



Northern Ireland  
Assembly

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## **COMMITTEE FOR JUSTICE**

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# **OFFICIAL REPORT (Hansard)**

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### **Overview Briefing on Justice Policy Directorate and Related Non- departmental Public Bodies**

29 April 2010

**NORTHERN IRELAND ASSEMBLY**

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**COMMITTEE FOR JUSTICE**

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**Overview Briefing on Justice Policy Directorate and related Non-departmental Public Bodies**

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**Members present for all or part of the proceedings:**

Lord Morrow (Chairperson)  
Mr Raymond McCartney (Deputy Chairperson)  
Mr Jonathan Bell  
Mr Tom Elliott  
Mrs Dolores Kelly  
Mr John O'Dowd  
Mr Alastair Ross

**Witnesses:**

Mr Brian Grzymek ) Department of Justice  
Mr Gareth Johnston )  
Mr Chris Matthews )  
Ms Carol Moore )

**The Chairperson:**

We will now receive a briefing from the director of justice policy in the Department of Justice, Carol Moore, and other departmental officials. I welcome you here, and I understand that with you are Gareth Johnston, the head of justice strategy division, Brian Grzymek, the head of criminal justice service division and Chris Matthews of the justice development division. We welcome you here today.

I also understand that Maura Campbell was to be here, but she has suffered a sudden, sad

bereavement. I am sure that members will join with me in conveying our sympathy to Maura on the death of her father. I hope that you will convey our sympathies to her. I understand that her father is being buried today. I am very sorry to hear that.

**Ms Carol Moore (Department of Justice):**

Thank you very much; I am sure that she will appreciate that.

Thank you for giving us this early opportunity to meet the Committee. As requested, I will begin by setting out a little bit of my background. I, too, am a career civil servant. Over 35 years, I have served in a range of Northern Ireland Departments, including the Department of Finance and Personnel (DFP), the Department of Health, Social Services and Public Safety (DHSSPS) and the Department of Culture, Arts and Leisure (DCAL). I moved to the Northern Ireland Office (NIO) around five years ago, where, most recently, I served as director of criminal justice before the creation of the Department of Justice.

If the Committee is content for me to do so, I will give an overview of the directorate, after which I will ask my colleagues to explain in more detail some aspects of their responsibilities. I will begin with the structure. Strangely, there will be four divisions in the directorate, three of which have been referred to earlier — justice strategy, criminal justice development and criminal justice services. We hope to add the civil justice division shortly, when responsibility for civil law functions, excluding land law, transfers from DFP. That division will cover areas such as marriage, divorce, civil partnership, law of contract and law of trusts. It is hoped that DFP will be in a position to transfer those functions and the associated resources to the Department of Justice in May 2010.

In addition, the Department of Justice will take over responsibility from DFP for the regulation of the legal profession, once a formal transfer of functions Order is completed. Those changes are important, because the Department will no longer focus purely on criminal justice. We recognise that there will be a steep learning curve in respect of civil law functions, but we look forward to their transfer and to the integration of the Department of Justice staff who have taken this project forward. Clearly, agreement of a strategy and priorities for those areas of responsibility will provide us with an early challenge, as will exploring the scope to integrate aspects of the Department's approach to civil and criminal justice.

In addition to its four divisions, the justice policy directorate sponsors the Department's three smaller agencies: the Compensation Agency, the Youth Justice Agency and Forensic Science Northern Ireland. In its sponsorship role, the Department is responsible for resources, ensuring that appropriate governance is in place, and, in some areas, for aspects of policy. The directorate 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, the Parole Commissioners, the Prisoner Ombudsman and the Independent Monitoring Board. We also maintain close links with the voluntary and community sector, particularly through sponsoring organisations such as Extern, Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) and Victim Support.

The Department's key responsibilities are the reform of criminal law and, soon, civil law, and ensuring the ongoing modernisation of the criminal justice system, with particular focus on enhancing public confidence in it. In doing so, we work closely with partner organisations such as the police, the courts, the Public Prosecution Service, the prisons, the Probation Board and the Youth Justice Agency. We also meet those bodies formally through the Criminal Justice Board and the criminal justice issues group.

To date, we have contributed to two PSA targets; justice for all and safer communities. Our focus has been, and will remain, on delivery and on improving the justice system for all who come in contact with it. However, we are especially conscious of the position of victims of crime and witnesses to it.

Looking forward to the next 12 months, I will say something about how we plan to work and some of the anticipated priorities. As Nick Perry explained last week, the Department plans to work on the basis of cross-cutting themes. The justice policy directorate will take the lead on reducing offending and dealing with the consequences of that. We are working up some early proposals. That is a significant issue that will require the involvement of all criminal justice organisations working together. However, we also believe that it relates closely to the work of other Departments, as research clearly shows that offending, and crime in general, is affected by wider social interventions, such as early years provision, education, housing and unemployment.

We hope that it will be possible to widen the approach so that we include other Departments in practical ways that can help us all to achieve elements of our own objectives for the overall benefit of Northern Ireland. Within the directorate, we will be pulling together resources from across Brian and Gareth's divisions to take that forward.

Other important areas include the tackling of avoidable delays in the criminal justice system. That is important if we are to ensure that we enhance confidence in the system at large and bring improvements for all, but it is especially important for victims and witnesses, bearing in mind the trauma that they experience, which can be exacerbated by delay in the process. However, the criminal justice system is complex; it involves many players and interfaces between those players. I am pleased to say that all the criminal justice organisations are fully contributing to a new approach to the tackling of avoidable delays, which is being spearheaded by the Criminal Justice Board. Four projects have been established, and each one is chaired or sponsored by a member of the Criminal Justice Board. Those projects are case preparation; case management; governance and accountability; and youth cases.

Allied to that pursuit of speedier justice is the work under way to find alternatives to prosecution for minor crimes and the work that we have co-ordinated, again with the full support of our partners across the criminal justice organisations, to introduce an IT-enabled system named Causeway to integrate the flow of electronic data through the system from the police, the Public Prosecution Service (PPS), courts and prisons. That will also involve Forensic Science Northern Ireland.

Another key part of the way forward will be legislation. Our colleague Tom Haire will be speaking to the Committee soon to outline some key considerations in bringing forward proposals for a criminal justice Bill. The opportunity for an informal meeting to discuss that was usefully referred to earlier. Potentially, there is a very wide-ranging miscellaneous provisions Bill in sight and a lot of candidates for inclusion in it.

I will pass over to my colleagues to allow them to say a little bit more about their divisions, but, first, let me briefly summarise the directorate. The justice policy directorate has about 80 staff and a core resource budget of under £8 million. However, once the grants to various bodies and capital provision are added, the directorate controls a total budget of over £100 million. It deals with a range of functions, including legislation, strategy, policy, operations, resource

management and sponsorship. At the heart of the directorate is the aim to modernise justice systems and enhance 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 to deliver improvements to end-users.

**Mr Gareth Johnston (Department of Justice):**

I am the head of the justice strategy division. There has been something of a justice thread throughout my career as a civil servant. I spent four and a half years as chief of staff to the Lord Chief Justice, and, subsequently, I headed the Office of Law Reform in the Department of Finance and Personnel. I also spent two and a half years heading the criminal justice policy division in the Northern Ireland Office. As well as that, I spent the slightly greater part of my career doing other work in the Department of Health, Social Services and Public Safety and the Department of Finance and Personnel.

The principal role of the justice strategy division is to keep criminal justice law and policy under review to meet modern needs. As the title of the division suggests, we aim to do that in a way that has regard for the big picture of where we need to take the justice system. We are, of course, influenced by best practice and what happens elsewhere, but our aim is to address the specific needs of Northern Ireland and to work in partnership with others, both within the justice system and beyond, to find law and policy solutions to the challenges that the justice system faces.

We will deal with a couple of broad key themes over the next few months. I will mention more specific areas later. Key focuses will be the addendum to the Programme for Government, which the Hillsborough Castle Agreement asks the Justice Minister to bring to the Assembly. We will be working on that especially. The Hillsborough Castle Agreement asks that we draft that collaboratively with officials from other Departments. It sets down key issues that it would cover, including confidence, delay, rehabilitation and victims. There is a list of 14 matters that it could usefully include. That is obviously a key document, and the aim is to have it with the Committee in, I would hope, a month's time. The Minister is very much directing his mind to it at the moment.

We aim to bring a justice miscellaneous provisions Bill to the Assembly, which is also mentioned in the Hillsborough Castle Agreement. We have sessions timetabled with the

Committee to dialogue thoroughly on what may be in that Bill and on the consultations that could feed into it. At this stage, one of the headings at which we are looking is system efficiency and effectiveness. Therefore, we are looking at alternatives to prosecution for minor crimes — the sort of crime for which someone would go through the justice system and maybe end up with a £50 or £100 fine. Can we not deal with that at the first stage with fixed penalty notices? There would be provisions on legal aid. Proposals are also being consulted on with regard to a single jurisdiction for courts in order to make things easier, particularly when offenders need to be brought back to court for breaching an order.

Community safety is another theme. We will be looking to see whether legislative consequences emerge from the consultation on crime reduction partnerships. We are looking at sports law and extending the provisions of the Football (Offences) Act 1991 to Northern Ireland, and there was a consultation on that. There are also arrangements on sex offender notification that we could usefully make.

There is also the issue of victims, and, potentially, the establishment of a victims' fund, which would be funded by a levy on offenders. Moreover, there is the issue of reviewing the provisions on special measures for vulnerable and intimidated witnesses. Alongside that are technical but useful amendments that could be made to criminal law. The Department is keen to dialogue with the Committee on those ideas so that we can come up with proposals for the Bill that will make a difference to the justice system.

Alongside the Programme for Government and the justice Bill are particular ongoing policy projects. One that we started recently focuses on sentencing guideline mechanisms and how we secure more confidence in sentencing arrangements, and the Hillsborough Castle Agreement has given that new thrust. We are looking to issue a consultation paper on sentencing guideline mechanisms, which we hope to have with the Committee by the end of June.

We are also considering alternatives to custody. Is the right range of community sentences available to the courts? Compared with other jurisdictions, Northern Ireland gets very good results in avoiding reconvictions and reoffending among those who have served community sentences. There is a debate to be had about the value of short prison sentences versus longer opportunities to work with offenders in the community. We will be bringing forward proposals on reviewing the community sentences that are available.

We are also undertaking a big piece of work on mental health in the criminal justice system, which the recent Criminal Justice Inspection review of mental health and the criminal justice system in Northern Ireland very much feeds into. We are setting up a subgroup of the Criminal Justice Board to bring forward an early action plan that focuses on how to improve provision for dealing with people with mental health difficulties who find their way into the justice system.

Finally, alongside those projects, a lot of work is ongoing in the division to ensure that the machinery that joins up the justice system works effectively, whether that is the Criminal Justice Board, the criminal justice issues group, which involves the judiciary, the legal professions and representatives of the voluntary sector, or our North/South arrangements under the intergovernmental agreement on criminal justice.

We are responsible for various engagement strategies and for reviewing the Criminal Justice Board's communications strategy to ensure that we engage and communicate what the system is there for and what it is doing. We sponsor a couple of non-departmental public bodies: the Law Commission and the Criminal Justice Inspection. We provide a statistics and research service to the whole Department to try to ensure that policy-making is evidence-based, and we have been working recently to align that research budget with the Department's priorities. Finally, we co-ordinate the directorate's finances.

That is a very quick run through what we are doing, but I look forward to further engagement with the Committee.

**Mr Chris Matthews (Department of Justice):**

Good afternoon. Maura Campbell was meant to be here today, but, unfortunately, she could not attend. I work in the criminal justice development division, and my background is as a career civil servant. I joined the NIO in 2001, more or less directly from university. I have worked primarily in policing and criminal justice, but I have had a secondment to the Police Service of Northern Ireland.

The criminal justice development division spreads across four units and covers a range of policy, legislative and operational issues that are quite expansive in their scope but that can be broken down into two key areas: improving public protection and improving the performance of



the justice system. My area, which covers sentencing delivery and European issues, is responsible for driving the effective operation of the new sentencing framework, which includes the new public protection sentences. There is a particular focus on that work to ensure that the new sentencing powers have the positive impact that we hoped for on reducing the risk that dangerous offenders pose to the public and on reoffending more generally. I also have responsibility for the offender recall unit, which acts on behalf of the Department in recalling offenders who have breached their licence in the community. We also have responsibility for European issues that have a justice dimension.

Moving to the other units, we also have a public protection unit, which focuses on protecting the public from certain sexual and violent offenders. A key part of that work focuses on the public protection arrangements for Northern Ireland (PANI), which bring together all the key agencies in the criminal justice system. They work together to put in place measures to reduce the risk to the public, where possible, from certain types of dangerous offenders. The unit also develops policy and legislation to deal with sex offenders and sex offender notification. A consultation on sex offender notification arrangements is currently under way, with a view to getting some new provisions in the forthcoming justice Bill.

We also have the Causeway business delivery unit, as Carol mentioned. The part of our division that deals with Causeway develops the business and policy aspects of the Causeway system and ensures that the system is leveraging the maximum benefits from the investment there.

Finally, there is the delivery improvement unit. Its focus is on improving the performance of the justice system in a number of important areas. The aim is to improve the delivery of justice and the experience of the system for those who come into contact with it. The key functions are addressing avoidable delays in the system, which Carol has already talked about, and measures to improve the experiences of victims and witnesses of crime. There is a live consultation on that issue, and a policy framework on safeguarding vulnerable adults is being developed. The unit also sponsors some important voluntary units, including Victim Support Northern Ireland, NIACRO and Extern.

**Mr Brian Grzymek (Department of Justice):**

I head the criminal justice services division. I came to the Northern Ireland Civil Service from the Housing Executive in 1980. I spent 23 years in the Health Department, where, at various times, I led

community care and a lot of work in client group areas, including mental health, elderly care and physical disability. I was responsible for performance management for a period. For several years, I was also responsible for hospitals in Northern Ireland, so I am familiar with a wide range of issues. I have been in the NIO for seven years, and I have spent all that time in my current division.

As the name of the division suggests, I am very focused on criminal justice services. I sponsor and oversee the majority of the agencies and arm's-length bodies that are the responsibility of this directorate, including the Criminal Justice Agency, Forensic Science Northern Ireland and the Youth Justice Agency. I also sponsor the Probation Board for Northern Ireland and a range of smaller groups, including the state pathologist's department, the Independent Monitoring Board, the Prisoner Ombudsman, Parole Commissioners.

My staff and I are very much focused on making sure that the system works. All those agencies are front line and deliver services in the justice system. For our system to work, those agencies have to work, and the Minister expects them to operate to the highest standards. The governance arrangements are our responsibility: we meet the agencies regularly, hold them to account and discuss their performance. When issues of resourcing arise, they come to us, and we also deal with business cases and other such matters. That work is very much at the core of the justice system in so far as all those agencies provide direct services either to customers, the courts or other parts of the system.

I also have policy responsibility for three quite well-related areas. I currently have lead responsibility for the reducing offending initiative. That is a strategic framework in which many other strategies and initiatives in the Department sit. As Carol said, there are two strands to that: what we can do to operate the justice system in a co-ordinated way to ensure that we reduce and stop offending, and, in a broader sphere, what government can do by working collaboratively.

There are certainly things in the justice system that we can do better and differently. We are focused on trying to head offenders off at the pass. If we can stop them earlier in the system, that is all to the good. A good example of an initiative in which that is happening is youth conferencing, where 50% of all young people now go through the conferencing system. We are still evaluating that programme — it has only been fully in place since December 2006 — but we expect it to have some impact over time. It certainly brings restorative principles into play early on, with the aim of trying to prevent more youngsters from developing into full-blown offenders.

There are a number of things that we can do, but, on the justice side, there are four aspects that deal with reducing offending. First, we can make crime more difficult; essentially, prevent crime. That very much comes across in the community safety work of the previous directorate that gave evidence. Clearly, we have to work very closely with that directorate. We can focus on diversion to head people off at the pass and give them alternatives. We can use supervision, which is what probation and youth justice services may also do with offenders. Furthermore, we can focus on rehabilitation and resettlement, which deal with people who have gone through the system and become serious offenders. We can consider how to reposition them so that they stop their offending behaviour and do not reoffend.

Those areas are very important in our work to reduce offending. However, if we are to be successful in that initiative, we have to work across Departments. Quite often, the people whom we see have various problems; they may have problems with mental health or literacy and numeracy, or they may have got lost in the system somehow. Working collectively with other Departments is an important element of any approach. The devolution of justice and policing will give us new and better opportunities to work creatively and collaboratively across Departments to that end.

Linked to reducing offending, I am also responsible for the strategy for the management of women offending, which is, in some ways, the reducing offending strategy in microcosm. It involves trying to take a holistic approach to dealing with women offenders, who have different characteristics from their male counterparts. Much of our justice system has been built around male offenders. Only 9% of women offend and quite often their profile differs from men and we need to deal with them differently to get the best outcomes. I am responsible for that policy.

Finally, I am also responsible for youth justice policy, which, again, fits very much into the reducing offending model, in so far as trying to work with young offenders in a way that steers them onto a different course in the future. That is a brief summary of my responsibilities.

**The Chairperson:**

Thank you. I will make a few points, after which members will ask questions.

I am fascinated by the headline statements in your submission — justice strategy, justice

development and justice services. There is a perception abroad that there is very little in that for the victim and that you are working on a strategy that tries to cater for the criminal rather than the victim. That may not necessarily be true, but sometimes perception is as strong as fact and is often accepted as such. Have you given up on stiffer sentencing altogether? Is that no longer part of your new strategy on the way forward for Northern Ireland? How do you answer the allegation made by those who tell us that the criminal is treated with kid gloves and the victim is just an unfortunate statistic who got in the road?

**Ms Moore:**

Gareth will respond specifically to your point about stiffer sentencing. In general, if we are creating that perception, we are at fault, because we do not want to create the perception that there is no place in the justice system for the victim. We will need to look at that.

The victim is very important in all this. As I mentioned in my presentation, we are conscious of the trauma that is associated with the process for victims. We are looking at a range of issues that are specific to victims, including what we can do to help them to steer their way through the criminal justice system if they have the misfortune to become part of it. However, our big thrust will be towards a new strategy that will look at ways of reducing offending and at the consequences of offending. A clear line of the consequences of offending involves the victim and the victim's position in the system. We are trying to deal with it in many ways to reduce offending which will reduce the number of victims. We will also look at ways to make the system swifter and more considerate to victims' needs.

Gareth will pick up specifically the point about sentencing.

**Mr Johnston:**

Stiffer sentences can play a role. The Department's role relates to the range of offences that are pursuable in the courts. Sentencing in individual cases is then a matter for the judiciary. However, over the past couple of years, available sentences for knife crimes, such as the possession of knives, have doubled to send a strong signal about how serious it was to carry knives. In the context of the justice Bill, I anticipate coming to the Committee with a proposal for longer sentences for certain types of assaults. That, again, is in response to concerns in the community, including assaults on public servants of various sorts.

However, sentencing is not the only weapon in our armoury in trying to reduce offending and, therefore, the next generation of victims. If we can work with offenders to address the underlying offending behaviour, and if we can give them the skills that they need to come out of prison and finish community sentences to make better choices in the future, that will be another way of reducing crime and of having an impact on victimisation in the future. We need to hold those measures together in a joint strategy for addressing crime and victims.

**The Chairperson:**

Gareth, you say that you want to provide the criminal with more skills when they are in prison. What will you provide for the victim when the offender is in prison?

**Mr Johnston:**

As Carol said, we will move towards a new strategy for victims. We are looking at how victims can get better information about the cases in which they are involved. We are continuing to look at how they are practically supported with regard to their interface with the justice system. They can come along and have the opportunity to visit courtrooms and understand how a court operates and what will be required of them. We are also looking at the ongoing support that is available to victims. In that regard, an offender levy and victims' fund, which will make offenders more accountable for support to victims, has been proposed. It will bring in a tranche of new money, potentially £500,000 a year, which could be used in victims' services.

**Mrs D Kelly:**

The submission contains a lot about work that will be coming before the Committee in the near future, so I will not dwell on that. My ears pricked up when you talked about the regulation of lawyers. I do not know whether other MLAs have received complaints about people not getting justice from lawyers or about the fact that there is not a sufficiently independent complaints mechanism. Will you examine any matters about that issue?

**Ms Moore:**

That is one of the functions that have not been formally transferred to us as yet.

**Mrs D Kelly:**

I appreciate that.

**Ms Moore:**

The intention is to pick up on the work that has been done under the chairmanship of Sir George Bain and to look at that widely, with regard to the complaints procedures, and so on. We will be looking at it widely and afresh.

**Mrs D Kelly:**

Will it go out to public consultation?

**Ms Moore:**

Yes.

**Mr McCartney:**

I have two questions. The part of the submission that refers to justice development division refers to a process to address avoidable delays in the criminal justice system. I know that the Policing Board is doing some work on that. However, there seems to be a sense that, in some cases, when the PSNI forwards cases to the Public Prosecution Service (PPS), the percentage of cases that comes back is too high, because they have not met the threshold for prosecution. The PSNI's complaint is that it presents its case but, when the case comes back, the threshold for prosecution has not been met. Is there any intention of working with both organisations to ensure that the cases could, perhaps, be staged along the way? That would increase the chances of the threshold being achieved. Is any work being carried out in the process about avoidable delays? Such actions often lead to delays. It goes back and then it has to go back again.

My second question is about the justice services division. Is the budget for arm's-length bodies within the gift of the Department? Are the recruitment procedures for the parole commissioners and independent monitoring boards a responsibility of the Department?

**Ms Moore:**

I will address your question about delay, and Brian will pick up on your question about arm's-length bodies. Not only is there an intention that there should be working together on that issue, there is working together. As I said earlier, the criminal justice system is quite complex. One key issue arises where there are interfaces between different organisations. In trying to get good targets to show an improvement in the speed of the process, we have to be careful that we do not introduce unintended consequences that might impact further down the track or impact on the

quality.

There is a big focus on the work stream for case preparation, to which I referred, that is being chaired jointly by the PPS and the PSNI. It is one of the four work streams that the Criminal Justice Board is leading on. To ensure that good material goes through and does not have to be bounced back, which will make life easier for everyone, the focus is on getting that particular work stream right first time. However, you are quite right: it will work only with good co-operation between all the organisations. I am pleased to say that we have that co-operation and commitment. Nevertheless, it is a big issue for us, and we are not able to present as strong a position as I would like to the Committee.

**Mr McCartney:**

I do not want to bring things down to percentages, but is there a monitoring procedure to look at the broad themes of why cases are not presented to the PPS's required standard?

**Ms Moore:**

I am not sure about details of the findings of that particular work strand but, in recognition of the fact that having to send files back for more information is a factor, those who are working on it are certainly looking at underlying causes. We were very unhappy with developments in trying to tackle delays and with monitoring against targets for the time taken to go to trial in the various court layers; therefore, in December 2009, we set up a new approach that puts the Criminal Justice Board in the driving seat to take the matter forward. The board will report directly to Ministers. We expect the first formal feedback from the four working groups to be submitted to the Criminal Justice Board in a couple of weeks, after which we will report to the Minister. We are conscious that the matter must be driven, and driven well.

**Mr Grzymek:**

In effect, arm's-length body budgets are part of departmental budgets, and current budgets are covered by the comprehensive spending review. New pressures are coming along, so, for bodies that want to increase their expenditure, we will bid for moneys on their behalf, or even look to see whether there is any room within our directorate's budget. Clearly, we will have to prioritise our expenditure in line with the pressures that we face.

We are responsible for recruiting all the board members for our arm's-length bodies. In

addition, for example, we recruited the Prisoner Ombudsman. Most of those bodies are covered by the Office of the Commissioner for Public Appointments for Northern Ireland (OCPA), and we follow its guidelines. Where a body, due to its nature, is not covered, we act as if it were covered in so far as, when possible, we operate within exactly the same guidelines. When it comes to recruitment and making appointments, we consider the OCPA guidelines to be best practice, and we follow them.

**Mr Bell:**

Thank you for the presentation. It was useful. With respect to the consultation on the proposal to change the law on sex offenders from jurisdictions outside the UK who come to Northern Ireland, how big is the risk of such circumstances occurring? Have you assessed that risk? I am referring to jurisdictions that do not benefit, like we do, from having a sex offenders register. Do we have any idea how many criminals who have been responsible for sexual offences, particularly against children, reside in Northern Ireland? In addition, where are we at with the consultation? When will it conclude, and what is the timeline for introducing a Bill?

**Ms Moore:**

I will have to write to you with details of the scale of the problem.

Obviously, the process goes two ways. We are equally concerned when sex offenders from Northern Ireland go elsewhere, and this is an aspect in which we are particularly vulnerable because we have a land border. In addition to the consultation, we have been looking at particular aspects of this under the auspices of the intergovernmental agreement that we have with the Republic of Ireland. In the light of a couple of cases, we have set up a new sexual offender action group to see what can be done to strengthen the position. One of the problems is that what we do in this respect has to be taken forward within the ambit of European law. There is more pressure on us because we have a land border, but we cannot deal with the problem in a way that is different to how we deal with other member states. We look to practical aspects of co-operation to help us with that.

The wider consultation is due to finish in mid-May, and we will see what scope there is to introduce provisions into the criminal justice Bill.



**Mr Bell:**

That is excellent.

I have had 21 years of working with the victims of child abuse with social services. A research paper that I read from the New Orleans Institute on Psychiatric Services, said that, on average, a paedophile will abuse up to 75 times. Time is of the essence. It is crucial that we track this down. Often, paedophiles will travel to escape the restraints and restrictions that they are under in their home jurisdictions. That is vitally important.

Another issue that has been handed across to you is the civil justice division, which is not yet set up. That is the fourth leg of the stool to come across. One of the issues in that is pleural plaques, which affects those who have asbestosis and those who have inhaled asbestos during the course of their work. Is that correct?

**Ms Moore:**

It is not limited to those who suffer from asbestosis.

**Mr Bell:**

Asbestosis is a part of it, though?

**Mr Johnston:**

Pleural plaques is a change that happens in the lungs that is not harmful of itself but causes a physical change in the body. That is my understanding of it. There have been questions as to whether people can seek insurance or compensation for a change that does not actually cause harm but makes a difference.

**Mr Bell:**

Where are we at with that? A number of people in Strangford have contacted me about it. This has been going on for years, and there is a perception abroad that, because many of those people are retired, little is being done. Let me put it bluntly: by the time this is resolved, most of those people will have died. Many have now died awaiting justice. One particular gentleman called regularly at my office in North Street in Newtownards, to ask for updates on this. The issue seems to have been moved around Departments and has now come to the civil justice division.

Can you ensure that this becomes a priority? This is not about putting officials on the spot but getting a result for people. That particular gentleman is in his 70s and for him, time is of the essence. If he is to get any benefit from this, the earlier this is settled, the better.

**Ms Moore:**

We can certainly take that forward. The position across the UK is mixed following a House of Lords ruling in 2007 that said that plural plaques should not constitute damage for the purpose of the law of negligence. Scotland then rejected that position, and we need to take it forward quickly. As soon as the functions are transferred, we will discuss it with the Minister.

**Mr Bell:**

When do you expect those functions to be transferred?

**Ms Moore:**

I expect them to be transferred by the end of May, if all goes well. Transfer of the regulation function of the legal service will take longer because of the greater formality of the process that we have to go through. That is the position as I checked it earlier this morning.

**Mr Elliott:**

I want to ask a quick question on an issue that I thought would have been picked up on by someone else. How realistic or practical is the offender levy or crime tax? I must say that it sounds pretty wayward. Although it would be great if it worked, I wish you well in trying to tax or fine criminals.

**Mr Johnston:**

It has been introduced in England and Wales. It is important to bear in mind that the majority of the total number of disposals from courts at all levels, from the magistrates' courts up, are fines. Therefore, the offender levy means simply that an extra sum will be added to the fine that is collected, which makes the collection a little more straightforward. It can also be collected from the prison earnings of those who get custodial sentences. The levy is collected by deducting a certain amount from prison earnings each week.

**Mr Elliott:**

What about giving them no earnings at all and putting the money into a fund? Is there a legal obligation to give prisoners earnings?

**Mr Johnston:**

I would have to take advice on that from colleagues in the Prison Service. We will brief you more fully. I will ensure that when we come back to provide a fuller briefing, I will be in a position to answer that question.

**The Chairperson:**

We will stop there. Thank you for your presentation. We are all better informed as a result of it. We may meet again soon.

**Ms Moore:**

Indeed. Thank you very much for the opportunity.