



COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 25 JUNE 2014
Room 21, Parliament Buildings

- 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 Seán Lynch MLA
Ms Rosaleen McCorley MLA
Mr Alban Maginness MLA
Mr Jim Wells MLA
- In Attendance: Mrs Christine Darragh (Assembly Clerk)
Ms Marie Austin (Assistant Assembly Clerk)
Miss Leanne Johnston (Clerical Supervisor)
Miss Marianne Doherty (Clerical Officer)
- Apologies: Mr Patsy McGlone MLA

The meeting commenced at 2.08 p.m. in public session.

1. Apologies

As above.

2. Draft minutes of the meeting held on 18 June 2014

The Committee approved the draft minutes of the meeting held on 18 June 2014.

3. Matters Arising

The Committee noted that the written briefing paper on the draft consultation on the Joint Health Care and Criminal Justice Strategy, which had been scheduled for the meeting on 2 July, had been deferred until after summer recess.

4. Prison Review Oversight Group Second Annual Report, March 2014 - Briefing by the Independent Members of the Oversight Group

Brendan McGuigan and Patricia Gordon, Independent Members of the Prison Review Oversight Group, joined the meeting at 2.09 p.m.

2.09 p.m. Mr William Humphrey joined the meeting.

The Independent Members briefly outlined the findings of the Prison Review Oversight Group's second Annual Report covering March 2013 to March 2014.

A detailed question and answer session followed covering issues including: how the Group plans to ensure progress on the recommendation regarding the introduction Statutory Time Limits and whether the Department's proposals fall short of the CJI recommendations;

2.13 p.m. Ms Rosaleen McCorley joined the meeting.

whether sufficient progress has been made in relation to the implementation of the Prison Review Team recommendations; whether the Reform Programme will be fully delivered within the agreed timescales; the challenges facing the Prison Service; the key challenges to be progressed over the next twelve months; the morale of prison staff; the relationship between senior management and the Prison Officers' Association and the Prison Governors' Association; the reasons for the delay in the development of facilities for women prisoners; the medium term priorities to improve facilities for women prisoners; the reasons for the higher levels of mental health issues amongst prisoners; progress to address the mental health issues of prisoners; whether prison is the most appropriate place for prisoners with mental health issues; the difficulties in providing a stable health care regime in prisons; the value in developing and promoting career paths for healthcare workers within a prison regime; whether the issues associated with the new prison operating model have been resolved; whether industrial relationships have improved; the level of lock-ups for prisoners and the impact this has on the delivery of education and activities; the ways in which prisoners could be encouraged to participate in education and work activities; the progress that has been made to address the needs of young prisoners; the different views of the Oversight Group and Prison Service Senior Management on the progress achieved in relation to reforms;

2.45 p.m. Mr Jim Wells joined the meeting.

staffing difficulties in Hydebank Wood and the impact on prisoners' access to activities; the extent of the drugs problem in prisons; what progress has been made regarding the delivery of learning and skills development; the need to progress the estate strategy and the Magilligan and YOC building plans; whether the action plan to implement the recommendations is clear and identifies who has lead responsibility; and staff moral in Maghaberry and its impact on the implementation of the recommendations.

The briefing was recorded by Hansard.

The Chairman thanked the Independent Members for their attendance and they left the meeting.

5. Legal Aid Reform - Civil Legal Aid Remuneration in Civil and Family Courts – Interim Post Consultation Report

Mark McGuckin, Deputy Director, Public Legal Services Division, Angela Ritchie and Maureen Erne, Public Legal Services Division, Department of Justice joined the meeting at 3.10 p.m.

The Committee noted correspondence from the Family Law Solicitors' Association setting out its opposition to the Department of Justice's proposals.

Mark McGuckin outlined the results of the consultation on proposals to change Civil Legal Aid Remuneration in Civil and Family Courts and the further work to be undertaken to develop revised proposals.

A detailed question and answer session followed covering issues including: the level and timing of engagement with stakeholders; whether the intention is still to introduce standardised fees for most civil legal aid cases; whether a resolution on changes to civil legal aid remuneration can be reached with the professions and the likely timescale;

3.25 p.m. Mr Seán Lynch left the meeting.

the challenges relating to the introduction of standard fees in family cases; whether legal aid reform is solely a budget driven exercise; the cost of mediation services; the types of professionals who can deliver mediation services; when the Queen's University Belfast research paper commissioned by the Department into the legal needs of children and young people would be published; whether an Equality Impact assessment would be carried out on any new proposals; the amount by which the legal aid bill needs to be reduced; the unintended costs resulting from cases where people are underrepresented;; who is responsible for determining the complexity of the case and the level of representation; the safeguards in place in relation to decisions on representation; the possible impact of the proposals on children; whether there are solicitors who only deal with family cases; fees for expert witnesses; the cost of legal aid cases in Northern Ireland compared to other jurisdictions including England and Wales and other parts of Europe; and whether the current fees had been increased since 1996.

The briefing was recorded by Hansard.

The Chairman thanked the officials for their attendance and they left the meeting.

The Committee noted the results of the consultation on proposed changes to Civil Legal Aid Remuneration in Civil and Family Courts and the further work to be undertaken by the Department of Justice to develop revised proposals.

6. Consultation on Further Proposals to Tackle Fine Default in Northern Ireland - Summary of Responses and Proposed Way Forward

Gareth Johnston, Deputy Director, Criminal Justice Policy and Legislation Division, Tom Haire, Head of Criminal Law Branch, Pamela Reid, Programme Manager and Fiona Marshall, Criminal Law Branch, Criminal Justice Policy and Legislation Division, Department of Justice joined the meeting at 4.05 p.m.

Gareth Johnston outlined the results of the Department of Justice's consultation on further proposals to tackle fine default in Northern Ireland and the proposed way forward.

A question and answer session followed covering issues including: the extent of unpaid fines in Northern Ireland; the rationale for the additional proposals to tackle fine default; whether money could be taken from Social Security benefits or salaries; the reasons why the Department has less powers than private companies to recover monies owed in fines; the extent of the proposal to access bank accounts to recover money owed; the reasons why the proposal to remove remission from periods of fine default imprisonment is being implemented at this stage rather than earlier;

4.29 p.m. Mr Jim Wells left the meeting.

the value of supervised activity as a deterrent; whether there is an adequate supply of supervised activity; the various activities provided; the costs associated with the provision of supervised activity; how the power to seize vehicles will operate; the safeguards in place regarding deducting money from benefits to protect children and other dependents; whether alleged challenge could be mounted against removing money from bank accounts; the profile of those people who do not pay their fines; whether Disability Living Allowance is excluded from the proposals; and whether people who default on fine payments are blacklisted for debt.

The briefing was recorded by Hansard.

The Chairman thanked the officials for their attendance and they left the meeting.

The Committee noted the results of the consultation on the further proposals to tackle fine default in Northern Ireland and the Minister of Justice's intention to include provision to make the changes in the forthcoming Fines and Enforcement Bill.

7. SR 2014/163 The Police Rehabilitation and Retraining Trust Regulations (Northern Ireland) 2014

The Committee considered a proposal by the Department of Justice to make a Statutory Rule under powers conferred by section 11 of the Financial Provisions Act (Northern Ireland) 2014 to provide for the constitution, functions, procedures and financing of the Police Rehabilitation and Retraining Trust.

Agreed: The Committee for Justice considered Statutory Rule 2014/163: The Police Rehabilitation and Retraining Trust Regulations (Northern Ireland) 2014 and agreed that it was content with the Rule.

8. Legal Aid Reform - Draft Consultation Document on the Introduction of a Statutory Registration Scheme for all Providers of Publicly Funded Legal Services in Northern Ireland

The Committee considered a draft consultation document provided by the Department of Justice on its policy proposals for the establishment of a Statutory Registration Scheme for all providers of publicly funded legal services in Northern Ireland.

Agreed: The Committee agreed that it was content for the consultation on the Introduction of a Statutory Registration Scheme for all Providers of Publicly Funded Legal Services in Northern Ireland to take place and to consider the matter further when the results of the consultation are available.

9. **Courts Rules Handling Arrangements – Update on Northern Ireland (Miscellaneous Provisions) Act 2014**

The Committee noted information from the Department of Justice advising that provisions for Court Rules in the Schedule to the Northern Ireland (Miscellaneous Provisions) Act 2014 came into force in May 2014. All Court Rules were now subject to the Assembly negative resolution procedure and, in future, the SL1 procedure would therefore be adopted.

10. **Proposals to Assess the Impact of the Department of Justice Legal Aid Reform Package**

The Committee considered proposals from the Chief Inspector of Criminal Justice Inspection Northern Ireland to undertake an assessment of various aspects of the Department of Justice legal aid reforms to assist its consideration of the likely impact.

Agreed: The Committee agreed that it was content with the approach and methodology outlined by CJINI.

Agreed: The Committee agreed to request further clarification on a number of aspects of the proposals.

11. **AccessNI - Revision of AccessNI Public Service Standards**

The Committee considered information provided by the Department of Justice on changes to AccessNI Public Service Standards that had been approved by the Minister of Justice.

Agreed: The Committee agreed to request information on the levels of achievement of the previous AccessNI targets.

12. **Correspondence**

- i. The Committee considered a response from the Minister of Justice regarding the concerns raised by F.A.S.T in relation to the re-emergence of Supergrass Trials.

Agreed: The Committee agreed to forward a copy of the response to F.A.S.T for information.

- ii. The Committee noted further correspondence from the Minister of Justice regarding the Committee's request for information on the practice of recording telephone calls to and from PSNI stations.
- iii. The Committee considered a response from the Department of Justice regarding the timetable for the analysis of the results of the consultation on the Mental Capacity Bill and noted that proposals for the establishment of the Ad Hoc Joint Committee would be prepared for consideration in early autumn.
- iv. The Committee noted correspondence from the Department of Justice advising that nominations for the 2014 'Justice in the Community' Awards had opened.
- v. The Committee noted correspondence from the Department of Justice advising that, following a request from the PSNI, the Minister of Justice had issued an Order to take possession of a section of land at the Invest NI site, Springfield Road, Belfast.

- vi. The Committee considered a response from the Department of Finance and Personnel regarding correspondence from a Mr J Ferris raising concerns about the conduct of solicitors.

Agreed: The Committee agreed to forward a copy of the response to Mr Ferris for information.

- vii. The Committee noted a copy of the Funds in Court in Northern Ireland Statement of Accounts for year ended 31 March 2013 which was laid in the Business Office on 13 June 2014.

- viii. The Committee noted a copy of the Court of Judicature Northern Ireland Land Purchase Account 2012/13 which was laid in the Business Office on 13 June 2014.

- ix. The Committee considered correspondence from a Mr J Gill regarding his concerns about airport security and the handling of a presumed deportee.

Agreed: The Committee agreed to forward the correspondence to Belfast International Airport Constabulary and ask that it responds directly to Mr Gill on the issues raised.

- x. The Committee considered correspondence from a Mr D Jenkins providing a copy of a judicial complaint he submitted to the Complaints Office of the Lord Chief Justice.

Agreed: The Committee agreed to advise Mr Jenkins that, as he had submitted a complaint to the Complaints Office of the Lord Chief Justice, it would not be appropriate for the Committee to consider the matter.

- xi. The Committee noted correspondence from the Minister of Justice advising of the pay settlement for prison grades for 2014.

13. Chairman's Business

None.

14. Any Other Business

None.

15. Date and Time of next meeting

The next meeting will take place on Wednesday 2 July 2014 at 2.00 p.m. in Room 21, Parliament Buildings.

The meeting was adjourned at 4.54 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice