



COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 3 OCTOBER 2013
UNIVERSITY OF ULSTER, MAGEE CAMPUS

- Present: Mr Paul Givan MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Sydney Anderson MLA
Mr Stewart Dickson MLA
Mr Tom Elliott MLA
Mr William Humphrey MLA
Mr Alban Maginness MLA
Ms Rosaleen McCorley MLA
Mr Jim Wells MLA
- In Attendance: Mrs Christine Darrah (Assembly Clerk)
Ms Roisin Donnelly (Assistant Assembly Clerk)
Mrs Julie Devlin (Clerical Supervisor)
- Apologies: Mr Seán Lynch MLA
Mr Patsy McGlone MLA

The meeting commenced at 2.00 p.m. in public session.

The Chairman welcomed Members to the meeting of the Committee for Justice in Magee College as part of the co-ordinated visit by Assembly Committees to mark Derry/Londonderry's year as the inaugural UK City of Culture.

1. Apologies

Apologies are listed above.

2. Draft minutes of the meeting held on 26 September 2013

The Committee approved the draft minutes of the meeting held on 26 September 2013.

3. Matters Arising

There were no matters arising from the previous meeting of the Committee.

4. SL1: Publicly Funded Representation in the Civil and Family Courts and Forecasting of Legal Aid Costs

Robert Crawford, Deputy Director, and Mark McGuicken and Kim Elliott, Public Legal Services Division, Department of Justice joined the meeting at 2.03 p.m.

Mr Crawford outlined the additional legal aid pressure identified in the October Monitoring Round, the reasons why the forecast in June was substantially less than the forecast in October and the implications for the legal aid reform programme.

A question and answer session followed covering issues including: the implications for the legal aid budget when new offences or changes to the system or law are introduced; confidence in the accuracy of the pressure identified in the October Monitoring Round; the accuracy level expected from the forecasting model; the timescale for implementation of the new forecasting model; the responsibilities of the Department and the Legal Services Commission on this matter; whether the new system of forecasting will make tangible improvements; whether the Legal Services Commission is 'fit for purpose' given the inaccuracy of the forecasts over a number of years; the impact of the appointment of an additional Judge on a temporary basis in relation to case disposals and why this impact on legal aid costs was not identified earlier.

Mr Crawford also outlined the Department of Justice's position on the key issues raised by the legal profession in relation to the proposed reform of legal representation in the Civil and Family Courts and the final proposals.

Mr Tom Elliott declared an interest as a member of the Northern Ireland Branch of Adoption UK.

A question and answer session followed covering issues including: clarification regarding the proposed changes to be made by way of guidance and those changes to be made by way of subordinate legislation; the difference between 'automatic' and 'appropriate' representation; whether the Department's original proposals were too restrictive; proposed representation in the High Court; the level of representation of the opposing party and what account is taken of this; whether the proposals will result in disparity of representation in some cases; the flexibility the proposals provide; the estimated savings; the provisions of counsel in divorce cases; the requirement for a whole system review of family law; the cost of civil legal aid high cost cases; how the impact and effects of the new system will be monitored; the independent appeals process; the composition of the appeals panel and whether its composition could lead to a perception of a conflict of interests.

Departmental officials agreed to provide the Committee with additional information on the number and cost of cases.

The Chairman thanked the officials for the briefing and they left the meeting.

Agreed: The Committee agreed that it was content for the Statutory Rules relating to the reform of publicly funded representation in the Civil and Family Courts to be brought forward by the Department.

3.08 p.m. Mr William Humphrey left the meeting.

3.11 p.m. Mr Sydney Anderson left the meeting.

5. Revised Draft Strategy - Reducing Offending Among Women 2013 – 2016

Brian Grzymek, Deputy Director, Reducing Offending Division, Department of Justice, Jean O'Neill, Manager, Inspire Centre, Probation Board for Northern Ireland, Yvonne Cooke, Head of Custody Healthcare/Reducing Offending, PSNI and Paul Cawkwell, Director, Offender Policy and Operations, Northern Ireland Prison Service joined the meeting at 3.11 p.m.

Mr Grzymek outlined the key elements of the revised draft strategy '*Reducing Offending Among Women*'.

A question and answer session followed covering issues including: the appropriateness of a prison sentence for some women; the social background and circumstances of female offenders; the characteristics of a step-down facility; whether the needs of female offenders are given sufficient priority; issues highlighted in the recently published CJINI Report on an announced inspection of Ash House, Hydebank Wood Women's Prison; the need for a separate female prison; the procedures for releasing indeterminate life sentence prisoners; the proportion of female foreign national prisoners; risk categories of current female prisoners; the strategy for assisting women involved in prostitution; treatment of trafficked offenders; the wider social impact of the Inspire Programme and proposals to roll it out across Northern Ireland; funding of the Inspire Programme; the success rate in preventing offending; and the reference in the strategy regarding amending legislation to reinforce the need for courts to consider a community sentence rather than a short custodial sentence which some Members had previously indicated they did not support.

The officials agreed to reflect on a number of issues raised by Members during the course of the discussion on the revised draft Strategy.

The briefing was recorded by Hansard.

The Chairman thanked the officials for the briefing and they left the meeting.

3.59 p.m. Mr Raymond McCartney left the meeting.

6. Public Service Pensions Bill

The Committee considered information provided by the Department of Justice on the impact of the Public Service Pensions Bill on the pension schemes that fall within the Department's remit or affect its employees.

Agreed: The Committee agreed to forward the information from the Department of Justice to the Committee for Finance and Personnel indicating that it had noted the position of the Minister of Justice in relation to those schemes that fall within his remit and that it will consider the related subordinate legislation in due course.

Agreed: The Committee agreed to highlight to the Committee for Finance and Personnel the issue raised by NIPSA and other Trade Unions regarding the effect of the Principal Service Pension Scheme, which falls within the remit of the Department of Finance and Personnel, on the normal pension age for prison officers and their proposed amendment to Clause 10(2).

7. Financial Provisions Bill 2013

The Committee considered information provided by the Committee for Finance and Personnel on two issues raised by the Assembly Examiner of Statutory Rules in relation to clause 3 and clause 6(2) of the Financial Provisions Bill 2013 which relate to Department of Justice delegated powers.

Agreed: The Committee agreed to write to the Committee for Finance and Personnel indicating that it is supportive of amendments being brought forward at Consideration Stage of the Bill to address the issues raised by the Examiner, and to send a copy of the letter to the Minister of Justice for information.

8. Correspondence

4.02 p.m. Mr Raymond McCartney joined the meeting.

- i. The Committee noted correspondence from the Department of Justice advising of the intention of the Minister of Justice to make a statement to the Assembly on 22 October 2013 on the Owers Report on Prison Reform.
- ii. The Committee considered correspondence from the Northern Ireland Policing Board indicating that it would not be in a position to submit its views on the Attorney General's proposal to add the PSNI to the list of organisations to whom guidance on human rights standards is issued under Section 8 of the Justice (Northern Ireland) Act 2004, until after the meeting of the Performance Committee on 17 October.

Agreed: The Committee agreed to schedule further consideration of this matter once a response from the Northern Ireland Policing board has been received.

- iii. The Committee noted a response from Helen Grant MP, Parliamentary Under-Secretary of State for Justice on behalf of the Lord Chancellor indicating that work on the analysis of the responses to the consultation on the Review of How the Statutory

Discount Rate is set by the Ministry of Justice is ongoing and will be completed as soon as practicable.

- iv. The Committee noted an invitation from the Public Protection Arrangements Northern Ireland to the launch of its 2012-13 Annual Report on 17 October 2013.

Agreed: The Committee agreed that Members should advise the Clerk if they wished to attend the launch.

- v. The Committee noted correspondence from VOYPIC providing a copy of the report of the findings from its CASI and experiences of children and young people in care.
- vi. The Committee noted a summary of progress on the delivery of Department of Justice capital projects detailed in the ISNI Delivery Tracking System.
- vii. The Committee noted the Criminal Justice Inspection NI Reports on an announced inspection of Hydebank Wood Young Offenders' Centre and Ash House Women's prison that were published on 1 October 2013.

Agreed: The Committee agreed that any issues arising from the reports could be raised with NI Prison Service officials when they attend the Committee meeting on 17 October 2013.

9. Chairman's Business

- i. The Chairman advised Members that the implementation of fully electronic committee meeting packs will take place over the next two meetings of the Committee for Justice and the Clerk will discuss requirements with each Member.
- ii. The Chairman advised Members that the final programme for the Committee visit to Strasbourg and Luxembourg would be available for next week's meeting. Meetings were being organised with the Northern Ireland's MEPs and other elements of the programme may be of interest to them. The Attorney General had also expressed an interest in the Committee's visit to the European Court of Human Rights.

Agreed: The Committee agreed to provide copies of the Committee's finalised programme to the MEPs and the Attorney General for Northern Ireland.

The Committee agreed to consider a third item of Chairman's Business in closed session at the end of the meeting.

10. Any Other Business

None.

11. Date, Time and Place of next meeting

The next meeting will take place on Thursday 10 October 2013 at 2.00 p.m. in Room 30 Parliament Buildings.

The Committee moved into closed session at 4.07 p.m.

12. Chairman's Business (continued)

- iii. The Committee discussed correspondence from an individual regarding the Northern Ireland Judicial Appointments Commission.

Agreed: The Committee agreed to invite the individual to a meeting of the Committee to discuss the matter.

Agreed: The Committee agreed to commission a background research paper on the judicial appointments process.

The meeting was adjourned at 4.31 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice

10 October 2013