



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 14 JANUARY 2016
Room 30, Parliament Buildings

Present: Mr Alastair Ross MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Stewart Dickson MLA
Mr Sammy Douglas MLA
Mr Paul Frew MLA
Mr Danny Kennedy MLA
Mr Seán Lynch MLA
Mr Alban Maginness MLA
Ms Bronwyn McGahan MLA
Mr Patsy McGlone MLA
Mr Edwin Poots MLA

In Attendance: Mrs Christine Darragh (Assembly Clerk)
Ms Karen Jardine (Senior Assistant Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Ms Marianne Doherty (Clerical Officer)

Apologies: None.

The meeting commenced at 2.04 p.m. in public session.

1. Apologies

As above.

2. Draft minutes of the meeting held on 7 January 2016

The Committee agreed the minutes of the meeting held on 7 January 2016.

3. Matters Arising

- i. The Chairman advised Members that, during the informal meeting with representatives from Extern and NIACRO that took place prior to the Committee meeting, a number of issues were raised regarding proposed funding cuts, the role of

both organisations in delivering services for offenders who have committed serious offences and the lack of any impact assessment if such services were to cease.

Agreed: The Committee agreed to schedule a meeting with the Minister of Justice and departmental officials to discuss the budget in general and the specific issues raised by NIACRO and Extern.

- ii. The Committee noted correspondence from the Department of Justice providing clarification of the intent of the proposed firearms amendments to the Justice No.2 Bill relating to young shooters and providing the text of revised amendments to reflect its view that the proposed repeal of the Unlawful Drilling Act 1819 should be considered in more detail and in slower time.
- iii. The Committee considered a draft itinerary for the visit to New York, the purpose of which was to gain a better understanding of how problem solving courts operate and the benefits they provide for individuals, victims and communities, as part of the work it is currently undertaking in relation to 'Justice Innovation'.

Agreed: The Committee agreed the visit programme.

The Committee agreed to consider Agenda item 13.

4. Correspondence

- i. The Committee noted a response from the Department of Justice providing information requested in relation to the NI Prison Service Visitors Centre and the ending of the contract with the Quaker Service for the provision of crèche and ancillary services.

Agreed: The Committee agreed to raise the matter with the Minister of Justice when he attends a meeting to discuss the budget and specific funding issues raised by NIACRO and Extern.

- ii. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice had signed Commencement Order SR 2015/418 (c. 36) The Justice (2015 Act) (Commencement No. 4) Order (Northern Ireland) which will bring a number of provisions of the Justice Act (Northern Ireland) 2015 into operation.
- iii. The Committee noted correspondence from the Committee for the Office of the First Minister and Deputy First Minister providing a copy of the Executive's Investment Strategy Implementation Report for April-October 2015.
- iv. The Committee noted an invitation from the Law Centre (NI) to its 2016 AGM and Policy seminar on 28 January 2016.

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

- v. The Committee noted an invitation from the Human Rights Consortium to attend an event on "The Impact of the Human Rights Act in Northern Ireland" on 26 January 2016.

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

5. Prison Issues – Oral Evidence from the Prison Officers’ Association

Mr Finlay Spratt, Chairman and Ms June Robinson, Area Secretary, Prison Officers’ Association (POA), and Mr Ivor Dunne, Chairman, HM Prison Maghaberry POA, joined the meeting at 2.10 p.m.

Mr Spratt outlined a number of issues relating to the NI Prison Service and HM Prison Maghaberry.

2.16 p.m. Mr Poots joined the meeting.

A detailed question and answer session followed covering issues including: the morale of staff in Maghaberry prison; whether the training provided to new recruits is adequate and prepares them for the realities of the job; whether decision making is delegated to appropriate levels; whether there is a ‘blame culture’ that restricts officers in making decisions; the level of staff shortages in Maghaberry prison; actions that have been taken since the publication of the CJINI Report of the Unannounced Inspection of Maghaberry Prison in May 2015; the CIJNI follow-up inspection; the current drugs situation in Maghaberry; the availability of overtime in Maghaberry since the CJINI report; sickness absence levels in Maghaberry and how the figures are being reported; how assaults are classified, what constitutes an assault and the types of incident that are not recorded as an assault; the number of discipline alarms that have been activated in Maghaberry prison in the past 3 months; the recording of drugs finds and what constitutes a recorded drugs find; how illicit drugs get into the prisons; the POA view of the CJI Report findings relating to failure of leadership and resistance to change; the impact of the current shift system on staff and the operation of Maghaberry prison; staffing levels and staff shortages; the number of times a restricted regime has operated in Maghaberry Prison in recent months; whether the POA supports reform of the NI Prison Service; why the POA had not read and officially responded to the CJINI Report of the Unannounced Inspection of Maghaberry Prison; the views of the Maghaberry POA on the CJI Report; the provision of health, welfare and counselling services to prison officers; the level of financial remuneration paid to new recruits and whether it is adequate; the level of assaults on officers and on prisoners over the past 3 months compared to previous periods; the capacity in Maghaberry to provide rehabilitative work with prisoners; the likely impact of budget cuts to Extern and NIACRO; the circumstances and handling of the fire in Erne House; the likely impact of the Voluntary Exit Scheme on officer numbers; the levels of staff supervision on the wings; the extent of staff communication with prisoners; and the impact of budget cuts to the NI Prison Service.

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

6. Prison Issues – Oral Evidence from the Prison Governors’ Association

Mr Gary Alcock, Chair, and Mr Colin Ward, Treasurer, Prison Governors’ Association NI, and Mr John Attard, National Office and NEC Members of London Prison Governors’ Association (PGA), joined the meeting at 4.10 p.m.

Mr Attard outlined a number of issues relating to the NI Prison Service and the findings of the CJINI report on an Unannounced Inspection of Maghaberry Prison in May 2015.

A detailed question and answer session followed covering issues including: the impact of the Director General’s response to the findings of the report and her assertion that the findings were the responsibility of local management; the circumstances and handling of

the fire in Erne House; whether the CJINI Report on the Unannounced Inspection of Maghaberry Prison was accurate; whether the presentation of the report had been sensationalised for the media; the PGA's view of whether Maghaberry Prison is unsafe; an independent report presented two months before the unannounced inspection which did not describe the prison in such terms; whether the PGA supports the Prison Reform Programme and the modernisation of the NI Prison Service; how the monthly reports did not reflect the findings of the CJINI Report and whether the inspectors had access to those reports; whether there was a failure of leadership in Maghaberry Prison; how the performance of the senior Governors in Maghaberry was managed and the findings of the performance reports; views expressed by Maghaberry Independent Monitoring Board regarding staff shortages in Maghaberry Prison; examples of the Deputy Governor raising staff shortages and requesting information on the timescale for the recruitment of more staff; who was responsible for the situation in Maghaberry Prison; whether there was resistance at Governor level to the Review Team recommendation for three mini prisons within Maghaberry; the nature of the relationship between senior management at Headquarters and the Governor and Deputy Governor; whether instructions from Headquarters had been ignored; the number of management posts removed from Maghaberry Prison between 2012 and the time of the unannounced inspection; whether sick absence in Maghaberry Prison was robustly managed; how budget cuts impacted on the situation in the Prison Service and Maghaberry Prison; what was covered in the briefing session with Inspectors at the conclusion of the unannounced inspection and whether the final report fully reflected all the issues covered; the status of Prison Governors and whether they are classified as civil servants; who is responsible for oversight of the delivery of the action plan in place in response to the CJI recommendations; how the problems in Maghaberry Prison can be resolved; and the overall responsibility of the Director General of the NI Prison Service.

5.33 p.m. Ms McGahan and Mr Lynch left the meeting.

5.47 p.m. Mr Poots left the meeting.

5.50 p.m. Mr McGlone left the meeting.

The PGA agreed to provide further information requested by Members.

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

Agreed: The Committee agreed to request copies of correspondence/emails from the Independent Monitoring Board to senior NIPS management regarding staff shortages at Maghaberry.

Agreed: The Committee agreed to request retrospective Hansards of the two oral evidence sessions with the POA and the PGA.

The meeting was suspended at 5.57 p.m.

The meeting resumed at 6.06 p.m.

Present: Mr Alastair Ross MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Stewart Dickson MLA
Mr Sammy Douglas MLA
Mr Paul Frew MLA
Mr Alban Maginness MLA

The Committee agreed to consider Agenda items 7 to 12.

7. Justice No.2 Bill – Consideration and Approval of Committee Report

The Committee considered the final draft report on the Justice Bill.

Title Page, Committee Membership and Powers, Table of Contents and List of Abbreviations

The Committee considered the Title page, Committee Membership and Powers, Table of Contents and List of Abbreviations.

“Question: That the Committee is content with the Title page, Committee Membership and Powers, Table of Contents and List of Abbreviations as drafted put and agreed to.”

Introduction

The Committee considered the Introduction section of the report.

“Question: That the Committee is content with the Introduction (paragraphs 1 to 24) as drafted put and agreed to.”

Consideration of the Provisions of the Bill

The Committee considered the Consideration of the Provisions of the Bill section of the report.

“Question: That the Committee is content with the Consideration of the Provisions of the Bill section of the report (paragraphs 25 to 189) as drafted put and agreed to.”

Consideration of the Other Proposed Provisions for Inclusion in the Bill

The Committee considered the Other Proposed Provisions for Inclusion in the Bill section of the report.

“Question: That the Committee is content with the Consideration of the other proposed Provisions for Inclusion in the Bill section of the report (paragraphs 190 to 257 as drafted put and agreed to.”

Clause by Clause Consideration of the Bill

The Committee considered the Clause by Clause Consideration of the Bill section of the report.

“Question: That the Committee is content with the Clause by Clause Consideration of the Bill section of the report (paragraphs 258 to 332) as drafted put and agreed to.”

Appendices

The Committee considered the Appendices section of the report.

“Question: That the Committee is content that the Appendices be included in the report put and agreed to.”

Executive Summary

The Committee considered the Executive Summary of the report.

“Question: That the Committee is content with the Executive Summary as drafted put and agreed to.”

Agreed: The Committee agreed that it was content for the Chairman to approve an extract of the Minutes of Proceedings from today’s meeting that covers the consideration and approval of the Committee report. This will be published in the report and then replaced by the full Minutes of Proceedings of the meeting once they have been agreed by the Committee.

Agreed: The Committee agreed that it was content for the Report on the Justice No.2 Bill to be published.

Agreed: The Committee agreed that an electronic copy of the Bill report should be sent to all organisations and individuals who provided evidence to the Committee on the Bill.

6.12 p.m. Mr Kennedy joined the meeting.

8. SR 2015/405 The Firearms (Variation of Fees) Order (Northern Ireland) 2015

The Committee considered Statutory Rule SR 2015/405 The Firearms (Variation of Fees) Order (Northern Ireland) 2015 which will amend the firearms licensing fees set out in Schedule 6 of the Firearms (Northern Ireland) Order 2004.

Agreed: The Committee considered Statutory Rule 2015/405 The Firearms (Variation of Fees) Order (Northern Ireland) 2015 and had no objection to the Rule.

9. SR 2015/415 The Rules of the Court of Judicature (Northern Ireland) (Amendment No.3) 2015

The Committee considered Statutory Rule SR 2015/415 The Rules of the Court of Judicature (Northern Ireland) (Amendment No.3) 2015 which will enable the High Court to order the making of interim payments in personal injury cases involving two or more defendants.

Agreed: The Committee considered Statutory Rule 2015/415 The Rules of the Court of Judicature (Northern Ireland) (Amendment No.3) 2015 and had no objection to the Rule.

10. SR 2015/419 The Police Service of Northern Ireland (Amendment) Regulations 2015

The Committee considered Statutory Rule SR 2015/419 The Police Service of Northern Ireland (Amendment) Regulations 2015 which will amend the PSNI Regulations 2005 to increase from 26 to 52 the number of weeks to be reckoned for pay, pension and leave purposes while on maternity leave.

Agreed: The Committee considered Statutory Rule 2015/419 The Police Service of Northern Ireland (Amendment) Regulations 2015 and had no objection to the Rule.

11. Review of Certain Provisions in Mental Health Review Tribunal Rules – Results of the Consultation and Proposed Way Forward

The Committee considered information provided by the Department of Justice on the results of a targeted consultation on certain provisions in the Mental Health Review Tribunal (Northern Ireland) Rules 1986 and noted the intention of the Department to amend the Rules to give the Tribunal the discretion to abridge time limits for all proceedings.

12. Committee for Justice EU Priorities for 2016 and Report on EU Work Undertaken in 2015

The Committee considered a draft report setting out its EU priorities for 2016 and the work it had undertaken on its 2015 European Priorities.

Agreed: The Committee agreed the report setting out its EU priorities for 2016 and the work it had undertaken on its 2015 European Priorities as drafted.

The Chairman advised the Committee that the Report would be sent to the Committee for the Office of the First Minister and Deputy First Minister for inclusion in its report and to the Department of Justice for information. It would also inform the Committee's legacy report for the 2011-16 mandate.

13. CJINI Second Report on the Monitoring of the Implementation of the Youth Justice Reviews – Oral Evidence from Include Youth and the Children's Law Centre

Ms Paddy Kelly, Director, and Mr John Patrick Clayton, Policy Officer, Children's Law Centre, and Mr Paddy Mooney, Director, and Ms Paula Rodgers, Justice Policy Co-ordinator, Include Youth joined the meeting at 6.18 p.m.

Ms Kelly and Mr Mooney outlined a range of issues and concerns regarding the implementation of the Youth Justice Review recommendations.

A question and answer session followed covering issues including: who should have responsibility for overseeing youth justice given the issues raised regarding oversight by the Director General of the NI Prison Service; whether the Youth Justice Review recommendations are not being implemented either at all or in the intended spirit of a child centred ethos; concerns regarding the lack of legal representation at Youth Engagement Clinics (YECs) and the reasons for this; the consequences of not having legal representation at a YEC; the implications of accepting diversionary disposals; whether responsibility for Youth Justice should move from the Department of Justice to the Department of Education or the Department of Health; the impact of the reduction of teaching staff and education hours in the Juvenile Justice Centre; the need to ensure appropriate funding for education provision in the Juvenile Justice Centre following the transfer of responsibility to ESA in May and ring-fencing education resources for the Juvenile Justice Centre; the over representation of 'looked after' children in the youth justice system; the lack of alternative accommodation for 'looked after' children who have been granted bail; staff turnover, sickness levels and morale issues in the Juvenile Justice Centre; the need to protect the child centred ethos of the Juvenile Justice Centre; whether the current scoping study is really a Review of the Youth Justice Review; the

number of staff who have left the Youth Justice Agency including through the Voluntary Exit Scheme and the impact of this; the impact of the criminal record regime on under 18s; and what needs to be put in place to implement a new Statutory Time Limit (STL) scheme as recommended in the Youth Justice Review.

6.41 p.m. Mr Maginness left the meeting.

6.46 p.m. Mr Douglas left the meeting.

7.04 p.m. Mr Dickson left the meeting.

The Chairman thanked the representatives from the Children's Law Centre and Include Youth for their attendance and they left the meeting.

Agreed: The Committee agreed to write to the Minister of Justice regarding the need to ring-fence and transfer the current funding for education provision in the Juvenile Justice Centre when it moves to the ESA.

Agreed: The Committee agreed to request information regarding the profile of the staff that have left the Youth Justice Agency since 1 January 2015 including under the Voluntary Exit Scheme.

14. Chairman's Business

None.

15. Any Other Business

None.

16. Date and Time of next meeting

The next Committee meeting will take place on Thursday 28 January 2016 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 7.11 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice