
Mr Seán Lynch
Ms Jennifer McCann
Mr Alban Maginness
Mr Jim Wells

Witnesses:

Mr David Ford) Minister for Justice

Mr Nick Perry) Department of Justice

The Chairperson:

I welcome Minister Ford and the permanent secretary of the Department of Justice, Mr Perry, to the Justice Committee. It is the first of many positive meetings that will take place. This part of the meeting will be recorded by Hansard. At this point, I will hand over to you, Minister, to give an overview of the main priorities facing your Department. Members will have an opportunity to engage further with the Minister. Hopefully, we will pencil in about an hour to do that. We will also come to the statutory rule which you are going to deal with after this session.

Mr Ford (The Minister of Justice):

I will give an overview of some of the issues, and then I will hand over to Nick Perry to talk about some of the more organisational aspects of the Department. We will take general issues then, and we will be happy to look at the issue of the statutory rule on legal aid later.

Thank you for the opportunity to come to the first meeting of the Committee and to engage in what I hope will be, as you just said, a positive and constructive relationship. I believe that the Department of Justice had such a relationship with the predecessor Committee in the previous mandate. From the past year, it is clear to me that we have seen devolution starting to make a real difference. We now need to build on the achievements of that first year and to deliver on some of the priorities that we set a year ago. The first mandate was about putting in place the foundations for reform. What we now need to look at in this mandate is consolidation and delivery to ensure that some of the necessary changes are made.

The agenda for me and the Department is hugely challenging, and it will also be challenging for the Committee. Therefore, we will need your support if we are to seek agreement on many of the key issues confronting us. I take significant confidence from the fact that we achieved quite a lot in the first mandate, in particular the Justice Act (Northern Ireland) 2011, which was a complex and complicated bit of legislation, but it achieved a considerable amount. That was due in no small part to the diligence that was shown by the Committee and by all those who were engaged in helping us in that work. I also take heart from comments that members of the Committee made as we approached the end of the Bill when they referred, in the Assembly Chamber, to how constructive my officials' approach had been, how positive the relationships were and how much we had achieved together.

I will set out the priorities that I see at the moment under three strategic themes. The first theme is safer, shared communities. The second is faster, fairer justice, and the third is custody and community sentences. There are obviously a number of work streams for each theme. On the safer, shared communities work area, work is under way on a reducing offending strategy, which aims to fundamentally reshape our approach to tackling the problems that lead people into the criminal justice system and the obstacles that hinder them from getting back out of it. As you will be aware, we have now had the full consultation on the community safety strategy. The outcome of that consultation will be published shortly, and the final strategy is due to be published later in the year.

There will be key issues, in working in partnership between Departments, various statutory agencies and on the ground with local communities, to deliver that strategy. There are also clear issues about needing to build collaboration as we deal with problems around interfaces, the practical and symbolic divide, which significantly reduce social and economic opportunities for all our people. Partnership is also very much at the heart of the way in which the PSNI is approaching policing. As you know, we obtained additional security funding from the Government and from the Executive. We need to ensure that that allows the police to continue to focus on the good work they were doing on community-based policing, despite everything else that may threaten them.

The second core theme is faster, fairer justice. I want to see a justice system that has been described as lean, responsive and fair. One of the other reviews that is under way, the access to justice review, which is being led by Jim Daniell, is due to be completed this summer. There will be real issues within that, not only about cutting legal aid expenditure to ensure the levels are appropriate and affordable, but about ensuring that we maintain access to justice in a way that encourages the better resolution of problems.

Our work to speed up justice and to tackle the delays in criminal cases will continue to be a priority. We have made some progress, but it is clear that much more needs to be achieved. A multi-agency programme is under way. It includes streamlining processes, sharpening targets, bringing forward new legislation to reform the structures and developing a new management information system so that we can better understand the problem that comes about from the delay.

I move now to the final theme of custody and community sentences. Prisoner reforms are clearly a major and significant part of that work. Committee members will be aware of the review that is being led by Dame Anne Owers. Her final report is due in September. It will set the future direction of the Prison Service. Alongside it, we already have the strategic efficiency and effectiveness programme, which will implement the recommendations of the review. It is already at work and looking at a range of areas to ensure that the system is shaped for delivering that fundamental reform. Alongside that, there are a number of issues in which there will be a significant need for engagement with the Committee. One such issue is the development of a new strategy for victims and witnesses of crime, to improve their experience. On that point, I should mention the youth justice review, which is due at the end of June. There are real issues to

look at with regard to how we deal with young people as they interface with the justice system.

I believe that delivering those priorities will enable the vision of a reshaped justice system with safer shared communities and lower levels of crime. There is no doubt that justice is a busy portfolio. My working assumption is that the Committee will want to be involved in all aspects of the Department's work, and, to some extent, it will be up to the Committee to keep us informed of its priorities at the same time as the Department needs to keep the Committee informed of the way work is shaping up. We have a challenging agenda ahead of us, and I believe that we can, in that, reshape justice for the better.

I suspect that you will be relieved to know, Chair, as one of those who lived through the previous mandate, that we have no immediate plans for a Bill of the same scale as the one that we passed in the first year, but we are making preparations for a wide-ranging Bill to deliver changes in the area of speeding up and improving access to justice and tackling offending. There is also the need for an early Bill, which we are currently describing as a compliance Bill, to address two key policy needs that were brought up in the previous mandate: DNA and fingerprint retention; and certain aspects of sex offender notification. They are necessary to ensure that Northern Ireland is compliant with human rights requirements.

There will also be some legislative consent motions brought forward. As those who were on the previous Committee will know, my firm preference is to avoid legislative consent motions wherever possible and to ensure that we deal with matters appropriate to Northern Ireland as legislation. However, there are clearly cases in which there are relatively minor issues and where it is more logical to spare a certain amount of time here and to work on the basis of Westminster legislation in a legislative consent motion. That will only be where they are absolutely necessary, but one is about to come up regarding ticket touting for the London Olympics. I suggest that it is probably not necessary to deal with that in primary legislation here.

I am determined to continue to work in the way that I believe we worked in the previous mandate, to build on the positive relationships between the Minister, Department and Committee, and to ensure that the help that this Committee can give, which is critical to reshaping the justice system, is sought by the Department and is applied in the best way for practical, positive co-operation. I believe that if we work in that partnership, we can deliver the necessary reforms to ensure a modern and world-class justice system for our people. I look forward to working

constructively with you towards that common goal. I will now ask Nick to deal with the nuts and bolts of the Department.

Mr Nick Perry (Department of Justice):

It might be helpful to the Committee if I cover two issues: the structure of the Department and the resources available to it; and how we will organise ourselves to meet the priorities that the Minister outlined. Since a good deal of the detail is in members' first day briefs and since specific briefings will be arranged on each major area, I will do that briefly.

The Department of Justice (DOJ) consists of three directorates in the core Department, two large agencies — the Prison Service and the Courts and Tribunals Service — and three smaller agencies, namely the Youth Justice Agency, Forensic Science Northern Ireland and the Compensation Agency. It is also responsible for a number of arm's-length bodies that range in size from the PSNI to the Criminal Justice Inspection. Details of those are in the briefing packs. Excluding the Courts and Tribunals Service, which I will come to in a moment, the DOJ has 4,227 staff in post, which is 114 fewer than a year ago. Over half our staff work in the Prison Service, and around 90% work in the five agencies in service delivery roles of one sort or another. In addition, on 1 April 2011, nine tribunals and 98 staff that were previously sponsored by other Departments began the process of transferring to the Courts and Tribunals Service, and a further three tribunals are expected to join within the next 12 months.

The Committee will get a detailed briefing on the DOJ budget next week, so I will just give some high-level figures. The DOJ resource budget for 2011-12 is just over £1.2 billion and is ring-fenced over the Budget 2010 period. In headline terms, the cash reduction over the budget period is 6.2%, which is £82 million. In real terms, taking account of inflation, the figure is perhaps twice that. That reduction figure excludes the additional funding of £45 million that is provided by the Executive and is allocated by the Department towards the PSNI's security pressure and the additional £199.5 million security funding that the Treasury has agreed to make available. Ring-fencing puts a greater squeeze on the DOJ than it does on some other Departments. However, it provides greater certainty, and we believe that it is sustainable provided the projected savings, particularly in legal aid and prisons, are delivered.

Ninety-five per cent of our budget this year will be spent by the Department's agencies and executive non-departmental public bodies. The general areas of allocation are: £800 million,

which is 66%, will go to the PSNI and to other policing bodies such as the Police Ombudsman and the Policing Board; £190 million, which is 16%, will go on managing offenders, prisons, the Youth Justice Agency and probation; £139 million, which is 11%, will go on access to justice, the Courts and Tribunals Service and the Legal Services Commission; and £86 million, which is 7%, will go on other services such as forensics, compensation, community safety and the core Department. The Department will also provide around £9 million of funding to the voluntary sector this year.

Our capital budget allocation for this year totals £102 million. One of the Department's largest capital projects is the joint training college at Desertcreat, which is intended to be an integrated Police Service, Prison Service and Fire and Rescue Service facility. The total capital cost over the budget period is £130 million, allowing for the disposal of redundant sites, and all the capital funding is in the DOJ's budget. The objective is to complete the building of Desertcreat by the end of 2014 and for migration to the new college to take place over the following six months. Work is under way to finalise the business case, and we will work closely with Department of Health, Social Services and Public Safety (DHSSPS) colleagues to resolve the outstanding funding issues in the coming weeks.

The second objective is the forensic science laboratory at Seapark, to which £12 million has been allocated to upgrade key facilities, particularly those that relate to DNA and evidence recovery analysis. The outline business is being finalised, and we aim to award the contract in late 2012, begin construction in early 2013 and complete the work by spring 2014.

Finally, we will address the prison estate, particularly the replacement of the current prison at Magilligan. In line with the recommendations of the Owers review, the entire prison estate's future requirements, including those for women and young people, are being urgently reviewed, and a report will come to the Minister by the end of the summer. As part of Budget 2010, the Prison Service was allocated £54 million to develop the prison estate, and the review will inform the allocation of that funding.

I will now turn to the way in which the Department operates. The Minister set out his three strategic themes for the Department earlier: safer shared communities; faster, fairer justice; and custody and community sentences. As he mentioned, a range of specific initiatives are linked to those themes, such as the work on youth justice, community safety, reducing offending, and so

on. There are clearly interconnections between many of those areas, and we will look at how best to ensure joined-up thinking across the Department by, for example, establishing formal programme boards for certain issues. We will also look to work in partnership with other Departments by building on the close links we already have with colleagues in the Office of the First Minister and deputy First Minister (OFMDFM), DHSSPS, the Department for Social Development and elsewhere.

Our agencies and arm's-length bodies, such as the police, the Probation Board and the Youth Justice Agency, are, of course, already doing invaluable work in communities. The Department itself, in addition to its policy, legislative and funding responsibilities, is also working directly with the public through, for example, the community safety unit or supporting others in doing so through, for example, the work of the Organised Crime Task Force and community safety partnerships.

I want to highlight just two of the specific reform programmes that the Department is developing. The Committee will be receiving more detailed briefings on both of these programmes in due course. The first is the prisons reform programme, which is one of our top priorities, as the Minister said. The Owers review team's initial report in February made strategic recommendations, and the final report will provide further detail on particular issues such as healthcare.

The Prison Service plans to use its strategic efficiency and effectiveness programme to deliver the reforms required, and that work has already started. A competition to recruit a small number of external change-management experts is under way. Centralised detailing is being introduced in all three prison establishments following agreement between management and staff, which is a welcome development that will lead to a more stable regime for prisoners and better use of resources. As I mentioned, the review of prisons and the prisons estate has begun, and the work to develop appropriate severance arrangements, where we aim to balance fair treatment for staff who wish to leave with cost-effective outcomes for the taxpayer, is now well in hand. A business case is being prepared for consideration by the Minister and the Department of Finance and Personnel (DFP), and I hope that discussions with the staff side can begin as soon as possible thereafter.

The second reform programme relates to the Department as a whole and is intended to align

the DOJ structurally with the Minister's priorities and to deliver improved efficiency. It has two components, the first of which is an examination of the organisation of the Department and its relationship with its arm's-length bodies. As far as the core Department is concerned, I hope to put proposals for reorganisation to the Minister before the summer. The second area is about driving forward the shared services agenda within the DOJ family and with the rest of the Northern Ireland Civil Service. The core Department is, for example, already part of HR Connect, NI Direct and the Centre for Applied Learning, and we are planning to join Account NI as soon as the necessary arrangements are in place.

Finally, I will say a word about the attitude that my colleagues and I bring to our work. Everyone working in the DOJ is totally committed to doing the best job he or she can for the Minister, the Executive, the Assembly and the citizens we serve. That was the situation during the first year of devolution, and it will continue. I am sure that the Department will make mistakes from time to time, but it will not be for want of trying. We expect to be judged on how we perform against the priorities the Minister has set us and to be held accountable for that. Many of those currently working in the DOJ have experience of working in other Northern Ireland Departments and, in some cases, in support of the Assembly. That process is continuing as we integrate even more fully into the rest of the NICS, and we are already benefitting from the wider expertise that that brings. That is all I want to say by way of introduction.

The Chairperson:

Thank you very much. I want to pick up on a couple of points. A lot of the Department's work will obviously be about trying to prevent the creation of victims in the first place. The issue of victims who have suffered from crime of whatever type is very important to a lot of members around this table. How will the Department make sure that it and its relevant agencies always keep those victims fully informed?

I have had to make representations in a case where a sentence had been administered and the person did not understand exactly why that sentence was given and in another case where the Court of Appeal reduced a sentence and no explanation was really given as to why it was reduced. In that case, the victim walked out with their head in their hands because they were at a complete loss to understand why they had been treated that way, and there was not the follow-up that there should have been. Those are just two examples of court cases that I am aware of. How is the Department going to prioritise those victims?

Mr Ford:

We are working on the victims' strategy issue. You may be aware that not long after the Department came into existence last year, we launched two guides: a general guide for victims of crime and a specific guide for those bereaved by murder or manslaughter. Those guides seek to enable people to understand the experience of going through the system.

Clearly, until now, the police have been quite good at providing family liaison to support victims of some more serious crimes. However, sometimes, as you say, it has not been the case that people in court, for example, were aware of exactly what was happening because of the way that court structures operate. Those guidebooks are designed to help people steer their way through the process. However, we also need to ensure that someone, whether he or she is a police officer, somebody from the Public Prosecution Service or a member of court staff, is able to inform victims of what is happening in an appropriate way and at an appropriate time. Individuals who are in closest contact with victims need to keep being reminded of that.

The Chairperson:

One issue of which I have been made aware is that people do not understand the role of the Public Prosecution Service (PPS) as far as victims are concerned. Do you know the situation with regard to the Attorney General's getting greater oversight of the PPS?

Mr Ford:

Having referred to the PPS a moment ago, I need to be careful that I do not go too far down a particular line. The precise oversight arrangements are being discussed between OFMDFM, the First Minister and the deputy First Minister, DOJ and the Attorney General. DOJ is taking forward work that will lead to a consultation, because it is not entirely clear whether the structures that we were left with on devolution, from legislation prepared almost 10 years ago now, are exactly the right ones. I am not sure whether you have the precise timescale for that, Nick. We will certainly carry out consultation on that at a relatively early stage.

Mr Wells:

I am wearing two hats, one of which is as Deputy Chairperson of the Committee for Health, Social Services and Public Safety. The proposal for Desertcreat, which the Department pronounces differently from the locals, is essential for two reasons. The first reason is that the

construction industry in mid-Ulster is on its knees. If that project were to proceed, it would bring huge economic benefit to the community. Where exactly do we stand with the DHSSPS funding? My understanding is that it has come up with the capital but having difficulties with recurrent running costs, particularly in years 3 and 4. Have there been any meetings since the start of the new mandate to try to resolve that issue? The sooner we get the project off the ground, the better.

Mr Perry:

As far as I know, there have not been any meetings since the start of the mandate. However, there will be shortly. Our expectation is that the new Minister of Health, Social Services and Public Safety will be asked to consider a submission from his officials seeking approval for the matter to be passed to DFP to move the business case forward. The particular issue that the Department of Health, Social Services and Public Safety has to address is, indeed, that of running costs.

Mr Wells:

Is that the final sticking point in getting the project off the ground?

Mr Perry:

It is the final issue before it goes to DFP for more detailed consideration.

Mr Wells:

So we are not digging the first sod?

Mr Perry:

Hopefully, we will be able to meet DFP's requirements on the detail of the business case. A great deal of work has gone into it. The project and concept are extremely well developed.

Mr Ford:

I am sure that any influence that Jim Wells has on the current Health Minister, the Finance Minister or, possibly, the future Health Minister will be much appreciated.

Mr Wells:

One of the three.

Mr Eastwood:

Minister, may I have an update on the protest at Roe House and any efforts to resolve it? Given the history of prison disputes in this part of world, we all agree how important a resolution would be.

Mr Ford:

Indeed; you are absolutely correct. Serious issues need to be considered. At present, there are, I understand, effectively, two groups of prisoners who are not speaking to each other in the separated republican wings, rows 3 and 4. One group is conforming relatively well with the arrangements put in place following the agreement in August 2010; the other group, less so. This afternoon, I will speak to those who are assessing the agreement of 12 August 2010 for me to establish their assessment of how it is being observed.

Certainly, reports that I received from the Prison Service are that, given the difficulties created, it has put in place the necessary changes as far as possible. Physical changes were made, and arrangements were made with regard to regime. It is fair to say that that has not been entirely reciprocated. For example, there is a continuing threat — in some cases, to named prison staff. In a general sense, the threat appears on dissident republican websites. That is completely contrary to the spirit of the agreement of 12 August 2010. I am seeking to ensure that we continue to stick to that agreement and provide a safe and secure regime for the prisoners at Roe House, other prisoners in the prison and all prison staff.

The Chairperson:

Thank you, Minister. Members are at liberty to ask whatever they wish, within reason. Try to stick as far as possible to the general overview. I am sure that the Committee will want to look at that particular issue in more detail, and I am sure that the Minister will be happy to come back to us on it. Do members have any other questions?

Mr A Maginness:

Given the disturbing report from the Rosemary Nelson inquiry, the trenchant criticisms of the NIO at that time and the fact that there was a transfer of personnel from the NIO to the Department of Justice, what do you intend to do about the personnel who were involved in the Rosemary Nelson situation? Do you intend to assess their involvement? How do you intend to deal with and remedy that situation?

Mr Ford:

You talk of remedying, which may be an issue that needs to be considered by people in the NIO. Since 12 April last year, those who work for the Department of Justice have been told that, as far as I am concerned, their test is what they do for the Department of Justice. As Nick said earlier, many people who work in the DOJ previously worked in the Assembly and in other Departments. DOJ staff did not come wholesale from the NIO and nowhere else.

The key issue for me is the challenge that I put to staff on 12 April, the response to which I have since been pleasantly pleased by. That challenge is for those who work for the Department of Justice to show their commitment to working in a devolved Department to a devolved Minister in conjunction with the rest of the Northern Ireland Civil Service.

Mr A Maginness:

So the report has no bearing on those personnel who transferred from the NIO to the Justice Department and were involved in justice and policing issues at that time?

Mr Ford:

I am not sure that any of the people you describe working in the DOJ were, in any way, in senior positions in the NIO at the time.

Mr A Maginness:

Have you assessed that?

Mr Ford:

Unlike others, who can read 500 words in a couple of days, I have not had a chance to read the full report. I am not aware of anybody who was in a senior position in the NIO at that time and who now works for the Department of Justice.

The key thing for me as the Minister in the Department of Justice is that we now work under entirely different arrangements, in the same way that the PSNI is a different body from what the RUC was at the time of Rosemary Nelson's death. The key issue is what people are doing now.

Mr McCartney:

I have a couple of broad points. There appears to be a degree of slippage with the ongoing reviews. Are you confident that the extra time that is being asked for is necessary? Are you confident that both of those reviews will be completed by September?

Mr Ford:

I am as confident as I can be that the general prison review, the review of access to justice and the youth justice review will all be completed with modest slippage, if any, in the timescale. All of them should be with us by September. When people who are doing a detailed piece of work explain the level of detail that they are putting into that work and ask for a month extra, it is better to have a delay of a month to get things right than to insist on adherence to the original timetable. Of course, we would all prefer everything to be done as quickly as could be, but we will get three very robust and challenging reports, and I will welcome them.

Mr McCartney:

Item 7 in the final document of our first-day brief is about the McCusker review. There is an expected date of early June for its completion. Is that on time?

Mr Ford:

That depends on how you define “early June”. There are difficulties not only because Tony McCusker had planned to take leave, but others involved in the final checking of facts in the report had also planned leave. I hope that we will see something by the first half of June.

Mr McCartney:

Both of you talked about the speeding up of justice, and, in the second part of this meeting, we will discuss legal aid. How does the withdrawal of solicitors’ services fit in with the concept of trying to speed up justice? Will there be an impact?

Mr Ford:

Clearly, it has the potential to have an impact, and we are seeking ways to ensure that that impact is diminished in order to ensure access to justice for all. However, I would really prefer to leave that until we go into the detail of it in a few minutes’ time.

Mr McCartney:

That is fine, we can do that.

Mr S Anderson:

Will the Minister tell us where his priorities lie for speeding up justice? Do they lie with the PPS? What do you see as the main point that you need to focus on to speed up the justice system?

Mr Ford:

The point that I have made consistently is that the only time that matters to a victim of crime is the time between when the crime is committed and the final disposal in court, and it is of no relevance to the victim whether the delay is on the part of the police, the PPS, the court service or the judiciary. That is why I have brought together, for example, the justice delivery group, which involved bringing in key people from the different agencies to get an oversight and ensure that the necessary instructions about the need to speed things up are given to each of the relevant agencies.

I think it would be fair to say that, two or three years ago, there was considerable difficulty between the police and the PPS in file preparation, how much detail was needed and whether things were got right first time. A variety of complaints could be made both ways about that. What I have seen over the past year is much closer constructive working together to deal with those matters.

There is then obviously an issue about management of court time and various other issues, some of which will require legislative change. We have seen a starting of the process but there is still a huge way to go if we are to get our times from crime to disposal to anything like those in other jurisdictions.

The Chairperson:

If members have no other questions on the overview, I propose that we move on to the legal aid statutory rule. Mr Perry will swap places with other officials. Thank you very much.