



Northern Ireland
Assembly

COMMITTEE FOR JUSTICE

OFFICIAL REPORT (Hansard)

Programme for Government

8 December 2011

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)

Mr Raymond McCartney (Deputy Chairperson)

Mr Sydney Anderson

Mr Stewart Dickson

Mr Colum Eastwood

Mr Seán Lynch

Ms Jennifer McCann

Mr Basil McCrea

Mr Alban Maginness

Mr Peter Weir

Mr Jim Wells

Witnesses:

Mr Robert Crawford)

Ms Moira Doherty)

Mr Gareth Johnston)

Mr Peter May)

Department of Justice

The Chairperson:

I welcome Moira Doherty, deputy director of the justice delivery directorate; Peter May, director of safer communities; Gareth Johnston, deputy director of criminal justice policy and legislation division; and Robert Crawford, deputy director of the access to justice directorate. This session will be recorded by Hansard. I will hand over to Peter, and then members can ask questions.

Mr Peter May (Department of Justice):

Chairman, we are grateful for the opportunity to speak to the Committee on the Department's input to the Programme for Government. The Minister is keen that the Committee be briefed as soon as possible and that we hear the Committee's views on the Department of Justice aspects of the document.

As members will be aware, the Minister's vision for the justice system is about building a fair, just and safer society, and the delivery of that agenda is focused on three simple themes: safer shared communities; faster, fairer justice; and a reformed prisons and youth justice system. I hope that the Committee will see that these priorities and their associated work streams are reflected in our contribution to the Programme for Government.

Of the 76 commitments in the document, the DOJ has the lead on seven. Under priority 3: protecting our people, the environment and creating safer communities, there are five areas: the construction of the new police, prison and fire training college; the reduction in serious crime; tackling crime against older and vulnerable people; tackling antisocial behaviour; and improving access to justice.

Against priority 4: building a strong and shared community, there are two targets: reducing the number of peace walls and reforming and modernising the Prison Service.

You will notice that the version that was sent to you by the Department differs ever so slightly from the published draft, specifically in respect of the target for year three on Desertcreat and the language used about the prisons reform agenda. It was not possible to capture those amendments prior to publication, given the time pressures; however, we hope to include them in the final document.

As you know, the draft Programme for Government and the investment strategy are out for consultation until 22 February. OFMDFM is leading on the overall consultation, and we are interested in stakeholders' views to ensure that we have a good final product. I do not propose to go through each of our commitments in detail, as I know that you have a busy programme and no doubt there are questions that you want to ask. However, I want to make a few general points.

First, we are pleased that the justice contribution can be integrated into the Programme for

Government for the first time, having featured as an amendment last time. The document highlights the great potential for collaboration between Departments, and joined-up government can help to deliver improved outcomes for citizens and a more efficient use of resources. As I said earlier, the Minister's priorities are clearly reflected in the DOJ sections. However, the draft is the product of the whole Executive, and the First Minister described it as a combination of the wishes of all. The targets reflect key areas for delivery, even though, in some areas, it is not easy to produce easily measurable targets that are meaningful. In some cases, that is due to timing issues, for example, the access to justice commitments, where we are awaiting the outcome of the consultation on the review before we can set clearer targets. On other areas such as interfaces, we are clear that we are encouraging progress. Equally, the removal of interface structures will take place only when the community wants it.

The Justice Minister is keen to see a mechanism for targets to be adjusted downstream in light of new information or changing circumstances. He feels that that flexibility will be important to ensure that targets remain meaningful over a three-year period.

Finally, the targets for the DOJ are in areas where there is a direct impact on the public. There are plenty of important areas not covered by these targets that the Department also plans to progress in the coming three years. We are happy to take any detailed questions that members may have.

The Chairperson:

Thank you very much. I did not quite pick up on something that you said earlier. Did you say that, because of time pressures, a commitment was not included in the draft but that you hoped to have it included in the final document?

Mr May:

There was a slight adjustment to the target: for example, the target for building the police, prison and fire training college describes that commitment as 66% complete by year three. We intend to increase that to 70%. That change was in the document that was sent to the Committee. There are minor changes rather than new commitments.

The Chairperson:

However, you are open to new commitments on the back of the consultation process.

Mr May:

Of course, we are here to listen, and the Minister wants to take account of all views raised.

The Chairperson:

We are dealing with the issue of victims, and I am keen for it to be in the Programme for Government as a commitment to deal with the victims issue. It is part of our inquiry and will be part of the strategy that the Department produces. Personally, I am keen for that to be reflected in the PFG and, hopefully, it can be looked at. Delay in the justice system is a recurring theme. Could the Department include it in the final version of the Programme for Government?

The draft PFG referred to the protection of vulnerable people, particularly the elderly, and of having effective and proper sentencing. Can you elaborate on exactly what that means and how the Department intends to take it forward?

Mr Johnston:

The objective, as stated in the Programme for Government, is to:

"tackle crime against older and vulnerable people by more effective and appropriate sentences and other measures".

In the milestones and outputs, we set out two streams of work to achieve that, one of which is to work with the Lord Chief Justice on the inclusion of older people and vulnerable people more generally in the sentencing guidelines initiative — whether more should be done to make clear the standards that courts expect to be met when dealing with people who attack elders. Separately, the Department, leading on from the community safety strategy, will look at a programme of measures to reduce fear and increase confidence among older and vulnerable people.

We hope to publish the community safety strategy in the new year. It will look at issues such as community safety wardens and the further development of neighbourhood watch; practical and physical security support to reduce the fear of crime for older and vulnerable people through intergenerational projects to bring together older and young people to encourage desistance from crime; and, more generally, engagement and communication with policing and community safety partnerships to identify priorities and ensure that they are addressed. Therefore, there are two streams of work: one will focus on sentencing; the other on wider measures that we can implement under the community safety strategy.

The Chairperson:

On a technical point, the PFG talks about a 3% reduction in crime by 2014-15; however, the draft policing plan states that it is unlikely to include a specific target reduction. Will a target in the PFG be reflected in the policing plan'?

Mr May:

It may not be in the next policing plan. However, 3% was a target in the 2011-14 policing plan, and we try to mirror what is in the existing policing plan. It comes down to the balance between having measurable targets and trying to make sure that we are also strategic in nature. Therefore we will listen to any comments that are made by the Policing Board or the PSNI during the consultation process.

Mr McCartney:

With the policing plan not yet complete, are we not missing something before we state priorities?

Mr May:

We try to look at the justice priorities more broadly. Where we can, we would rather avoid setting specific targets for the PSNI because that may get in the way of the development of the policing plan. There is no perfect ordering of the documents. We have to make the best of the timings that we need to work to with the Programme for Government. However, we will try to take account of emerging views on the policing plan.

Mr McCartney:

The primacy of community policing should have featured somewhere under the heading of improved community safety, which is about tackling anti-community activity through the establishment of community safety partnerships. Perhaps there should have been a statement that one of the priorities of the Department and the PSNI would be the primacy of community policing. However, I do not see it. That is merely an observation.

Mr May:

OK

Mr McCartney:

In relation to access to justice, the draft report is, again, incomplete. We are laying out a Programme for Government on a report that is not yet complete. There is emerging evidence that England's access to justice review has come under severe strain. Observations have been made that perhaps it is not the best approach and that if we adopt some aspects of it we are committing ourselves to something that is —

Mr Robert Crawford (Department of Justice):

The final report of the access to justice review is very different from what is happening in England and Wales. The independent review team did not propose going down the road that England and Wales have gone down.

Mr McCartney:

Some aspects of it are similar.

Mr Crawford:

There are a few that are. However, dropping large areas of civil legal aid out of scope is not proposed in the access to justice review. As I have said to the Committee before, we hope that we will avoid having to go down that road and that we will find more creative ways of bringing the cost of the legal aid service within budget. It is important to make the distinction that although that is happening in England and Wales, we do not yet have any proposals published by the Department or indeed in the independent report.

Mr McCartney:

Will your review be concluded before the final publication of the Programme for Government?

Mr Crawford:

The consultation period closes on 13 December, but some organisations, including the Human Rights Commission, have asked for an extension, so it will be January before we have all the responses. We say in our Department's input to the Programme for Government that we anticipate adding more detail to the commitment under the access to justice review as we develop the implementation plan, which will be done by the summer. That can then be monitored by the Committee and the Assembly.

Mr McCartney:

Under the heading, "Reduce the level of serious crime", there are key milestones, including:

"To implement 90% of the agreed Youth Justice Review recommendations".

That gives a sense that the youth justice review is linked to reducing serious crime, but the issue is wider than that.

Mr May:

That is a fair point. Your more general point on the access to justice and youth justice reviews is that they are both out for public consultation. The Minister and the Executive took the view that, having set such a series of work off in the form of reviews of the prison system, the access to justice system, the youth justice system and the internal work on the community safety strategy, if the follow-through on those documents did not appear in this document it would look very odd, because they are central to the Minister's view of what needs to be delivered in the period ahead. However, that creates difficulties about precisely what targets can be set when we are still in the midst of a public consultation.

Mr McCartney:

It is just where it is placed. I am not saying that it should come under the heading "Tackling Antisocial Behaviour", because it is about more than that. However, under the heading of "Reduce the level of serious crime", it looks almost as if youth justice and tackling serious crime are very much one and the same objective.

Mr May:

You are right that there are some things in that heading that we should look at.

Ms J McCann:

I want to ask a question about the heading "Actively seek local agreement to reduce the number of peace walls". Although, everyone would like that to happen, it has already been debated in local councils and communities. The view was that it should be left in the hands of local people, because peace walls provide an element of safety to those who live on interfaces, whether we like it or not. Those people need to be included in any agreement. Including it in the Programme for Government almost makes it an objective: instead of local people deciding, it will be handed down by government. I have difficulty with that, given its sensitivity.

Mr May:

We are clear that the number of structures will be reduced only with local agreement. The heading tries to take that point by saying "Actively seek local agreement to reduce the number of peace walls". Our experience with the progress that has been made in Newington Street and Alexandra Park is that, not only is local engagement essential and that it is only when the local community is willing to move that progress can be made, but there is often a need for co-ordinated action across government to facilitate that movement, whether through traffic-calming measures, as in Newington Street, or measures such as street lighting. Government has a role, although it is not a question of the Government or the Executive saying how many peace walls should be reduced. That is why there is no target. It is clear that we are looking to work with communities to achieve that.

Mr Dickson:

Perhaps "supporting communities dealing with peace walls" would be more appropriate. There is also an initiation aspect: people may not have thought of what they want to do or the creative solutions that are available. Making that information available is important, and that is where there are two sides to the coin. Chairman, I support the point that you raised in relation to victims and how the programme can deal with them; specifically, whether it is appropriate for the Department to consider the development of a charter of victims' rights in respect of the criminal justice system, and, indeed, to examine whether we need to take statutory action to enshrine those rights.

Mr Lynch:

Peter, you mentioned measurable targets. If there is a debate about the pattern and incidence of crime, or about the accuracy of statistics, how can that objective be measurable in the PFG?

Mr May:

Are you talking specifically about the serious crime measures?

Mr Lynch:

Yes; serious and violent crime.

Mr May:

We are clear that, for the targets to be meaningful, there is a need for sufficient data over time to

enable us to make the measurements, and work is going on to ensure that that is possible. We will be guided by that in setting the target. It depends on the period that you look at. There has been some reduction in violent crime over a long period, but in more recent years that trend is much less noticeable. We are looking at the statistical element as part of this work.

Mr S Anderson:

I want to come back to the point that you raised about the fear of crime and the sentencing of older and vulnerable people. There is no doubt that good work has gone on in communities with the community safety partnerships and the DPP to reduce antisocial behaviour. I am a former member of the DPP and CSP in Craigavon, and I realised the good work that took place. It states in the document that there is more public confidence and that there has been a reduction in antisocial behaviour. However, there is a fear in communities. Will there be anything in the document to give police more powers in relation to people who behave antisocially in communities? For example, to give the police the power to move them on when they are causing disturbance and fear in communities?

Mr May:

There are no specific proposals in the document for additional legislation in that area. Antisocial behaviour will be one of the key themes in the community safety strategy that will be published in the new year. The view is that the powers available are not the principle issue; it is much more about how we continue the progress that has been made. There has been a 20% reduction in antisocial behaviour in recent years. There is a reduction in the number of people who report antisocial behaviour as a major problem in their areas. However, there is no increase in the percentage of people who have confidence that antisocial behaviour is being addressed appropriately and fully in their areas. That tends to be matched in the area of crime, where we have seen a consistent reduction in crime but an equally consistent rise in the fear of crime. There is something in that regard, particularly about how we communicate and give people confidence that actions are being taken. Although there is still a need to continue to bear down, we are going the right way; for example, in antisocial behaviour, as you mentioned.

Mr S Anderson:

Antisocial behaviour and the fear of crime are connected. Gangs that mill around people's homes, even if they may not be doing anything, cause great concern and fear among the elderly, especially those who live alone. They lock themselves away from the early evening to the next

day. It is very stressful. There is a connection between the two.

Mr May:

We absolutely accept that that is a big problem in communities. We need to look at the actions that can be taken locally and regionally to tackle those issues.

The Chairperson:

There are no more questions, so thank you very much.