

Committee for the Office of the First Minister and deputy First Minister

OFFICIAL REPORT (Hansard)

Northern Ireland Human Rights Commission

28 May 2014

NORTHERN IRELAND ASSEMBLY

Committee for the Office of the First Minister and deputy First Minister

Northern Ireland Human Rights Commission

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Members present for all or part of the proceedings: Mr Mike Nesbitt (Chairperson) Mr Alex Attwood Mr Leslie Cree Mr Alex Maskey Ms Bronwyn McGahan Mr George Robinson

Witnesses: Mr John Corey Mrs Virginia McVea Dr David Russell

Northern Ireland Human Rights Commission Northern Ireland Human Rights Commission Northern Ireland Human Rights Commission

The Chairperson: We are joined by David Russell, who is the deputy director of the Northern Ireland Human Rights Commission, Virginia McVea, who is the director, and John Corey, the interim chair. You are very welcome. John, I invite you to make some opening remarks.

Mr John Corey (Northern Ireland Human Rights Commission): Thank you, Chairperson. I thank you and the Committee for this opportunity to brief you on the Northern Ireland Human Rights Commission's budget. In giving evidence, I must always state that the commission does so pursuant to its statutory duty under section 69(3) of the Northern Ireland Act to advise the Assembly of legislative and other measures that ought to be taken to protect human rights. I have to make that statement. In doing that, the commission recalls the Committee's particular remit relating to the scrutiny of such matters.

Committee members will know that the Human Rights Commission was established under the Belfast/Good Friday Agreement and was strengthened through an extension of its powers as a consequence of the St Andrews Agreement in 2006. The commission is an important institution through which the political commitment to protect and vindicate the human rights of all in Northern Ireland can be evidenced. That is further enhanced by the fact that the commission is recognised as a national human rights institutions for the Promotion and Protection of Human Rights. That status enables the commission to represent Northern Ireland at the United Nations and to exercise speaking rights before United Nations human rights councils and treaty bodies. That accreditation is important, as it ensures that Northern Ireland is represented equally with the rest of the UK at the United Nations. There is a unique arrangement, whereby the commission is brigaded together with the Equality and

Human Rights Commission and the Scottish Human Rights Commission for that purpose. It means that, in the current situation, Northern Ireland has an equal voice in those forums at all times.

The Committee will also be aware that, under the Northern Ireland (Miscellaneous Provisions) Act 2006, the commission's status was recategorised as a reserved matter. If, in the future, there is devolution, as we in the commission certainly envisage it, the Committee will have a key role with the commission. On 29 April, the commission's sponsor Department, which is the Northern Ireland Office, requested the submission of an impact statement on how the commission would implement an 11.15% reduction in its budget for the next financial year, 2015-16. The NIO stated that that 11.15% cut was a combination of the outcome of the UK Government's 2013 spending review, which called for a 10% cut, and a further 1.15% cut from the Chancellor's autumn statement. We submit that that proposed budget cut has to be considered against a number of key facts. First, a basic fact is that the commission's budget for 2014-15 is £1.341 million. The proposed reduction would mean that next year's grant aid would be down to £1,258,000. However, that has to be taken with the fact that, secondly, this Northern Ireland Office proposal follows the reduction of 25% of the budget that has already been imposed on the commission over the past four years. We submit that that is notably greater than the level of cuts that have been imposed on bodies under devolution.

Thirdly, the imposition of the budget cuts by the Secretary of State to date has meant that the commission has faced considerable pressure. It now operates with a full-time chairperson, or chief commissioner, and seven part-time commissioners supported by 14 full-time staff. As a consequence of the cuts that we have experienced to date, the commission has had to prioritise the allocation of its resources across its functions. It has reached the point where our legal budget is down to just £37,000 for the current year, which, in practice, prevents the commission from exercising its powers to their full extent as a guardian of human rights in Northern Ireland. We submit that any further reduction in financial support for the commission, as a national human rights institution in a post-conflict environment, risks a number of things. First, it risks the status of the commission as recognised by the United Nations. Secondly, it risks our ability to fulfil the functions required of a national human rights institution. Thirdly, it risks our capacity to carry out our duties as set out in the Northern Ireland Act 1998. I assure members that I do not state those risks lightly.

I will add that, in my role as interim chair, I and my colleague commissioners accept that we have responsibilities to ensure that the institution operates efficiently within budget and to deliver value for public money. We believe that we have done so, in ensuring that the commission's work programme is maintained. We have always sought to cooperate with successive budget cuts imposed by the Northern Ireland Office and the Secretary of State over the past number of years in recognition of the overall or general reduction that has taken place in public expenditure. However, the commission is not a typical non-departmental public body (NDPB). Indeed, we would question the use of that description for the commission. We say that the commission's role is unique in the public structures in Northern Ireland. It is a central component of the peace process, and we have a specific function of advising the Executive and the Assembly and acting as a bridge between civil society and the state, as well as to take actions to protect and promote the human rights of everyone living here.

The commission must also operate within the internationally established structure of the United Nations Paris principles. Furthermore, it is required to do so within the framework of protections mechanisms that operate throughout both the United Kingdom and on the island of Ireland. The United Nations has charged national human rights institutions in societies that are subject to or that are emerging from violent conflicts with additional duties. We submit that there is a requirement in the operating mandate and levels of state support in such jurisdictions to take account of that increased demand.

Faced with that call from the Northern Ireland Office, our conclusion is that our capacity to fulfil our statutory functions and to exercise our powers is significantly compromised. We have raised that repeatedly with Secretaries of State and Northern Ireland Office officials. A further reduction in financial support would force the commission to a point where we could not fulfil our statutory duties or effectively exercise our powers. That is the position that we face as a Human Rights Commission, and that is what I want to open with.

I thank you again for the opportunity to give this evidence to the Committee. My colleagues may wish to add further points, or, collectively, we will be pleased to answer any questions that Committee members may have.

The Chairperson: Thank you, John. Maybe Virginia and David will chip in as we go along.

As you said, your sponsor Department is the Northern Ireland Office. You are not devolved, so our relationship with you is not as it is with, for example, the Equality Commission. However, as you also make clear, the reason that we should be engaged with you is because you have a statutory duty under the Northern Ireland Act to advise us on all the legislation that comes out of this Building.

You are being asked to take another financial haircut, and you are basically saying that, this time, it is going to hurt your ability to do your job. Is that effectively the bottom line here?

Mr Corey: That is correct.

The Chairperson: You have obviously put that point to the NIO. How has it been received?

Mr Corey: To meet public accountability requirements, Virginia McVea, as the accounting officer, has responded to that request under the normal procedures. We have conveyed to the Northern Ireland Office largely the information that I have given in my statement to you. The response from the Northern Ireland Office is to call again for the impact assessment. Indeed, the Northern Ireland Office indicated that, if we have difficulty identifying how we can make the savings, it will help us to identify how we can make the savings. This is a personal view and not that of the commission, but I got the feeling that it was not listening to us when we submitted either the response to the call for an impact statement or the seriousness of the position.

The Chairperson: Out of interest, John, how much would an impact assessment cost to put together?

Mr Corey: What is required of an impact assessment is not clearly defined. If you examine some of the government websites, you will get some literature about impact assessments, and they can have different meanings in different contexts. We will have to produce an impact assessment largely from within our own resources, and it takes time. We have already had to spend considerable time and resources since 29 April meeting and addressing what has been put to the commission by way of proceeding. My colleagues may wish to add to that.

Mrs Virginia McVea (Northern Ireland Human Rights Commission): In a way, you could say that an impact assessment would not cost a great deal of money, and, to fulfil your statutory duties, it is not rocket science to look at the bottom line and to say that there is nothing more to be cut. Some of the impact can be identified by the response of the Joint Committee on Human Rights at Westminster and by the head of the European network of human rights institutions. There are 41 national human rights institutions across Europe. Our sister agencies in England, Wales and Scotland share our concerns and understand that there are three particular features in Northern Ireland that, in UN terms, would be described as additional duties. One is the post-conflict setting, which is unique. Another is that we were designated a national preventive mechanism in relation to the disability convention jointly with the Equality Commission, which was an additional duty for which we received no money. The third is that, in UN terms, we have what they call a quasi-jurisdictional function, which means that we take complaints and can be involved in legal action. Those are all seen as additional to the normal functioning of a national human rights institution. Under those Paris principles, the state is already charged with providing what is called adequate funding, and funding that will progressively ensure greater protection and promotion of human rights in the jurisdiction. So, you can see that our duties have increased and that the support from government has decreased.

The Chairperson: There are two areas in John's opening remarks that I want to ask you about. The first was the notion that you now have to prioritise. If it is strategic, prioritising is, of course, a good thing, but if it is like being in triage in a hospital, where you are waiting and keep getting bumped by people arriving with more serious issues, it is not. Is it the latter, where you are not doing it strategically but are having to say, "We can only do one of these two things, and this one is more important"?

Mr Corey: I will comment on that. Can I go back to the previous question to make one point clear? Coming to this Committee is not a knee-jerk reaction. On receipt of the letter from the Northern Ireland Office, we recognised immediately that it raises fundamental questions. Let me be clear and say that, prior to receipt of the letter and not in any anticipation of receiving such a letter, I wrote to the Secretary of State on 17 April requesting a meeting on a range of issues, and included in that were our concerns about the current budget. That was before the letter ever arrived. To date, I have received a very short response from the Secretary of State indicating that a meeting would be arranged. I received that on or around 14 or 15 May, but the meeting has not been arranged yet. I just want to make it clear that we will pursue that path in any case.

Turning to your question about whether we are like being in triage in the accident and emergency service, in that we are trying to cope, I can say that the commission unquestionably has faced a significant reduction in budget over four years. That means that it is unable to do all that it would wish to do. We do not feel that we have adequate funding as it currently stands. However, we have a strategic plan in place, which I think we presented to the Committee previously. We have clear objectives and desired outcomes to work to. Our capacity to deliver on that strategic plan will be significantly affected by an 11.15% budget cut. In fact, if we were faced with that, we would have a duty to inform all stakeholders that we could not meet our strategic plan.

Mrs McVea: To help, something that may be illustrative is that I looked back, and I found that, in 2003, at the request of the high commissioner for human rights, Brice Dickson, who was the then chief commissioner, had prepared a submission for a book on national human rights institutions. When he referred to Northern Ireland, he referred to the budget back in 2001-02, and he said that, out of that budget, the Northern Ireland Human Rights Commission had been able to set aside only £100,000 to discharge its duties in connection with its legal function. In that book, he said that that was insufficient, not least because we worked in a common law jurisdiction, which meant that you might have to bear the cost of the other side. At that time, the UN accepted that there were difficulties with a budget like that in our jurisdiction with the duties that we had. Practically, this year, we have had to cut that budget to £37,000.

The Chairperson: That was the second area that I wanted to come to, Virginia. In my mind, the three key functions for your body are, first, to analyse and advise; secondly, to educate and promote awareness; and thirdly, to get the sleeves rolled up and get into investigations, of which legal action is a key arm. The budget has been cut to £37,000. We have a qualified lawyer in the room, who, I am sure, could offer an opinion better than I, but I suspect that £37,000 does not go a long way in the legal profession.

Mrs McVea: No. We continue with our investigations. Our investigative function and the legal function are not entirely coterminous, but, as you say, they can necessarily be engaged with one another.

The Chairperson: If I walked through your door tomorrow morning and said, "I work somewhere with another 99 people; here is the issue", and you were convinced that it was a very serious gross human rights issue that needed to be taken to court to be solved, is it very unlikely that you would have the wherewithal to do so?

Mrs McVea: We have to be creative, and we have been so. Sometimes, the slowness of the wheels grinding works to your advantage, and it is possible to begin something to see how it will pan out. We have continued with our legal clinics, and we are able to find the early resolutions, but, yes, there is a concern about managing that risk. Regardless of how creative you are, you have to acknowledge at the outset that that is a huge hurdle to overcome.

Mr Attwood: You will have to excuse me; I have to leave to go to another meeting, so I appreciate getting in now. Obviously, this is a very serious situation. Going back to the Good Friday Agreement, one of the reasons why its structures on policing, criminal justice, human rights and equality were created was that, during the years of conflict, that conflict revolved around issues of law, order, justice and rights. Those are not my words; they are the words of Frank Wright, a former academic at Queen's who is deceased. He said that, when national conflicts are fully developed, they revolve around issues of law, order, justice and rights. That is why the Good Friday Agreement was structured to deal with issues of law, order, justice and rights, including the creation of the Human Rights Commission. Therefore, in my view, the British Government's approach to run that down raises issues on the integrity of the Good Friday Agreement and the guardian role that the two Governments have in respect of the Good Friday Agreement, including the respect and maintenance of rights.

My view is that it is an issue that should also be raised with the Irish Government, given their responsibilities with the Good Friday Agreement. However, I think that you said that you have done that. This Committee should be advising all the Committees. If you have not written to all the Committees, we should be writing to them, because you have a responsibility to all Departments and, as a consequence, to all Committees. We should raise the issue there and with OFMDFM. If you are not able to fulfil your statutory function, including the function of giving advice to government,

Ministers, the Executive or whoever it might be, a fundamental requirement of good government and good law is compromised. As a consequence, I think that this is a matter that should be escalated significantly to ensure that it does not arise.

My question is this: are you aware of whether the British Government consulted any Ministers here on what they now propose? If they failed to consult anybody here, that reveals a high-handed attitude and the fact that some people do not understand the relationship you have with us. If there has not been proper consultation or any consultation with relevant Ministers or Departments here, we should say to the Secretary of State — I shall certainly say it to her at a meeting that we are having at 3.00 pm — that she will have to suspend anything she is doing, given her failure to consult relevant Ministers to whom she gives relevant advice when requested. Are you aware of any consultations, or anybody here?

Mr Corey: No. The communication has come to the commission from civil servants in the Northern Ireland Office. It is straightforward. As I indicated in my opening statement, it refers to the Government spending review and the Chancellor's autumn statement. It refers to the fact that the Treasury has called on Departments to contribute to the reduction and for their arm's-length bodies to be included in the net. The Northern Ireland Office has stated to us that it has no more room to accommodate this budget reduction within its own Department. Hence, it has now contacted its arm's-length bodies, and we are one of those bodies. That is the position that we have been placed in. As a commission, we are saying that this compromises our ability to carry out our statutory functions and potentially compromises our position as a national human rights institution (NHRI).

Mrs McVea: You raise a key point, and it was played out to some extent in the passage of the Northern Ireland (Miscellaneous Provisions) Bill and the interventions of the likes of Lord Alderdice around the engagement process and how important that is in Northern Ireland. I asked the NIO about its overall process of engagement on this, but we will continue with that.

Mr Attwood: Thank you very much.

Mr Maskey: Thank you for your presentation. In a way, my question is a follow-on from Alex Attwood's. To put it very succinctly, you are basically saying that if your commission has this 11.15% imposed on it, you will not be able to deliver on your statutory obligations. Technically, when would that start to kick in? I think you mentioned it earlier on.

Mr Corey: I emphasise that, as a commission, we consider that we are already at the bottom line in being able to discharge our responsibilities as a human rights institution: we are already there. The NIO proposal would mean that the budget for 2015-16 — from April 2015 for the next financial year — would be reduced by that further 11.15%. We are saying that this clearly compromises the commission. I outlined our statutory functions, our capacity to provide timely advice to the Assembly and its Committees and our capacity to assist people who consider that their human rights have been violated and require legal assistance. I suppose that it is also relevant to point out that part of the Human Rights Commission's obligations under law is to have the joint committee with the Irish Human Rights Commission in place and to work jointly with that commission to address human rights issues that are relevant to be considered on an all-island basis for the future of both parts of this island. Again, we are saying that this budget cut compromises our ability to do that. In fact, that work is already compromised.

Mr Maskey: Thank you. I appreciate that. I share the commission's view that there is an attempt to run the thing down, and that that has been ongoing for a number of years. I am convinced of that.

In previous evidence sessions with the commission, we discussed the additional, or extra, engagement that you wish to have with the Executive. Clearly, we all want to follow up with the British Secretary of State and so on; and indeed, both Governments. Can you indicate whether you have engaged with Executive parties? Has that been successful? What kind of a hearing are you getting?

You are an NIO sponsored body at the moment, but your relationship with us is critical. This is not your fault, but I am not satisfied that the engagement between the Executive and you has been as good and as qualitative as it should have been. We have discussed some of these issues in the previous year. You may not be able to answer this question, but I would like an understanding of whether you have discussed this issue with the Executive. If so, have you had any response? You may not be able to answer this. It is not a trick question. Your role is critical to us in the work that we have responsibility for. It is very timely, and I appreciate your coming here to make your argument. I

find that the way in which the commission is being run down is unacceptable, and, as I said earlier, I believe that it is. I think it would be a very serious and retrograde step, but I would like some flavour of your engagement with the Executive if you are able to give us that.

Mr Corey: I will just state some facts in relation to this. On receipt of the request from the NIO, and recognising the seriousness of the position, we, as a commission, made contact with all parties that we considered needed to be advised, and, indeed, where we considered we had a duty as a national human rights institution to so advise those parties. They were all political parties in the Northern Ireland Executive and who were party to the Good Friday Agreement. We engaged with the Joint Committee on Human Rights at Westminster and with the other human rights commissions as well as the European human rights institutions, because we have to discharge our obligations as a human rights institution. To date, we have met representatives from all the parties we contacted. We are still trying to arrange a meeting with the Democratic Unionist Party.

Mrs McVea: We have had a meeting with the Democratic Unionist Party and are awaiting a meeting with the Green Party and NI21.

Mr Corey: So, we have engaged with all.

Mr Cree: Good afternoon. Just to get a handle on the figures, I am extrapolating from your letter that it is about £1.4 million.

Mr Corey: Our current budget is £1.34 million. The impact of an 11.15% reduction is the sum of £156,000. In the great scheme of public expenditure, I do not know how many zero points that represents in terms of a percentage of overall public expenditure. On the one hand, it could seem, to someone looking at it, that it is a very small amount, and they could wonder why it causes a difficulty.

Mr Cree: It is not a single amount; it is the cumulative effect.

Mr Corey: It is the cumulative effect, but for an organisation with a budget of £1.34 million, a reduction of £156,000 is very significant and has an immediate and direct impact against the background where we have already literally pared the organisation to the bone.

Mr Cree: OK. With respect to the comprehensive spending review's 10% cut, have you checked with your contemporaries to make sure that that was applied in budgets across the water?

Mr Corey: An obvious contemporary is the Equality and Human Rights Commission, with which we have engaged in discussions. We have explored with its chairperson and chief executive the relevance of making comparisons in the two organisations' budgets. It is correct that the Equality and Human Rights Commission's budget was reduced, but there are a number of differing factors relating to the Equality and Human Rights Commission in Britain. For example, it has gone through a process of merger, and reductions in the budget were part of the outworking of that merger. In addition, as it pointed out to us, while the Equality and Human Rights Commission's budget was reduced, some of the services it undertook have now moved to other parts of government. So, public expenditure is still being used to fund the service, but it may not be with the Equality and Human Rights Commission any more.

Mr Cree: I am aware of that, but surely that must then give you a template that you can use as part of your impact assessment. When you are comparing like with like, there is a significant change by virtue of the change of functions, so that would obviously be a useful thing to do.

The other point that occurs to me is that the Chancellor's autumn statement also brought money with it. You have not heard anything about that.

Mr Corey: No, it has not brought it our way.

Mr Cree: It is useful that it is there. It is important that you use all the ammunition that you have. The other thought that occurred to me was that, when your impact assessment is complete and you have the budget headings, you could suggest various playing around with the numbers — 5% there, 3% here or whatever you want to do — or say to the Secretary of State, "You tell us what you want to cut out."

Mr Corey: The latter point raises real difficulty because the Secretary of State cannot tell a national human rights institution how to spend its money.

Mr Cree: No, but you take my point.

The Chairperson: There could be suggestion.

Dr David Russell (Northern Ireland Human Rights Commission): Committee members need to know that if the current proposal is imposed on the commission its budget in real terms, allowing for inflation, will be 60% of what it was in its very first year of full operations in 2000-01. That was before the commission gained its "A" status as a national human rights institution following the St Andrews Agreement in 2006. Our powers were enhanced in 2008. That was at the point at which we became accredited with the United Nations "A" status and the same point at which the commission's budget was at its maximum.

Since 2008, the commission's budget has been reduced significantly to the point where, as I said, if we take this cut, we will be, in real terms, back to 60% of the operating budget, albeit with the extended powers and duties that the UN requires of an NHRI with our status. So, when you talk about budget headings and where cuts might be taken potentially, to compare and contrast is only valuable up to a very small point.

Mr Cree: I take your point. Of course, at this stage, it is historical. Have you complained about other cuts through the years?

Mrs McVea: Yes, we have.

Mr Cree: That is important. Although you are making points about material facts, we are where we are today nevertheless. You have to fight your corner on this and say, "There is no more fat left; you are cutting into the bone."

Mrs McVea: It may be of interest that, on comparators, we have done exactly that. We met Baroness Onora O'Neill and Mark Hammond, who is chief executive of the Equality and Human Rights Commission. Comparisons are tricky. It began with 500 staff and a £70 million budget, so it is a bit like trying to compare apples and pears. The context of the way that we do our work is so vastly different.

Mr Cree: The scale is different, but I guess that the functions are similar.

Mrs McVea: They are similar but, because of the post-conflict and Belfast/Good Friday obligations in relation to the work with the Irish commission, they are quite different in some respects. What is interesting to note on the seriousness of the situation is that Baroness Onora O'Neill has given evidence that she is concerned that the cuts to the Northern Ireland Human Rights Commission are so drastic that they would impact the group of UK institutions. She described it as the coming down of the house of cards. That is how drastic she regards the impact of the cuts on being able to perform any function. To take money entirely out of one function in order to prop up others in the way you have described is not possible and does not serve the public interest. It cannot provide value for money because it is not providing a quality service.

Dr Russell: Another point that John made in his opening statement was on the Northern Ireland (Miscellaneous Provisions) Act and the fact that, in the past 12 months, the commission's status has changed from being an excepted matter to a reserved matter, which obviously paves the way for devolution at some future point. When it is seen as appropriate by both the Executive here and the UK Government to devolve the commission, the block grant will have to be negotiated. When the commission becomes the responsibility of the devolved Administration, and as its budget increasingly shrinks, the leverage for us to operate will be notably reduced.

Mr Cree: That had not escaped me.

Dr Russell: This is a significant concern for us, particularly at a time when devolution has increasingly embedded itself. Rightly and properly, the demands on the commission from the Administration here have been increasing. We are already in a position where our advice function is stretched to the limit.

For example, we have had to go back to Departments and ask for extensions to significant public consultations in order to fulfil our statutory requirements.

Mr G Robinson: Thanks to the team. My question is around where you have had to implement the cuts. Have you had to lay off staff? Has it come to that yet? How many staff will be affected for it to work efficiently?

Mrs McVea: David referred to peak funding and the securing of the "A" status. At our peak, we had 28 staff. When the commission began, it had 10 part-time commissioners. We are now down to the 13 and the seven plus a chief commissioner that John referred to. I had to prepare a plan for the NIO for the 25% cuts over four years. That moved us through what became three tranches of redundancies as well as efficiency savings across the board. Yes, it already had an impact on staff, and that is partly why we are before you today.

We understand that, as recognised by the UN system, we have a responsibility to work with what is happening with the state economy. You have looked at welfare reform. The UN itself has recognised that one of the concerns with a period of economic downturn is that this is when vulnerable people become even more vulnerable and marginalised, and protection and promotion of human rights becomes a priority issue. We have moved through all those cuts to try and ensure value for money, effectiveness and efficiency. That is where all those cuts in looking at the budget headings have come.

Mr G Robinson: Have all the cuts been made locally?

Mrs McVea: Well, we have only one office. Although we provide clinics across Northern Ireland and have a project in Derry/Londonderry, the offices are based in Belfast.

Mr Maskey: This is a final question, but it is important. You have all alluded to your critically important role in the institutions here. We are a statutory scrutiny Committee. As you explained, you have met virtually all the parties. Have you asked to meet the Executive, as in OFMDFM? Have you met them? If I were in OFMDFM, I think I would need the resources that you have. Instinctively, I would think that I would want to support what you are asking for. Is that support there?

Mr Corey: We have not made a formal request to the Executive as such. I recognise the point you are making: the Executive is the responsible Government in Northern Ireland and they should equally be aware of this. I might retort that they have not met us either, but that is a different point.

The Chairperson: In fairness, your sponsor Department is the NIO.

Mr Corey: I accept that, and that is the further point. The Northern Ireland Office is the current sponsor Department but, as I said, we have met the Executive parties. We contacted all the Executive parties immediately when this issue was raised with us.

Mr Maskey: I make that point only because we have responsibility for the Executive.

The Chairperson: OK. Virginia, David and John, thank you very much indeed. This has been very informative and useful to us as a Committee. We will now decide on it and on a course of action to take the matter further.