



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 25 FEBRUARY 2016
Room 30, Parliament Buildings

Present: Mr Alastair Ross MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Alex Attwood 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 Edwin Poots MLA

In Attendance: Mrs Christine Darrah (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: Mr Stewart Dickson MLA

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

1. Apologies

As above.

2. Draft minutes of the meetings held on 15 February 2016 and 18 February 2016

The Committee agreed the minutes of the meetings held on 15 February 2016 and 18 February 2016.

3. Matters Arising

- i. The Committee noted a copy of the Supreme Court Judgement of 18 February 2016 on the 'joint enterprise' law and the Chairman advised that further information on the ruling and its likely implications had been requested.

2.10 p.m. Mr Paul Frew joined the meeting.

- ii. The Committee noted information on, and the text of, a number of amendments the Department of Justice intended bringing forward at Further Consideration Stage of the Justice No. 2 Bill which was scheduled to take place on Tuesday 1 March 2016.
- iii. The Committee noted that the written briefing paper on a proposed consultation on the Joint Healthcare and Justice draft Strategy and Action Plan scheduled for consideration at the meeting on 3 March had been postponed.

4. PSNI Budget and Funding Issues

Chief Constable George Hamilton, Deputy Chief Constable Drew Harris, and Mr Mark McNaughten, Temporary Director of Human Resources, Finance and Support Services, PSNI, joined the meeting at 2.11 p.m.

The Chief Constable outlined the position in relation to the PSNI budget and funding issues.

2.41 p.m. Mr Edwin Poots joined the meeting.

A detailed question and answer session followed covering issues including: the changing landscape of crime; emerging crime types; resource implications in relation to cyber-crime; methods of recording crime; quantifying the level of online crime; opportunities to work collaboratively with other Government departments in relation to shared services; tackling rural crime; the likely impact of budget reductions on the ability to tackle rural crime; examples of collaborative working arrangements to address rural crime; resource implications relating to legacy investigations and inquests; the cost of PSNI legal challenges in relation to legacy issues; future funding of legacy investigations and inquests and who should provide the funding; addressing the concerns of the families of the victims of legacy cases; the impact of proposed police station closures on public confidence and the wider management of the police estate; what police stations are earmarked for closure; the likely impact of closures in rural areas; the level of police resources dedicated to tackling human trafficking; the threat of human trafficking; the anticipated impact of future budget cuts; PSNI recruitment plans for the future; the requirement for a problem solving approach to the flags issue; how the Justice Committee can support the PSNI; PSNI views on problem solving justice models such as drugs courts; examples of collegiate agency approaches to tackling crime; the operation of the 'concern hub' pilot; the overlap between health and social care and policing responsibilities; how policing with the community works in practice; examples of engaging with the community; the importance of policing with the community in relation to crime prevention; why further resources to that set out in the Stormont House Agreement are needed for operation Kenova; the additional funding provided under the Stormont House Agreement for security and what it can be used for; the operation of neighbourhood and local policing teams; avoidable delays in the criminal justice system and who has responsibility for the progression of cases between the PSNI and PPS; whether the PSNI reviews the potential impact on other parts of the criminal justice system of any proposed funding reductions; and possible implications if the UK was to leave the EU.

The briefing was recorded by Hansard.

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

5. Oral Evidence from Criminal Justice Inspection Northern Ireland on its Overview Report of the Follow-Up Inspection of Maghaberry Prison in January 2016

Mr Brendan McGuigan, Chief Inspector and Dr Ian Cameron, Inspector, Criminal Justice Inspection Northern Ireland, joined the meeting at 3.43 p.m.

Mr McGuigan outlined the key findings of CJINI's Overview Report of the Follow-Up Inspection of Maghaberry Prison in January 2016.

3.52 p.m. Mr Alban Maginness joined the meeting.

A detailed question and answer session followed covering issues including: the meaning of the term 'progress is fragile'; how to ensure the momentum for change continues; whether the progress expected by the Chief Inspector had been made since the CJINI inspection in May 2015; whether the follow-up report is an accurate reflection of the prison given that it was an announced inspection; how the inspection was conducted; detail on the planned engagement between CJINI and NIPS over the next 18 months to ensure the recommendations in the November report are delivered; the areas in which there has been a deterioration in provision since the May 2015 inspection and the reasons for this; whether the new procedures would increase risks to staff if the prison was operating below the target complement of officers; ongoing concerns from prison officers that there are not enough staff on the landings; the relationship between prison officers and prisoners and how this can be improved; whether there has been any change in staff morale; whether the downward spiral identified in the last inspection has been halted; whether the prison had stabilised and was safer for prisoners and prison officers; the impact of the introduction of the core day; the challenge of engaging disaffected prisoners; the deterioration of mental health provision in Maghaberry since the inspection in May 2015; difficulties in retaining healthcare staff; the requirement for a cultural change within the prison; the existence of paramilitary type structures within the prison and the impact this has; why CJINI recommended an independent investigation of the fire in Erne House; whether there is a resistance to the Prison Reform Programme in Maghaberry; whether the current progress could be derailed if the momentum for change does not continue; whether there is resistance to the three mini prison model recommended in the Owers report; the requirement for investment in the prison estate; the disparity in outcomes for different categories of prisoners; the increase in drug misuse in Maghaberry since the inspection in May 2015; the results of the prisoner survey conducted in the January 2016 inspection; whether the additional staffing resources provided after the inspection in May 2015 would have assisted the previous Governors in managing the prison; current staff sick absence levels; levels of attacks on prison officers at the time of the January inspection; who had responsibility for managing staff absence levels; who had responsibility for recruitment of prison officers; whether the inspection reports have identified precisely what is wrong in the prison; whether new officers are adequately remunerated; how the cultural issues within Maghaberry can be addressed; how mental health provision is expected to improve in the next six months; and the provision of education facilities and the need to make improvements.

4.45 p.m. Mr Paul Frew left the meeting.

4.55 p.m. Mr Alban Maginness left the meeting.

The briefing was recorded by Hansard.

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

6. Oral Evidence from the NI Prison Service on Issues Relating to Maghaberry Prison including the Erne House Fire Report and the CJINI Summary Report of the Follow-Up Inspection in January 2016

Ms Sue McAllister, Director General, Mr Stephen Davis, Director of Policy and Service Delivery, Mr Brian McCaughey, Director of Rehabilitation and Mr Phil Wragg, Director of Operations and Governor of HMP Maghaberry, NI Prison Service, joined the meeting at 5.12 p.m.

Ms McAllister briefly outlined the Prison Service response to the Summary Report on the fire at Erne House and CJINI's Overview Report of the Follow-Up Inspection of Maghaberry Prison in January 2016.

5.15 p.m. Ms Bronwyn McGahan left the meeting.

A detailed question and answer session followed covering issues including: why the Director General had initially resisted an independent inquiry into the Erne House Fire; whether there were efforts by NIPS senior management to play down the incident; whether the inquiry was independent; criticism by the PGA regarding the narrow focus of the inquiry into the fire; whether it would have been helpful to look at the events leading up to the incident and not just on the management of the incident on the day; whether ongoing tensions in the prison contributed to the incident and whether this should have been reflected in the report; the impact of the ongoing regime restrictions at the time; the process of escalating decision making during an incident; during an incident; whether the incident at Erne House should have been escalated to Gold command; the impact of the blame culture on local managers' confidence to make decisions; what caused the difficulties with email communications on the day of the incident; whether there is a template intervention action plan; the role of Gold Command; the contact between Silver and Gold Command; whether the CJINI report of the inspection in January 2016 is a fair reflection of the current position in Maghaberry; addressing the mental healthcare issues identified by CJINI; support provided to prison officers suffering stress; why the Committee was provided with a synopsis of the Erne House fire report instead of the full report; whether there are ongoing civil proceedings from prisoners in relation to the fire in Erne House; when the issues in Maghaberry would have been identified and detected if the CJINI inspection had not taken place in May 2015; whether the handling of the Erne fire incident illustrated the breakdown in the relationship between local management and NIPS HQ; whether Anne Owers would be invited back to look at Maghaberry; the communications difficulties identified in the report on the Erne House fire; evidence of poor decision making in relation to the management of the incident at Erne House; when Gold Command was advised of the intervention/surrender plan and why checks were not made earlier in relation to the availability of the plan; the requirement for incident management training for senior managers;

6.07 p.m. Mr Alex Attwood left the meeting.

an explanation of Rule 7 and when it is used; when the Minister of Justice and departmental officials would have been advised of the incident; a requirement for strategic direction from NIPS HQ in addressing the problems identified in Maghaberry;

whether many of the problems identified in Maghaberry were as a result of staff shortages; whether the previous Governor was not provided with the necessary staff resources; the responsibilities of the Director General; the reason for the delay in the implementation of the recruitment process; previous evidence from the Prison Service to the Committee in relation to recruitment; current sickness levels in Maghaberry; how many officers on long-term sickness have been released on medical retirement; the issuing of formal warnings to officers on sick leave; the duty of care to prison officers on sick leave; the current reduction in the number of prisoners in Maghaberry; when newly recruited officers will be available for duty; analysis of future staffing requirements; reasons for newly recruited staff leaving the service; and how the culture in Maghaberry had changed over the last six months.

The NIPS officials agreed to provide further information on a number of the items discussed.

The briefing was recorded by Hansard.

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

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

7. Draft SR The Civil Legal Services (Scope) Regulations (Northern Ireland) 2016

The Committee considered Draft Statutory Rule The Civil Legal Services (Scope) Regulations (Northern Ireland) 2016 which will amend Schedule 2 of the Access to Justice (Northern Ireland) Order 2003 to replicate the position in Northern Ireland prior to 1 April 2015 and bring certain proceedings that are currently not covered back under the scope of civil legal services.

Agreed: The Committee considered Draft Statutory Rule The Civil Legal Services (Scope) Regulations (Northern Ireland) 2016 and recommended that it be affirmed by the Assembly.

8. Draft SR The Violent Offences Prevention Order (Notification Requirements) Regulations (Northern Ireland) 2016

The Committee considered Draft Statutory Rule The Violent Offences Prevention Order (Notification Requirements) Regulations (Northern Ireland) 2016 which will prescribe further notification requirements to those already included in the Justice Act (Northern Ireland) 2015 in relation to Violent Offences Prevention Orders including requirements to notify all travel outside the United Kingdom or when travelling to the Republic of Ireland for three days or more and to notify on a weekly basis where the offender does not have a sole or main residence.

Agreed: The Committee considered Draft Statutory Rule The Violent Offences Prevention Order (Notification Requirements) Regulations (Northern Ireland) 2016 and recommended that it be affirmed by the Assembly.

9. SL1 The Magistrates' Courts (Violent Offences Prevention Orders) Rules (Northern Ireland) 2016

The Committee considered a proposal by the Department of Justice for a Statutory Rule to amend the current Magistrates' Courts Rules framework to assist the courts in

processing applications for a Violent Offences Prevention Order (VOPO). The Rules will provide four template forms to be used for the VOPO application process and will set out four specific rules for the courts in dealing with the VOPO.

Agreed: The Committee agreed that it was content with the proposed Statutory Rule.

10. Committee Consideration of Innovative Approaches in the Criminal Justice System – Draft Motion

The Committee considered the arrangements for the planned debate on the Committee's Report entitled 'Justice in the 21st Century' on the work it has undertaken in relation to justice innovation.

Agreed: The Committee agreed to table a motion on the Committee's Report for debate in Plenary.

Agreed: The Committee agreed the wording of the motion would be: "That this Assembly notes the Committee for Justice Report "Justice in the 21st Century" (NIA 313/11-16) on Innovative Approaches for the Criminal Justice System in Northern Ireland, and calls on the Minister of Justice to include commitments in the Programme for Government for the 2016-2021 Assembly mandate to take forward the recommendations in the report and in particular the introduction of pilot projects for on-line dispute resolution approaches and problem solving courts."

11. Legal Aid Reform: Review of the Use of Expert Witnesses – Results of the Consultation and Proposed Way Forward

The Committee noted information provided by the Department of Justice on the results of its consultation on a Review of the Use of Expert Witnesses appearing in the Courts in Northern Ireland and the proposed programme of work in relation to remuneration, the appointment and instruction of experts, single joint experts and a register of experts.

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

6.58 p.m. Mr Edwin Poots left the meeting.

12. Update on the Proposed Joint Department of Justice/Law Society Small Claims Court Mediation Pilot Project

The Committee noted a written update provided by the Department of Justice indicating that the Review of Civil and Family Justice announced in November 2015 and led by Lord Justice Gillen was examining the use of mediation and other forms of alternative dispute resolution, including on-line options, and the proposed joint Department and Law Society Small Claims Court Mediation pilot would therefore not go ahead. Any future pilot would be designed around the Civil and Family Justice Review recommendations.

13. Northern Ireland County Court Rules Committee Consultation on Review of Scale Costs and Recent Practice and Procedural Changes in the County Court

The Committee noted a consultation to be undertaken by the County Court Rules Committee on a Review of Scale Costs and Recent Practice and Procedural Changes in the County Court.

14. Correspondence

- i. The Committee noted an invitation to the Department of Justice and the Department of Agriculture and Rural Development launch of the publication of the final report on the Review of the Implementation of the Welfare of Animals Act (Northern Ireland) 2011.

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

- ii. The Committee noted correspondence from the Department of Justice providing a copy of a revised Code of Practice for Registered Persons and other recipients of Disclosure Information issued by AccessNI.
- iii. The Committee noted correspondence from the Department of Justice advising of the commencement of the provisions in the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act 2015 relating to Slavery and Trafficking Prevention Orders on 1 April 2016.
- iv. The Committee noted correspondence from the Committee for Employment and Learning outlining two recommendations arising from its Inquiry into Special Education Needs Provision in Education, Employment and Training for those with Learning Disabilities in Northern Ireland that were relevant to the Justice Committee.
- v. The Committee noted correspondence from the Department of Employment and Learning providing an update on the NIACRO Job Track Programme.
- vi. The Committee considered correspondence from the Department of Justice providing a response to its request for comments on the provisions within the Legislative Consent Memorandum on the Northern Ireland (Stormont Agreement and Implementation Plan) Bill relevant to justice.

Agreed: The Committee agreed to forward the Department's response to the Committee for the Office of the First Minister and Deputy First Minister for information.

15. Chairman's Business

None.

16. Any Other Business

- i. The CJINI Summary Report of the Follow-Up Inspection of Maghaberry Prison in January 2016 was discussed.

Agreed: The Committee agreed to request the timescales for the CJINI series of unannounced, low impact reviews of progress by the NI Prison Service to deliver the recommendations contained in the CJINI Report of an Unannounced Inspection of Maghaberry Prison in May 2015.

- ii. The Chairman thanked the Committee staff for their work in preparing timelines of the evidence received on key prison issues which had been very useful for Members.

17. Date and Time of next meeting

The next Committee meeting will take place on Thursday 3 March 2016 at 2.00 p.m. in the Council Chamber, Law Society House, Belfast.

The meeting was adjourned at 7.02 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice