



Northern Ireland
Assembly

COMMITTEE FOR JUSTICE

**OFFICIAL REPORT
(Hansard)**

**Justice Policy Directorate and
Related Non-departmental Public Bodies**

9 June 2011

NORTHERN IRELAND ASSEMBLY

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Non-departmental Public Bodies**

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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
Mr Basil McCrea
Mr Peter Weir

Witnesses:

Ms Maura Campbell) Department of Justice
Mr Brian Grzymek)
Mr Gareth Johnston)
Ms Carol Moore)

The Chairperson:

I welcome everyone to the meeting. Mr Johnston, if you would like to introduce your team, I will hand over to you.

Ms Carol Moore (Department of Justice):

I will start. Thank you for the opportunity to meet the Committee.

The Chairperson:

I am just used to seeing Gareth's face.

Mr Gareth Johnston (Department of Justice):

Today I know my place.

The Chairperson:

Apologies for that.

Ms Moore:

Do not worry.

We plan to give you a brief overview of the justice policy directorate, highlighting priorities and particularly talking about those areas that will come back to the Justice Committee in the near future. I will begin by introducing my colleagues, although you have just told me that one introduction is not necessary. On my left are Gareth Johnston, deputy director of the justice strategy division, and Maura Campbell, deputy director of the criminal justice development division, and on my right is Brian Grzymek, deputy director of the criminal justice services division.

If the Committee is content, I will begin with an overview of the directorate and then ask my colleagues to explain in a bit more detail some aspects of their responsibilities and current priorities. The role of the justice policy directorate is to work with criminal justice organisations to modernise the criminal justice system as a whole, ensuring that it is effective, efficient and responsive to those who come into contact with it, especially mindful of the position of victims and witnesses, and also to ensure that criminal justice legislation meets the needs of Northern Ireland.

The directorate comprises three divisions. The first is the justice strategy division, which takes the lead on criminal justice law and policy. That division led the intensive work — I know that the work was intensive for everybody concerned — on the recent Justice Act (Northern Ireland) 2011.

The second division is the criminal justice development division, which plays a key role in policy implementation and is leading in two priority areas for the criminal justice system: speeding up justice and ensuring that the victim's experience of the criminal justice system is as positive as possible.

The third division is the criminal justice services division. In addition to its sponsorship role for arm's-length bodies, it is leading on reducing offending, for which a new strategy is being developed, and youth justice, where a major review is being taken forward by an independent team. Gareth, Maura and Brian will say more shortly.

The justice policy directorate sponsors the Department's three smaller agencies: the Compensation Agency, the Youth Justice Agency and Forensic Science Northern Ireland. It also provides the Department's link to the Probation Board for Northern Ireland, which is a non-departmental public body (NDPB) run by an independent board.

The directorate sponsors a wide range of smaller arm's-length bodies, including the State Pathologist's Department, which undertakes forensic post-mortems on behalf of the Coroners Service, the Law Commission, Criminal Justice Inspection Northern Ireland (CJINI), the Parole Commissioners, the Prisoner Ombudsman and the Independent Monitoring Board.

Finally, the Department maintains close links with the voluntary and community sector, particularly through its sponsorship of Extern, the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) and Victim Support.

Key responsibilities of the directorate are to reform criminal law and to ensure ongoing modernisation of the criminal justice system, with particular focus on improving public confidence in the system. Critical to that confidence are enhancing public protection and helping to improve the efficiency and effectiveness of the system as a whole. In doing so, we work very closely with partner organisations such as the police, the courts, the Public Prosecution Service (PPS), the Prison Service, the Probation Board and the Youth Justice Agency. We formally meet those bodies through the Criminal Justice Board and the criminal justice issues group. The

Criminal Justice Board then reports on progress on key corporate and strategic issues, such as victims and speeding up justice, through the criminal justice delivery group, which is chaired by the Minister and also involves the Chief Constable and the Director of Public Prosecutions.

Legislation and reform of the law are key to the way forward, and the Committee is very well aware of the work that it did in the last session to achieve the Justice Act (Northern Ireland) 2011. Gareth will shortly touch on some of the current thinking on legislative changes that may be proposed in the new session. One area of particular concern, especially given recent societal trends, will be legislation on how we deal with mental illness in the criminal justice sphere.

Legislation sets the framework within which criminal justice organisations operate. If we are to enhance public confidence in the system, it is critical that all the organisations involved work together effectively within that framework, that the strategy is clear and that policy is developed in a consistent and holistic way. To that end, we work closely with all criminal justice partners, especially in the priority areas. In doing so, we must respect their operational independence and seek to influence and persuade against common goals. Currently, we are focusing on speeding up justice and improving the position for victims of crime, areas that we know are of considerable interest to the Committee and on which we will shortly return to you with updates.

With our focus on efficient delivery across the system as a whole, the directorate has also played a key role in managing the Causeway electronic case-management system. That integrates the flow of case-management information across the PSNI, PPS, Forensic Science, the Courts and Tribunals Service and the Prison Service.

The directorate also takes the lead on two major policy areas. The first area is youth justice, which is currently subject to a review being carried out by an independent team. The team is due to report shortly. The second area is reducing offending, for which a new strategy is being developed. That is a very significant issue for us, as it requires the involvement of all the criminal justice organisations working effectively together. Moreover, reducing offending extends well beyond the boundaries of the criminal justice system and relates to the work of many other Departments. Research has shown that reducing offending in the system is affected by wider social interventions, such as early years provision, housing and employment, and that the

cost of crime has an impact right across the economy and society. We are, therefore, engaging with other Departments and stakeholders in a variety of ways to ensure that the complex and wide-ranging nature of that issue, which has a major impact on society, is fully addressed.

In summary, the justice policy directorate has about 80 staff and a core resource budget of approximately £9 million, although with its grants to bodies, it controls a total budget of over £89 million. It deals with a range of functions, including legislation, strategy, policy, operations, resource management and sponsorship. At its heart is the aim of modernising the criminal justice system by supporting greater efficiency and effectiveness, protecting the public and enhancing public confidence. It seeks to do that by providing strategic direction and working in concert with a wide range of partners across the public, voluntary and community services. Criminal justice, like many functional areas, operates in a very dynamic and complex environment, so a key aspect of our role is to ensure that the criminal justice system is flexible enough to deal with a range of changes in society.

What I have described are just some of the main issues that we face currently. I will now pass over to Gareth, who will talk in more detail about his division.

Mr Johnston:

I could sum up our work in the justice strategy division under three headings. First, as the name suggests, we are keeping a strategic eye on what is happening in other jurisdictions, but we are also working in the justice system here, particularly through the Criminal Justice Board and the criminal justice issues group, to identify opportunities to work more effectively and efficiently.

Secondly, we are in the business of developing criminal justice policy, which covers areas such as sentencing, justice processes and how we deal with the challenges of mental health, as Carol has mentioned.

Thirdly, we translate that policy into legislation. I do not propose to say so much about this point today because we will give the Committee a briefing on the Department's legislative plans next week. At this stage, all I will say is that they potentially cover four areas. First, there are two issues that put us under pressure in respect of European law, which means that we need to

amend our law, so we propose to bring a compliance Bill before the Assembly in fairly early course. Secondly, next year, we will bring a more substantive strategy Bill or faster, fairer justice Bill, which will deal with a much broader range of issues. Thirdly, there will be legislation on mental capacity, on which we are working alongside DHSSPS (Department of Health, Social Services and Public Safety). Fourthly, the Law Commission has been working on proposals on bail, which are partly about bringing together and codifying bail law and partly about improving it. We expect to have its proposals, including a draft Bill, next year, so the Department will bring forward legislation on bail.

In the rest of what I say, I will not try to cover all of the business of the division, but I will flag up about five key areas on which we are working and on which we anticipate consulting the Committee over the next few months. The first is a review of community sentences, on which we have been consulting. In any year, the courts here give out about 2,000 community sentences. They result in 140,000 hours of unpaid work through community service orders. There are really quite low breach rates in those sentences: there is a 10% breach rate for probation orders and a 15% rate for community service orders. Importantly, they give a chance to work with offenders over a period and to address offending behaviour. That is shown in the reoffending rates. The one-year reoffending rate for community sentences stands at about 24%, which compares with 40% for custody. The sort of question that we are asking about community sentencing is whether we have the right range of sentences available.

Secondly, we have a question in the consultation about community sentences versus short prison sentences, mainly because it is a question with which other jurisdictions have been grappling. Scotland has gone in one direction, and the South will legislate for a presumption that, if a judge is thinking of a short prison sentence, he or she would consider whether a community sentence would be more appropriate. We are asking that question about the role of community sentences. Clearly, prison is right and appropriate for more serious and more dangerous people, but we want to make sure that custody is used appropriately.

Thirdly, we have posed some points about public confidence in community sentences and what we can do to emphasise the role that they play in rehabilitation and in giving something back to the community. We propose to brief the Committee on the way forward after the

summer, as the consultation closed only recently.

The second area, which, again, has been the subject of a consultation, is sentencing guidelines mechanisms. That is another area that featured in the Hillsborough Castle Agreement. The thoughts around that are on promoting confidence in the transparency and consistency of sentencing. There are arrangements already in place towards achieving that, particularly guideline judgements, which the Court of Appeal agrees and which are distributed. However, we have been asking what more could be done to address those issues and to build confidence in transparency and consistency.

The consultation paper set out three options. One is a fully fledged sentencing guidelines council, which would produce guidelines to which courts would be obliged to have regard. The second option is a sentencing advisory panel. The third option is to develop on the Lord Chief Justice's recent initiative of extending guideline judgements to offences that are tried in Magistrate's Courts, where he has been targeting areas for the guidelines. There has been a public consultation on that, to which there was a good response. Also, a new committee has been looking at where there could be more transparency on sentencing, including better use of the website.

We have put all of those options as everything is put at the moment: in the context of economics. A full sentencing guidelines council would cost about £500,000 a year. I will come back on 23 June to give you a fuller briefing on what we were consulting on. Because the consultation finished relatively recently, and our first concern having been the Justice Bill, at that stage I do not think that I am going to be able to give you final answers on where we might be going, but we could certainly talk again after the summer, having looked at some of the background on 23 June, if the Committee were content.

The third area that Carol highlighted is mental health. There are two aspects here, of which the first is mental capacity legislation. DHSSPS is replacing the Mental Health (Northern Ireland) Order 1986, and there is a very substantial criminal justice part to that Order. It deals with issues such as fitness to plead, but it also deals with how people who are detained, whether because the courts have given them hospital orders or because they have gone to prison and have

been subject to a transfer order into a psychiatric hospital, are managed and treated.

The wider work on mental capacity has very clear implications for us in the justice sector, but we also need to be conscious of particular issues for us. We are very much aware of controlling risks to avoid people harming themselves and others, and about striking the right balance in any new legislation. That will be one part of the mental health project. The other is about the much bigger context: mental health and the justice system. That is a huge issue for us. It is about everything from people with mental health problems who make a nuisance of themselves in an antisocial behaviour kind of way and how we divert them to appropriate services right through to how we deal with people with psychopathic tendencies, including the small number of offenders from here who need to be accommodated in the State Hospital at Carstairs.

Criminal Justice Inspection issued a report last year called 'Not a Marginal Issue: Mental Health and the criminal justice system in Northern Ireland'. We have made good progress on the recommendations in that, but we are reviewing more widely how the justice system deals with mental illness, and health colleagues are very closely involved in that.

Fourthly, there is the issue of fine default, which I know was a concern for the Committee in the run-up to the elections. Again, we will brief the Committee on that in a couple of weeks' time, so I will not say too much, except that we are coming out with a suite of proposals, partly around making sure that as many fines as possible are actually paid. There are proposals for fines to be paid through attachment to earnings and deduction from benefits. Clearly, there must be appropriate safeguards, but that is the direction we are proposing to move in.

We must also consider how we deal with people who default on fines. Options will include community alternatives to imprisonment. We also want to see what we can learn from areas where there is civilian enforcement, for example, the Enforcement of Judgments Office. Over the past couple of years, we have had a very successful fine collection service, which is run by the Courts and Tribunals Service and funded by the police. Already, that has resulted in nearly 30% fewer warrants for fine defaults, and we would like to think about a body that could take that work further into the enforcement realm. The comparison is sometimes made with the US marshals, but we will brief the Committee more fully on that in a couple of weeks' time.

Finally, there are the major areas of governance and accountability of the Public Prosecution Service. The Justice (Northern Ireland) Act 2002 sets out the arrangements that have been in place since the devolution of justice. I know that the PPS has appeared before this Committee and other Committees and has willingly answered questions on a range of issues. However, since it is now a non-ministerial Department, there are bigger questions about who answers on PPS issues on the Floor of the Assembly. Obviously, there needs to be safeguards in that questions could prejudice proceedings or be contrary to the public interest, and there are already legislative provisions about that. Nevertheless, we recognise that there are concerns about the Act's provisions and whether they strike the right balance between independence and accountability, and, with the First Minister's and deputy First Minister's agreement, we all want to open up that issue. It has been agreed that the Department of Justice will lead a consultation that will look at options for the future. We have to do some more internal development of those options within the Department and in conjunction with others, but I envisage being in a position to give a briefing after the summer, if the Committee were willing.

Those are the major areas that we are involved in. Others include implementing the Justice Act (Northern Ireland) 2011, and we are writing to the Committee with the timetable for that. We are responsible for looking after the machinery of the justice system, including the Criminal Justice Board; the ministerial-led delivery group; the criminal justice issues group, which brings in the judges, the legal professions and the voluntary sector; and the North/South arrangements — the intergovernmental agreement on criminal justice. I was going to say that we are responsible for miscarriages of justice, but I have to be careful about what I say. We deal with miscarriages of justice, including compensation for miscarriages of justices. Finally, we provide a statistics and research service to the Department.

That is a quick run-through of the justice strategy division. I will hand over to Maura for the next instalment.

Ms Maura Campbell (Department of Justice):

Good morning. As you noted earlier, Mr Chairman, Gareth is a very familiar face to the Committee. I am slightly less so, but that reflects the differences in the nature of our work. As

Gareth has just set out, he is concerned with high-level strategy and policy and legislative issues. My division, which is the criminal justice development division, is more delivery-focused and is principally concerned with improving co-operation between the various justice agencies on a range of issues. You will probably not see quite as much of me as you will of Gareth. However, I will undertake to draw to the Committee's attention any issues that I think may be of interest to it.

I will start with two of the key themes that Carol mentioned earlier: speeding up justice, and victims and witnesses. We see those issues as being very closely interlinked, as well as being key priorities for the Department. The previous Committee gave a good deal of its attention to speeding up justice. We fully recognise that cases take too long to progress through the criminal justice system in Northern Ireland, and we need to drive out avoidable delays as much as we can. A three- to-five-year programme is already in place to look at case preparation, case management and, specifically, the management of youth cases.

A common theme through all of those work strands is the impact of delay on the victim. The feedback that we get from victims' groups is that life is put on hold. Until a case is dealt with, it is difficult for a victim to move on. However, we are also conscious that delay has an impact on the defendant — who is innocent until proven guilty — and their wider family. It can also have an effect on the remand population by creating issues for our colleagues in the Prison Service.

Because this is such a key issue, we plan to provide a paper for your meeting on 30 June. That paper will set out progress to date and our future plans. After that, we expect that you may wish to commission regular reports from us. The previous Committee asked for those to be delivered every six months. The report after this one may usefully be timed to coincide with when you will see the Criminal Justice Inspection's follow-up report on delay. We anticipate that that report should be available around September, so it may be useful to return to the issue at that point.

Briefly, we have seen a modest improvement in performance, which appears to suggest that some of the initiatives that we have put in train are starting to bear fruit. However, we are also looking at the scope for more fundamental legislative reforms, on which we will need to come back to the Committee. Those are around areas such as encouraging earlier guilty pleas, giving

judges more powers to manage cases and streamlining the committal process. We plan to consult on those shortly, with a view to making legislative changes next year through the Justice Bill that Gareth will speak to you about.

The second theme is victims and witnesses and improving the services available to them. That was an area that we focused on a lot during the first year of devolution, and we made quite a bit of progress. We published the new code of practice for victims of crime and new guides to the system. We also legislated to improve access to special measures and a number of other things. We have seen the victim and witness satisfaction level rise to 71%, so we have exceeded the target that we set for next year. We also achieved an increase on the baseline that we set in 2008-09, although that excludes some of the victims of crime whom it would not be appropriate to survey by telephone, so it comes with that health warning.

The area of victims and witnesses is one in which we recognise that we can always do more, and there is a need to improve. In particular, we would like to start targeting our efforts more sharply on the needs of the most vulnerable victims, who could be vulnerable for a range of reasons.

We previously advised the Committee that the Minister intends to publish an annual action plan shortly. I can confirm today that publication is planned for 15 June. That plan will set out what we will do under our existing strategy for this year. A key piece of work under the action plan will be the development of a new victim and witness strategy, something on which we are keen to work closely with the Committee. We will write to you shortly to set out how we see ourselves engaging with you on that work. We propose to offer an oral briefing in September, ahead of the launch of a public consultation around October, but our aim is to have a new strategy in place for March 2012. We will come back to you once we have completed the consultation process to brief the Committee on the issues that emerged in the consultation exercise. Our letter will also share with you the main principles that the Criminal Justice Board believes should underpin the new strategy. They include the need to target our efforts more proportionately but also to provide a more seamless service and better continuity of service for victims.

In the meantime, we have been in touch with each of your party offices to offer bilateral

meetings, should you consider it helpful to have an early discussion with us on the main issues you think that we should be considering at this stage. Indeed, the first of those meetings took place here yesterday. Again, that is an area that Criminal Justice Inspection has been reviewing, and it is due to report shortly on a thematic review of the care and treatment of victims and witnesses of crime. That report will probably be published in September.

Moving to a couple of other key areas, one of which —

The Chairperson:

I want to put you under a bit of pressure, because we want to move on to questions. We have quite a few briefings today, and we have the Prime Minister coming, too.

Ms M Campbell:

OK. I will rattle quickly —

The Chairperson:

He is not coming to the Committee.

Ms M Campbell:

Public protection, which includes the framework for public protection arrangements, is an area that has been reviewed, and there is a report due on that shortly. We will bring forward legislative proposals on sex offender notification, which will be discussed at the session that Gareth will have with you on 16 June. I also want to briefly mention the Causeway system, which Carol mentioned, because it is a good example of the joined-up working that I was talking about. It is now well embedded and is processing around 1.3 million messages per month, so it is a big step forward in how we do our business.

I am conscious, Mr Chairman, that you said at the start of the meeting that you have an extremely busy schedule, but if there were a bit of time in that schedule to visit our model office, we would be very happy to host you and let you see how that system is operating.

I should also quickly mention that you will be receiving a briefing from Mrs Sunita Mason on

30 June about the review of the Northern Ireland criminal records regime. That review will help to shape the future direction of Causeway. It is looking both at how criminal records are managed and how information is disclosed for the purposes of employment vetting. We will provide you with a briefing paper before she gives evidence to you to set out the background to that.

The other issue on which we will be writing to you shortly is the work of our European Union unit, because that is an issue that the Department is starting to get more involved in. Some other issues are covered in the written brief, and I am happy to elaborate on them in answer to questions, if members find that helpful. Other than that, I am happy to pass over to Brian.

Ms Moore:

I have asked Brian to be brief.

Mr Brian Grzymek (Department of Justice):

I am clearly on borrowed time.

I am from the criminal justice services division. In essence, my division focuses largely on holding to account the various sponsored bodies that I deal with and looking at their governance. It also has quite a significant policy role as well. On the policy side, we are leading on the development of the overarching reducing offending strategy for Northern Ireland. That brings together a whole range of bodies within justice, but it also raises issues about how we deal with agencies and Departments beyond justice. I also cover policy responsibility for youth justice, managing women offenders and the various groups that we sponsor.

On governance, Carol has already gone through the main bodies that we hold to account. They include our three agencies, the Probation Board and a number of smaller bodies, which you will see in the pack that you received. At any one time I also seem to be involved in at least one major capital development. At the moment, I am leading work on planning for a new laboratory for Forensic Science Northern Ireland.

Of the key policy areas that I cover, our overarching reducing offending strategy — I suppose

that it is more of a strategic framework — is probably the main show in town in so far as it aims to integrate and streamline the justice system’s approach to managing reducing offending. Across the Department, we do lots of important work in seeking to bring down offending rates. The reducing offending strategy aims to make sure that all of our initiatives work together and that we streamline and maximise the effectiveness of all of our operations.

However, the truth is that, no matter how well we work within justice — our aim is clearly to deal with offenders and redirect them away from offending — once we have dealt with those offenders, when we come to work the next day, a new cohort of offenders appears. Clearly, if we want to be successful in reducing offending, it is not sufficient for us to wait until people offend and then work out how to take them off that course. We have to work with others upstream and ask what the root causes of offending are and how we can interrupt that flow before people begin offending.

The other strand of the reducing offending initiative is about working collaboratively with a range of Departments. Obviously, that includes Departments such as DHSSPS, the Department of Education and the Department for Employment and Learning, but it also includes the Department for Social Development when it comes to neighbourhood renewal and areas like that. It is about how we co-ordinate and integrate our work across government to make a difference.

Last year, we published a cost-of-crime survey, which was our first attempt to try to get a handle on just how much crime costs society in Northern Ireland. I recognise that it was a bit rough and ready, as these things often are. No doubt that next time we produce it, it will be even better. However, it showed that we were spending around £2.9 billion a year on crime. Only half of that is the cost of the entire justice system. If we work well and are successful in reducing offending, there will be gains for all Departments. Savings will be made not just by the Justice Department but across the board, because crime has a serious price for our society.

The strategy for managing women offenders fits very neatly within our reducing offending approach. It is important because it is part of a more sophisticated approach that we are taking to dealing with offenders. That approach does not assume that they are all the same. We know that women offenders are characteristically quite different from male offenders. If we can focus on

their needs and what has brought them into offending, we will have much more success than we would if we assumed that their needs are exactly the same as those of a 19-year-old who has got involved in some sort of petty larceny. Different groups of offenders will have different needs and will have started offending for different reasons. If we focus our actions on finding out what has brought about their offending, we will be more effective in reducing it.

As I have run out of time, I will finish by mentioning that I also deal with a large number of other areas directed at government organisations. In brief, my aim is to make sure that our organisations work within the Department's objectives, that they operate within all the principles of good governance and good government and, ultimately, that they deliver what we have set them up to deliver. I hold those bodies to account, which means that I support the Minister and the Assembly on that. It also means that when, from time to time, things go wrong and issues arise or crises develop, part of my job is to work with those organisations to fix the problem. The Department's aim is to have a good, effective and modern system. When things go wrong, our aim is not just to watch them go wrong and tut-tut; our aim is to work with the organisations to make sure that we fix whatever is wrong and move on to deliver an effective system.

That was a brief summary. I have left vast amounts of things out, but I will see you again a number of times this year to talk about reducing offending as well as to update you on managing women's offending and youth justice. Once the youth justice review has reported, I will be back to talk to you about it.

The Chairperson:

Thank you. You may get the opportunity to give more information, as members now want to ask questions. You have given us an overview today. There are issues that members want to get more detail on, but we recognise that you will come back to do that.

The question I wanted to ask has not been touched on, although you may not be the right people to ask. Of late, there has been quite a bit of public interest in petty thefts and the cost of those cases going through the courts system. Does your division look at alternative ways to deal with those cases so that people can still be prosecuted but without spending £17,000 on a case involving a £7 bag of prawns?

Mr Johnston:

That is an area that we are looking at. The concerns have been around cases where people can opt for trial in the Crown Court as opposed to the Magistrate's Court, where cases might be disposed of more quickly. We are coming into an area about trial before jury that probably goes back to the Magna Carta, if not beyond, so we are dealing with some very fundamental issues in the justice system. We need to tread carefully because of that. We are doing an audit of the kind of offences that are caught by those hybrid arrangements. That will let us see whether we have the right range of offences or whether we need to move into a more substantial review. So, yes, it is an issue that we deal with, and it is one that is under active consideration.

Mr Weir:

Thank you. Obviously, we are not going to get an early release today in this briefing session.

I will ask just two brief questions. I appreciate that the value of having justice powers devolved to Northern Ireland is that, in many ways, we can try to tailor answers to the particular circumstances here. However, I am conscious that we should not be reinventing the wheel. What linkages do you have with the Home Office and, indeed, the Ministry of Justice across the water to tap into the national thinking on some of those policy development issues?

When you outlined the large number of responsibilities in the areas that you are covering, it seemed that each division covered a different element of policy development. Given that we are talking about the need for co-ordinated Government, would it be more efficient and make more sense if a more co-ordinated approach were taken to pooling information, whereby the responsibility for policy development would be given to one of your divisions, rather than trying to, again, reinvent the wheel internally in a number of different ways? Perhaps that is a naive question, but I am interested to hear your thinking on why different divisions seem to be given different responsibilities at the policy development end of things.

Ms Moore:

I will pick up on the first point about contact with other jurisdictions on their thinking. We certainly continue to have contact with the Home Office and the Ministry of Justice about what is

developing there, and that is a key factor. However, we are not limited to looking in that direction. Some interesting things are being done in Scotland at the moment. We have met officials there, and we are looking at the relevance of some of the issues within this context. Gareth mentioned that one of his responsibilities relates to the secretariat and the intergovernmental agreement on co-operation on matters of criminal justice with colleagues in the Republic of Ireland, whom we meet regularly. So, we are keeping in touch with different jurisdictions about what is happening.

We are obviously casting the net internationally for key policy developments on, for example, the work to reduce offending. We have found some interesting pockets of good examples and good practice. For example, the division for reducing offending is looking at some initiatives that have been taken forward in Scandinavia. We have also looked to New Zealand for examples of restorative justice and, in particular, youth conferencing, which is used quite considerably here. We take a broad-minded approach to looking at what is being done well elsewhere and at how that can be applied to the specific needs of Northern Ireland. There is always a desire to have more time to do that. However, given the resources available, we cast the net quite widely.

If you are happy, I will move on to explain why policy is spread about.

Mr Weir:

Yes.

Ms Moore:

Perhaps it has appeared as though policy is spread about more than it actually is. In the main, policy development is done in Gareth's division. Implementation then falls, in the main, to Maura's division. The division is not quite as clear as it was at one point.

Mr Weir:

I was struck by the fact that Brian's division is taking the lead on a number of areas of policy development.

Ms Moore:

I suppose that that comes from the fact that responsibility for the agencies falls to Brian's division, and the policy associated with those agencies, therefore, falls to it. That is why Brian's division is taking the lead on the youth justice review. It will be looking at the implications, from a policy perspective, of that independent review, which we expect to be published very shortly, and it will be working with various bodies on the implementation. He also has responsibility for the sponsorship of probation, so there is a reasonably neat fit with reducing offending. As with all of those things, there is always some element of balancing the jobs, which plays its part as well. It is a combination of factors.

Mr Grzymek:

There is one policy lead: Carol owns the whole lot. The reality is that Carol cannot do it all by herself; she needs help, so Gareth, Maura and I cover our respective areas. We talk to one another; our offices are almost adjacent, so we think very carefully about the integration of different aspects of policy. There are quite clear separations. The subject of reducing offending is much wider than our area. To that end, Carol and I are working very closely with colleagues from the policing side, prisons and elsewhere. This is not an issue with which we are unfamiliar. Certainly, it is an area in which we work very carefully to make sure that we communicate well and that we do not have duplication. Also, we have to make sure that we do not create gaps. It is important that we speak to one another.

Mr McCartney:

Thank you very much for your presentation. I am very conscious that this is an overview, so I do not want to drill down too much. Obviously, the work that the Department is taking forward will come in front of the Committee. I am just looking for some timelines. Do you have any idea of the timeline for the compliance Bill and the strategy Bill?

Mr Johnston:

The things that we are proposing, such as DNA retention and the review of the indefinite notification for sex offenders, will go into the compliance Bill. There will be a briefing for the Committee on DNA on, I think, 30 June, and we envisage briefing the Committee on issues around sex offenders just after the summer. That would be in preparation for introducing the Bill

in early December at the latest. If we can pull that back to November, we will. It will then go through the normal processes on the Floor and here in Committee, but the introduction and First Stage will be around the turn between November and December. That is the aim, subject to the Executive's approval.

As for the strategy Bill, we are looking at a longer period of preparation and consultation. Next week, I will set out the different consultations that will feed into that. That would see us introducing a Bill around about Easter next year.

Mr McCartney:

Is there a timeline for the consultation on the options for the governance and accountability for the PPS? Are you conscious of a new appointment? Will that consultation await the appointment of the new director, or will you just proceed until that person is appointed?

Mr Johnston:

We expect something on the new director imminently. I am afraid that I have no greater insight than anybody else, but the advertisement was placed and those processes were moving forward. Certainly, I expect a new director to contribute to those discussions. I envisage briefing the Committee as early as we can in the autumn, once we have cleared the lines between ourselves and OFMDFM.

Mr McCartney:

I see that the youth justice review is tabled for the end of July. Is that on time? What would be the outworking of that?

Mr Grzymek:

In essence, the team asked the Minister for the time to the end of July, but it is confident that it can deliver for that time. Clearly, the report will come to the Minister, and he will want to look at it. He may have to work out how he best takes it forward, but our expectation is that the report and perhaps also some initial indication from the Minister of how he proposes to deal with it will come to the Committee in September.

Mr Eastwood:

I have a number of questions, but I will hold back today. Maura, you touched on the victim satisfaction survey. You mentioned a figure of 71% victim satisfaction, but you said that a number of people had not been —

Ms M Campbell:

There is a health warning with that. For instance —

Mr Eastwood:

That is what I was going to ask. How many victims were surveyed? What was the percentage?

Ms M Campbell:

Survey samples are usually quite significant. It is around 1,000 or so, so it is quite wide-ranging. However, it excludes those who have been bereaved through murder or manslaughter and those who have been subjected to a sexual violence crime, simply because the methodology does not lend itself to engaging with victims of those very traumatic events. It tends to be used for higher volume crime, and it has a health warning on it. There is a good level of satisfaction regarding the more routine types of crime, if we can call them that. In that, there are still some quite serious offences. That is why we need to focus more on groups that have experienced greater personal harm.

Mr Eastwood:

It is most important that we get that right for those who have been left out of the survey.

Ms M Campbell:

Yes, that is why we started having discussions in workshops with representatives of those groups and with victims themselves.

Mr Johnston:

A specific piece of work is being done on the sexual violence action plan, which will involve some sort of appropriate survey that will target those victims in particular.

Ms M Campbell:

The outcome of the victim and witness survey gives you an indicator, but it does not give you the full picture. That is why we qualify it.

Mr Eastwood:

Will you come back to the Committee on that?

Ms M Campbell:

Yes, we considered whether we should seek to brief the Committee this side of the recess, but, because of the volume of other business, we did not think that that would be possible. We thought that we would do that in September, but we might meet the parties bilaterally if they would find that to be helpful.

Mr S Anderson:

Thank you for your presentation. The Compensation Agency is your area, Brian. Maura touched a lot on the issue of victims, and I want to ask about the issue of victims of sexual abuse. Past victims, especially children, seem to be falling through the system because of present-day legislation. Minister Goggins perhaps looked at that issue in the past, but that gives no comfort to victims who wish to make late claims or who suffered same-household sex abuse. Does the Department intend to review the current legislation?

Mr Grzymek:

The short answer is no. A few years ago, we carried out a review on same-household sexual abuse. In some ways, Northern Ireland is in a position that is not dissimilar to other parts of the UK, although some of the dates vary slightly. It is not about present-day legislation but about historical legislation. Under the 2002 tariff scheme, claims for compensation for sexual abuse are allowed to go back to previous legislation on issues such as time limits for claiming. The problem is that they can only go back in time and cannot change the previous legislation.

Up to 1988, the legislation did not allow for compensation for people who were sexually abused in the same household as the perpetrator. At the time, Parliament obviously had its own views on why that was inappropriate, and that was the law of the day. You can go back in time to

claim compensation if you have been sexually abused, but, if, because of the law of the day, you were unable to claim compensation for sexual abuse at that time, that continues to be the case. There are probably not a large number of cases, but we have a problem if they go back very many years.

When the issue was reviewed, Paul Goggins decided, for a number of reasons, that a change would not be introduced. First, there were very real problems about records and the burden of proof. Secondly, you could see the administration of that resulting in a disproportionate amount of work. It is difficult to know what outcome would come along. Government tends to set its face against retrospection, because, once you say that we can retrospectively change one law, why not change every law?

There is a real problem that starting to change historical legislation on compensation, which has been superseded two or three times, by going back two or three generations of legislation to try to make good something that, by today's standards, we think should not apply is very difficult because, at the time, Parliament decided that the legislation should be applied in a certain way.

Clearly, it will raise questions for government when you start making retrospective legislation, and there are issues about how you are going to fund the costs, which are unknown. At the time, Paul Goggins looked at it very carefully and sympathetically, and the starting point was whether we could do something for those cases. When he looked at all the factors, his conclusion was that the legislation could not be changed. At that time, he also put the 2009 scheme out for public consultation. Although we had, in the past, received occasional letters from public representatives and others about those cases, we got no responses from anyone on the proposal to continue and not go for any retrospection. On that basis, the Minister concluded that there was no room for us to change that law. That position, which has been reviewed only recently, still applies.

Mr S Anderson:

My understanding is that the agency adopts a sympathetic attitude towards late claims. However, there is a situation where young children have been subjected to horrendous abuse. That issue needs to be brought back to the Committee with a view to discussing it, Chair. I know that

people out there are in this situation, and there seems to be something wrong. Brian touched on how much it would cost, but many inquiries into the past have cost tremendous amounts of money, and it is wrong for an adult to have suffered something like that as a child and to be told now that they cannot make a claim because of legislation. To my mind, the Committee needs to look at that with a view to bringing the matter forward again.

The Chairperson:

OK. I think that we probably can look at it in more detail. I will take that on board.

Mr B McCrea:

There are two key issues. The first issue is victims' satisfaction levels. What was the 70% out of?

The Chairperson:

I think that it was out of 1,000 people.

Ms M Campbell:

The results related to 71% of those who were surveyed. The research base tends to be around 900 to 1,000 people.

Mr B McCrea:

Fifty per cent of crime supposedly goes unrecorded. The clearance rate from the PSNI, depending on the type of crime, is 20%. The rate of successful prosecution of those cases is, from memory, about 50%. Who are you actually surveying? Are you surveying the people who have had a successful prosecution or those whose cases the police have successfully brought forward? The figure of 70% seems high to me.

Ms M Campbell:

We do not want agencies to be complacent and to think that there are not issues that we need to address. It is 71% of those whose cases have been dealt with, so you are quite right. If you take into account cases that do not go forward or cases that are not recorded in the first place, there are wider numbers of victims.

Mr B McCrea:

You talk about confidence in the criminal justice system, but 80% of burglaries do not result in prosecution, and I do not suppose that the victims of those burglaries are terribly satisfied with the system. We need to look at the issue in a different way. I know that you are having bilateral meetings, but perhaps you will reflect on the overall level of that.

The second point is that the criminal justice delivery group and the Criminal Justice Board have agreed a comprehensive programme, and new standards have been introduced in shadow form from April 2011. Do we know what those reforms are? What does “shadow form” mean? When do they become something other than shadow?

Ms M Campbell:

The reason why we are introducing them in shadow form is that we want to overlap the new standards with the existing standards for one year so that it does not seem as though we are somehow shifting the goalposts. We want to be able to track performance this year to see whether we have improved, worsened or stayed the same.

In the briefing paper that we will provide for your meeting on 30 June, we will set all of that out in more detail. However, the new standards that we have introduced are, for the first time, end-to-end standards, so we are looking at the whole process. In the past, the targets that we worked to, which were agreed with Treasury, focused much more on the front end of the process, and we felt that that was not giving a complete picture.

Mr B McCrea:

Which is the front end?

Ms M Campbell:

That is the investigation and prosecution stages — the point up to which the case would enter court. Whereas, with the agreement of the Lord Chief Justice, we are now taking an end-to-end look at performance. In running the two sets of standards in parallel and in moving towards a more comprehensive picture of performance, we still want to be able to show what impact we

have made from the programme to date.

Mr B McCrea:

Will the paper that you will bring to the Committee include a discussion on who is responsible for the preparation of the files that go to the PPS? The Chief Constable indicated that he thinks that savings could be made in that area, and that that role is not necessarily part of the functions of police officers.

Ms M Campbell:

We will update the Committee on the work of the case preparation work strand. That group is jointly chaired by the police and the Public Prosecution Service, and it has agreed a number of initiatives around improving file quality, the speed with which files are submitted to prosecutors and the advice that prosecutors can offer to the police in the preparation of files. We will brief you on that in more detail. However, I have not detected any particular tensions between the two organisations on how that work should be taken forward. In fact, they have worked collaboratively on it.

Mr B McCrea:

I was just about to finish, but I can tell you that when I served on the the Policing Board I detected plenty of tensions, including reports from the director of the Public Prosecution Service that the police were not capable of doing some things. Therefore, there is an issue about the churn of the caseload. It is a matter of record how long it takes for those things to come forward, but I am sure that we will look at that in some detail when you report back to us.

Mr Dickson:

Thank you for your presentation. I appreciate that you are only providing an overview today, but I want to ask you briefly about two areas. The first of those is witnesses and the work that you indicated you will carry out with witnesses. It is clear that the fear of crime is a great problem for victims and potential victims of crime, but it is also a great problem for witnesses to crimes, who often fear reprisal. Will you flesh out the work that you will do to support witnesses? As a former member of a district policing partnership, I know that one of the key things with petty crimes that are serious enough to warrant court action, such as youths causing annoyance, was the

great difficulty encountered by the police in getting witnesses to come forward, despite the fact that there were witnesses. How will you provide assurance and reassurance to witnesses? You can tell me today that you are doing that, but, at a later stage, I would be keen to know how that will be fleshed out.

The second area that I am interested in relates to case management. I am interested to hear your comments on that issue and how you intend to move it forward in a court setting. You will be aware of the interesting and significant statistical improvement of case management in industrial tribunals after some vociferous work by the president of the Office of the Industrial Tribunals and the Fair Employment Tribunal. Can lessons be learned from that, and how that will be transferred into the court system?

Mr McCrea referred to tardiness when it comes to files, and it is clear that tardiness is an issue for the police, defendants, lawyers and the prosecution service with the files and in the gathering of information and setting dates. It is important that judges have the authority to say that enough is enough and can stipulate when something will go ahead and set out a timetable for case management.

Ms Moore:

I will kick off with that, and perhaps Maura will want to add something further. I am happy to commit to come back to the Committee and talk about witnesses in more detail. We are very conscious of the position of witnesses, and often we talk about victims and witnesses. They have a slightly different experience, but it is important to look at both. It is really central in the work that we are doing in relation to delay. Maura mentioned that we have stage 1 running at the moment — I will come back to that in a minute — but we are moving to stage 2, when we will be looking at whether there are more fundamental things that we can do. We think we have done a fair bit of the streamlining that is possible, but it is not enough, and we now need to look at it much more fundamentally.

There will be consultation on a package of proposals, one of which will be reform of committals and trying to avoid situations where the witness is called at preliminary hearings and so on, because we recognise that there is distress and trauma for victims and witnesses. I am

happy to come back on that.

Mr Dickson:

Forgive my ignorance; I am fully aware of the role of Victim Support, but is witness support available as well?

Ms M Campbell:

Victim Support provides some support. The victim becomes a witness, essentially, but the National Society for the Prevention of Cruelty to Children operates a young witness scheme, which we fund. We are also looking at the development of an intermediary service so that additional support can be provided to witnesses who have particular communication difficulties or other needs. We are also doing work to improve access to special measures for those who feel they need them.

The victim and witness survey contains a number of questions around people's fears and concerns. There does seem to be a particular issue around attendance at court and feelings of fear around that, so we have included an action in this year's action plan to get underneath that in a bit more depth and see whether we could do more to allay those sorts of concerns.

Mr Dickson:

Will that include, for example, a visit to an empty court to let people see what will happen?

Ms M Campbell:

That sort of provision is already available and is included in the Court Service's new code of practice for victims. We tend to use the terms "victims" and "witnesses" a bit interchangeably, but our focus tends to be more on the person who was the victim of the crime. However, there can be facilities like that, and we can explore whether we can make better use of those.

Ms Moore:

I will pick up on your points about case management. In the first stage of our current programme in relation to delay, we have got subgroups looking at case preparation, as Maura said, but also case management. Court Service colleagues lead on that, and it is a fairly critical part of the

programme. We are very happy to learn from the lessons of the industrial tribunals. We have also recently been looking at what happens in England in Wales, where, I think it is fair to say, there is a more proactive approach to case management. Those issues are in our sights. Obviously, a lot of stakeholder analysis is involved in that, and we must ensure that we have everybody aligned in relation to it, but case management is a critical issue.

The Chairperson:

Thank you very much. Obviously we will get into a lot more detail on those issues in future briefings. Mr Anderson mentioned an issue that he thought the Committee should look at, so we will ask the Department to provide us with a written briefing on that to allow us to give that closer consideration. Then we can look at that issue as a Committee.