



Northern Ireland  
Assembly

Committee for Justice

# OFFICIAL REPORT (Hansard)

BBC 'Spotlight' Programme re Máiría Cahill  
(14 October 2014):

Mr David Ford MLA, Minister of Justice

21 October 2014

# NORTHERN IRELAND ASSEMBLY

## Committee for Justice

BBC 'Spotlight' Programme re Máiría Cahill (14 October 2014):  
Mr David Ford MLA, Minister of Justice

21 October 2014

**Members present for all or part of the proceedings:**

Mr Paul Givan (Chairperson)  
Mr Raymond McCartney (Deputy Chairperson)  
Mr Stewart Dickson  
Mr Sammy Douglas  
Mr Tom Elliott  
Mr Paul Frew  
Mr Seán Lynch  
Mr Alban Maginness  
Mr Patsy McGlone  
Mr Edwin Poots

**Witnesses:**

Mr Ford	Minister of Justice
Ms Karen Pearson	Department of Justice

**The Chairperson (Mr Givan):** Minister, you are welcome. Apologies for starting the meeting without you; I understood that you were at the door. However, that was obviously not the case.

**Mr Ford (The Minister of Justice):** I think that I was at the door of the Building rather than the door of the room.

**The Chairperson (Mr Givan):** OK. The meeting is on the back of the BBC 'Spotlight' programme that was broadcast on 14 October. The Committee sought this meeting, and I appreciate your facilitating the Committee's request to come today at short notice.

We are joined also by Karen Pearson, your deputy director in the criminal justice policy and legislation division in the Department. Normal procedures will apply: the meeting will be broadcast, covered by Hansard and a transcript will be published in due course.

Minister, I hand over to you. The Committee is interested to know how you intend to deal with the allegations that have been made.

**Mr Ford:** Thank you, Chair, for the invitation to come to the Committee to discuss the recent 'Spotlight' programme, specifically the allegations made by Máiría Cahill of sexual abuse and rape over a prolonged period that began when she was just 16 years old. That was all compounded by what amounted to a kangaroo court and threats if she spoke to anyone, including the police, about her ordeal.

I commend Ms Cahill for her bravery in coming forward. It is an understatement to say that it will not be an easy time for her. Her story is harrowing, and I want to deal with the questions raised with the sensitivity that they deserve. The allegations in the case are particularly abhorrent, in that they relate to a young woman against a background of threat and enforced silence. It is also worrying that Ms Cahill has said that she has been contacted by others with similar stories. I urge those people to come forward to the police or to others who can help, ideally to secure prosecutions.

Many allegations have also been made about how Ms Cahill's case was handled when, after some time, she found the strength to report the matter to the PSNI and about her subsequent engagement with the criminal justice system. These allegations include delay, inaction, insensitivity and political interference.

As in all such cases, it is important to establish the facts as far as possible, and I appreciate that this Committee session is part of that process. It is also important to note and acknowledge the role of the various criminal justice agencies and their independence in operational matters. Independence does not, of course, mean that there is no accountability, and I expect the agencies concerned to be as open as possible about the events, all of which impact on confidence in the criminal justice system.

There is also due process to consider. It is clear that, in this case, the police investigation considered there to be sufficient evidence to refer the matter to the Public Prosecution Service (PPS). In turn, the PPS brought a prosecution on the basis that there was a reasonable chance of a conviction and that it was in the public interest to do so. The five defendants in the case pleaded not guilty, but the trial did not go ahead as Ms Cahill withdrew her evidence. In the absence of evidence, the prosecution withdrew its case and the defendants were acquitted.

It is important not to draw any conclusions of guilt in this case as the evidence was not tested in court as required. Not all prosecutions result in a conviction. I know that that can cause feelings of betrayal and hurt in victims and their representatives who invest so much in the investigation and prosecution of their case. It is clear that Ms Cahill feels let down by the system. That is understandable, but it is important that the laws of evidence and due process are applied across the justice system.

I know that, at the end of the day, Ms Cahill felt unable to give her evidence. That is her right, and no one should be critical of her decision. As the Minister, I have to be sure that the conditions are in place to ensure that the process of giving evidence is as good as it can be for victims and witnesses, especially in difficult cases such as sexual assault and rape. As you know, considerable efforts have been made in that area in recent times, aided of course, Chair, by your Committee's inquiry into victims and witnesses. I regret that none of those measures appear to have been helpful in Ms Cahill's case.

A complaint has been made about aspects of the police investigation. That complaint has been properly referred to the Police Ombudsman for investigation, and that work is ongoing. I am keen to see the outcome of the ombudsman's investigation. It will, of course, take time to complete properly, but the outcome will usefully inform us whether there are any lessons to be learned about the police process.

I also understand that the director of the PPS this morning announced that he is establishing an independent review of the prosecutorial systems and processes in three interlinked cases involving sex abuse and terrorist-related charges highlighted in the 'Spotlight' programme. I welcome the director's decision to establish a review and share his concern to maintain public confidence in the wider justice system.

Should the ombudsman's investigation or the PPS review indicate any deficiencies in the wider justice system, I would expect the relevant agencies proactively to examine their role in this case in order to identify and make good any problems. We must act on any lessons to be learned from the case.

I fully appreciate that delay can add unnecessary stress and anxiety to victims, and I am determined to speed up our justice system. My Department is working with the criminal justice agencies to deliver a range of ambitious reforms to speed up processing times in criminal cases. The Justice Bill currently before the Assembly proposes a number of measures to address avoidable delay, such as committal reform, provisions to encourage early guilty pleas and the introduction of statutory case management powers to help to ensure that criminal cases progress as swiftly as possible. This is a far-reaching programme of statutory and procedural reform. The changes proposed have been shaped by input from victim support groups and victims. They are designed to streamline the system and ensure that cases do not take any longer than they have to.

Finally, there have been suggestions of political interference in the case. I want to make it absolutely clear that, during my tenure as Justice Minister, I have not, nor would I, interfere in any cases that are before the criminal justice system. Furthermore, I have resisted and will continue to resist in the strongest terms any attempt by others to do so. I conclude my remarks on that point. I am, of course, happy to take any questions that the Committee might have.

**The Chairperson (Mr Givan):** Minister, thank you for those opening comments.

The allegations in the BBC 'Spotlight' programme were that the Police Service did not investigate thoroughly enough and that the PPS did not do its job properly. The Police Ombudsman and, today, the director of the PPS have set up independent inquiries into those allegations. Do you, Minister, not feel that it would be more appropriate for you to establish an independent public inquiry to deal with the PSNI and the Public Prosecution Service, particularly given that another allegation — I think that Mark Durkan said this — was that a previous Secretary of State was aware of the case? Do you not feel that such an inquiry should establish what involvement he may have had? Neither the ombudsman nor an independent review of the PPS can investigate that.

**Mr Ford:** The difficulty at this stage, Chair, is that we are talking about a single case, although there are allegations about other cases that may be involved. A formal complaint has been made to the ombudsman about the behaviour of the PSNI. It is essential that that is carried through. Similarly, I take it that members will have seen this morning's statement from the director of the PPS about its inquiry. Very little can be done prior to hearing the outcome of those. They are the two specific ways in which the individual agencies can be investigated. It is difficult to see how we could join up a further inquiry, particularly given that you highlighted something that was pre-devolution. I am not quite sure what powers the Department of Justice (DOJ) would have to set up an inquiry to investigate what happened under the watch of the Northern Ireland Office (NIO). I will certainly be very concerned to see the reports from the ombudsman and the PPS inquiry. It will also be important to see whether others are persuaded to come forward, such as those whom Ms Cahill says have spoken to her. Clearly, there would then be a pattern, which may take this into a different realm from that of an individual case.

**The Chairperson (Mr Givan):** What time frame do you think acceptable for the report by the Police Ombudsman and the review of the PPS to be completed and published?

**Mr Ford:** It is very difficult to say what would be acceptable since, as on all these occasions, we want the inquiry to be completed thoroughly and speedily. The two are not always compatible, and I tend to think that thorough is more important than speedy.

**The Chairperson (Mr Givan):** Here is my difficulty, Minister, with leaving it with the Office of the Police Ombudsman and the PPS announcement: on 8 October 2013, I made a complaint to the Office of the Police Ombudsman on the back of UTV's 'Insight' programme on Áine Adams. Over a year later, I am still waiting for the office to deal with what are very similar allegations and complaints to those of Mairia Cahill. On 10 April this year, I received a letter from the investigating officer in the Office of the Police Ombudsman, which stated:

*"My report is complete. It has been forwarded to my senior managers for their approval."*

Six months later, I have had no response from the Police Ombudsman himself. I have been in correspondence complaining about that and wanting to know about the delays. You are telling me, "Here we have another case that's very similar. Let's leave it to the Office of the Police Ombudsman". My view, however, is that it has compounded the issues that were first raised with the investigating officer when I made the complaint on 8 October. I do not have confidence that the Office of the Police Ombudsman will deal with this. That is why I have a difficulty with putting it forward.

At the same time, I was in contact with the Public Prosecution Service, which I wanted to carry out an independent investigation. Subsequently, Barra McGrory announced that he was inviting the Attorney General to carry out an independent investigation into how the Public Prosecution Service had handled the specific issues around Gerry Adams and what he did or did not know of the abuse that his niece had suffered. The Attorney General produced that report. He has been in correspondence with the Committee and made recommendations. One can only assume that that is because the PPS had failings. Otherwise, why make recommendations? Today, the PPS says that it wants openness and transparency, but it still has not released the findings of the independent report that Barry McGrory invited the Attorney General to produce a year ago. How can we allow this position to continue when

the PPS and the Police Ombudsman have failed to deal with very similar allegations that I raised with them over a year ago? I believe that, in the interests of public confidence in the administration of justice — not just the Police Service and the Public Prosecution Service but the Office of the Police Ombudsman — you should seriously consider a public inquiry into how those agencies have handled the Máiría Cahill case and the Áine Adams case, which I have already made complaints about.

**Mr Ford:** You make specific complaints about the timing of the publication of a report. You said that it appeared that the ombudsman's office had investigated but not reported, which is not quite the same thing. However, I accept that, if there are reports that have not been published, that is an issue of concern.

In the case of Máiría Cahill, the complaint, as I understand it, is sufficiently recent that the ombudsman's office could not be expected to have produced a report on it. However, I need to be careful, given the statutory roles of other agencies. There are, of course, also issues that relate to the wider governance issues in the PPS: no arrangements have been made since devolution for the Attorney General to answer questions about the PPS on the Floor of the Assembly. That is the responsibility of the Office of the First Minister and deputy First Minister (OFMDFM). My officials have been assisting officials in that Department, but no conclusion has been reached in OFMDFM on how matters should proceed. Of course, the Committee on Procedures would then have a role as well. There are a number of complex issues, very few of which lie with the Department of Justice. However, I am concerned to ensure that we find the best way of ensuring that the system is working properly and appropriately. This morning, you have raised an issue, which I was unaware of, with the timing of the publication of the report on your complaints about the Áine Adams issue. If reports have been completed but not published, that certainly raises concerns for me. If that is the case, there are issues that would concern me about justice being done speedily.

**The Chairperson (Mr Givan):** I will bring in other members, and then I want to pick up on some more points.

**Mr McGlone:** Minister, you say that there are a lot of complex issues. Nobody would disagree with that, but, ultimately, where there is a victim and justice needs to be served or done, we all have a duty.

You mentioned complex issues, few of which lie with your office. What consideration have you given to the complex issues that do lie with your office and the responsibility that lies with your office? What actions lie with your office in this or other cases?

**Mr Ford:** I may have been exaggerating when I said that few lie with my office. What lies with my office is the overall working of the justice system. However, in almost every respect, that is the responsibility of independent agencies that are independently accountable to different oversight mechanisms. The police are not accountable to me operationally, and the PPS is entirely independent. The administration of courts is a matter for the DOJ, but judicial decisions clearly are not. Let us look, for example, at speeding up justice generally. There are major problems with the management of independent agencies with their own responsibilities by a Department that has, perhaps, a coordinating function but not an operational function in any of those areas.

**Mr McGlone:** So, you are saying that you have no responsibility or duty in this or other cases.

**Mr Ford:** As I said, my wider duty is to look at the overall issues and, for example, the sort of work that officials have been doing on the speeding up of justice. However, each independent agency is responsible for how it carries out its duties.

**Mr McGlone:** I appreciate that. Obviously, you prepared for coming to the Committee today and for —

**Mr Ford:** After yesterday, that may be an exaggeration.

**Mr McGlone:** We all had to go through that too. You will have sat down with your officials and looked at what falls to you, what part of the buck stops with you, what your duty and responsibility is and what issues you have to tackle as Minister. That is what I seek clarity from you on.

**Mr Ford:** Frankly, we are almost in the same territory as yesterday, when, at Question Time, I answered a question from your colleague Dominic Bradley on an individual case. He asked me to

meet the parents of a murder victim. My response was that I had frequently met victims of crime and was prepared to meet them. However, what, if anything, I can do is very limited. That is the reality of how the justice system is constructed. Little direct responsibility for the operation of the criminal justice system lies with the Department, yet we in the Department have overarching responsibilities to seek to enhance public confidence by, for example, speeding up justice.

**Mr McGlone:** Right. Have you an opinion on the alleged political interference in the case?

**Mr Ford:** As David Ford, Alliance politician, I may have an opinion on political interference; as Minister of Justice, I need to be extremely careful. At this stage, we have purely a series of allegations made by an individual in a television programme. It is clear that Ms Cahill suffered a degree of trauma, whatever happened exactly. However, as to the precise nature of the allegations that she has made but which have not been tested in court, I need to be extremely careful.

**Mr McGlone:** I have just read the statement from Barra McGrory. To your mind, is what he proposes sufficient to deal with this issue?

**Mr Ford:** I need to be careful in saying whether it is sufficient or insufficient. It seems to me that it takes the issue further than the established practice of the PPS in recent years of giving explanations and responding to concerns expressed about how the service has carried out its duties, which started under Alasdair Fraser and was carried forward by Jimmy Scholes and now Barra McGrory. An independent review of how the issue was handled takes it to a slightly higher level. There were complexities about different criminal cases covering different aspects of the allegations being run together. In that case, it is entirely appropriate that the director has set up his review of procedures in the PPS. It will be for him, initially, to draw conclusions, and that may then inform the wider points that the Chair spoke of.

**Mr McGlone:** Do you feel that there is a requirement on the agencies outwith your immediate control to conduct a similar line of investigation?

**Mr Ford:** Really, the two agencies that we are talking about in this case are the police and the PPS. The ombudsman is covering the police aspect, and the PPS independent review appears to go further than the director would normally go. We have an inquiry and a review, and we need to see what the outcomes of those are. I also made the point that I encourage any others who may have spoken to Máiría Cahill about similar allegations to come forward to the police.

**Mr McGlone:** Finally, and thank you for your indulgence today, it was mentioned on the 'The Stephen Nolan Show' that the case was reported to social services or that they were involved. Do you feel that any form of inquiry into the Department or the trust involved is required?

**Mr Ford:** Not having heard the programme this morning, I am not sure of the exact detail. Issues concerning the behaviour of social services staff are very much a matter for the Minister of Health, Social Services and Public Safety or a body such as the Regulation and Quality Improvement Authority (RQIA). It is not an issue for the justice system, but issues may emerge that then impact.

**Mr Poots:** We have experience of inquiries, and we need to cut to the chase here. Quite a number of years ago, when I discovered that the Northern Ireland Events Company was not behaving appropriately, I brought that to the attention of civil servants, who did not do much about it. A couple of months later, they came to me and said that they had discovered a really big problem. The problem concerned £1.6 million in a relatively small organisation, so an inquiry was initiated. Last week or the week before, after spending £1.2 million on an inquiry, the report of which has not been published, the issue was buried. We managed to have an inquiry that lasted seven years and cost the public nearly as much as was lost in the first place, and nobody is any the wiser.

I was involved in another inquiry, on pseudomonas. It took place very publicly and very quickly over a number of months, and recommendations were made and acted on. That is the difference. We can be open and frank and seek to find resolutions, or we can use inquiries as a means of burying things. Sadly, the Police Ombudsman taking over a year to conduct an inquiry and not responding to the Committee within the last six months is not an acceptable form of inquiry.

Then, we get an email from the Public Prosecution Service, saying that it will conduct another inquiry. I note that you say that the Áine Adams case is completely relevant to this. An inquiry has been going

on for over a year into that case and there have been recommendations. Do you know what the recommendations were? Have any of them been acted on? Why has this been buried? We have a great fear that these inquiries are being used to bury the truth. We need to get away from that and move to a situation in which inquiries identify the issues and are conducted in an open and honest way. That is how we can move forward.

**Mr Ford:** I can talk only in general terms about the work of the Office of the Police Ombudsman. Its reports are published, and I see them regularly. I tend to see them a few days before they are published and in the press. That is the general policy of the ombudsman's office. That will include references to whether guidance has been issued or disciplinary action recommended and the outcome of that within the Police Service. Individuals are not named, but, in all other respects, the outcomes of the ombudsman's inquiries are made fully public. I am not sure why there was a delay in the conclusion of the work in the case that the Chair highlighted, unless, perhaps, other work was being done and the investigating officer was not told about it. However, that is not the pattern that I see, and I regularly see reports coming through from the ombudsman's investigations. I do not mean the minor issues of when a police officer may have been rude; I mean major issues that cause injury or risk.

**Mr Poots:** Chairman, I know that the Minister will recognise that we are dealing with extremely vulnerable people who were victims of child abuse, whether sexual or physical, and many will live with that abuse for the rest of the life, and it will traumatise them. Coming forward and relating that abuse to others is a very traumatic experience. I am sure that the Minister will agree with me that we need to facilitate and encourage those people and, as far as possible, seek to address the issues on their behalf. There is an allegation — it is not just an allegation; it is a fact — that the PSNI took four years to bring the Maíria Cahill case. She believes, and makes very clear her view, that that was damaging to her case and to her personally. That needs to be addressed, and we need an inquiry into why it took four years for the police to investigate that case.

Mark Durkan made specific allegations about comments made by Shaun Woodward. I have had many disagreements with Mark on a whole range of issues. However, he is a former Finance Minister and a former deputy First Minister in the Assembly, and I have always found him to be honourable. I do not believe that he is lying, and I suspect that the Minister probably does not believe that he is lying either. His allegations are well without the scope of the Police Ombudsman or anybody else to investigate or inquire about. So there are things here, Mr Chairman, that we really need to get to the truth about. People like Shaun Woodward need to stand up and make a case that he was not more concerned about poor Pádraic than the victim of child sex abuse. The normal conventions are not acceptable, so will you look at it, seek to address it and find another means of investigating some of these matters?

**Mr Ford:** The remarks of a former Secretary of State are, as I said initially, somewhat outwith my role. Clearly, there would be concerns if that was the view being expressed by a Secretary of State speaking as Secretary of State rather than a very unfortunate remark made by an individual. That is what I am not quite sure of in the way that that particular point was handled, but he is not part of the formal justice system.

My primary, but not sole, concern is the functioning of the justice system and the kind of work that is being done by the Department in conjunction with the Committee over the past four years to improve the way that the justice system treats victims and vulnerable witnesses. I think that we have, collectively, a good tale to tell of significant improvements, but it is also clear that the case of Maíria Cahill has highlighted the fact that things are not yet as good as they need to be. That is why the issue has to be about the formal oversight of the justice system agencies in the first instance.

**Mr Poots:** I do not disagree with you, Minister, but, if we are identifying political interference in cases of child sex abuse, where does that take us? I think that it takes us to a similar place to where the Republic of Ireland was years ago, when political interference in the case of Father Brendan Smyth brought down the Government. Let us be very clear about the seriousness of this allegation. If people were politically interfering, at the level of Secretary of State for Northern Ireland, to cover up child abuse in order to in some way protect another process, we need to know the truth about it, and I would find it totally unacceptable.

**The Chairperson (Mr Givan):** Minister, you say that you are responsible for ensuring overall public confidence in the administration of the criminal justice system. Surely that remit, in and of itself, would allow and mandate you to look at issues that you may not necessarily feel automatically fit within your Department. The PPS is an independent body, but it is not an isolated body; it is part of the criminal

justice system in which you have a duty to ensure public confidence. That is being called into question by victims and by independent reports of the Attorney General. Also, reports by the Police Ombudsman on investigations conducted over a year ago are complete but remain unpublished. So, confidence in these bodies is being called into question, not least because the director of the PPS is so conflicted on these issues that he is not able to handle them and has to pass them off to others. That causes concern and has an impact on public confidence. Surely you have a duty to set up an inquiry that would facilitate these issues so that, as you said earlier in the meeting, people can have the confidence to come forward and make a report to the police, knowing that they will be treated properly. At the moment, there is a real concern that they will not be. It is intolerable that anybody in our society should feel that there are untouchables. That needs to be addressed.

**Mr Ford:** You raised a number of points, Chair. It is not my role to defend the director of the PPS, but it should be noted that anybody appointed to that role may well have been involved in a different way with individuals or cases that may subsequently come to his notice. It is a perfectly established procedure for other senior people in the PPS to take on responsibility when the director recuses himself because of past associations. We need to be very careful in suggesting that he cannot do his job because he has practised as a lawyer in Northern Ireland. However, he can defend that point. The issues you raise about people being untouchable are clearly of some concern. As to whether people have the confidence to come forward now, I hope that, if nothing else, the publicity given to the Mairia Cahill case and the fact that it is now clearly high on the political agenda, as demonstrated by the Committee's interest, should reassure other possible victims — the people of whom Mairia has spoken — so that they are in a position to come forward and receive better treatment than perhaps she did. It is certainly clear that the issue has been raised in a way to make it more significant than perhaps just one woman going to the police with a complaint.

I repeat that there are general issues for me. I will certainly look at the allegations made in the 'Spotlight' programme, which I have not yet had the chance to go through with officials in detail. There are also issues for us, and I am very concerned that work we have done on protecting victims and vulnerable witnesses is carried forward in this case as in any other. However, I need to be careful about suggesting that that work can come into play and subsume the work that is actually the formal statutory responsibility of other people. It is a matter of trying to find the best way to provide support for people like Mairia, given the limited role that the Department has, and indeed that the Committee has at this stage. I repeat that, with some of the other allegations, including the Mark Durkan point about Shaun Woodward, it is difficult to see whether that was a statement of a cover-up or a rather grossly unfortunate comment without specific consequence. Those are issues which, I accept, fall outside the roles of the ombudsman and the PPS, but it is not clear. It is perhaps something that we need to look at in a little bit more detail. Those are the tangential aspects. We need to see the proper procedures being carried out, in the first instance, by the agencies with statutory responsibility.

**Mr Dickson:** Thank you for coming to us this morning, Minister. The role of the Police Ombudsman is very important. In terms of public confidence in the ombudsman, it is essential that the office is given time and space to perform its function. That is how public confidence in it is assured. If there are delays, those are matters for the person or people raising the queries to discuss with the ombudsman; and I think it would amount to interference if we were to ask you to raise issues with the ombudsman regarding delay. It can be only at the point where the ombudsman indicates to a complainant that "You are not getting your report" or something like that, that those issues should ultimately be raised with the Department of Justice.

Again, I am sure you agree, Minister, that the role of the Public Prosecution Service is key to the independence of the judiciary, which is key to the whole concept of the checks and balances in our justice system. It is important, where there are queries and concerns about their actions or the actions of others, that they too should be given appropriate space. The point I am trying to make is that it is only at the point where it is clear that there is either a cover-up by these organisations or a refusal to publish the results of inquiries that it is appropriate for this Committee, or others, to come to the Department of Justice and make those complaints. Certainly, in respect of the Police Ombudsman, that office has to be given space and, clearly, that space is only beginning at this point.

I would like the Minister to think about those questions.

Chair, this might be a slightly unusual: I have a question to ask you. You indicated that you had raised a number of matters with the Police Ombudsman. Can I ask for clarity? Have you raised those issues in a personal capacity as a Member of the Assembly, or have you raised them on behalf of the Committee?



**The Chairperson (Mr Givan):** I raised the matter with the Police Ombudsman as an MLA. The Public Prosecution Service invited the Attorney General to do its review. Subsequently, the Committee engaged on that issue and the Committee formally wrote to the Attorney General and Barra McGrory. So the PPS/AG issue is something that the Committee has got involved in; the Police Ombudsman matter is one that I have dealt with as an MLA, not as Chairman of the Committee.

**Mr Dickson:** I am sure that, as an MLA, you will be more than able to pursue those matters with the ombudsman and ultimately recognise the time when you should go to the Minister of Justice to make complaint about it. But returning to the Minister —

**Mr Ford:** Could I interrupt you for a second, Stewart? Given what I said about my caution; if members of the Committee think that it would be helpful for me to write, as Minister, to say that this issue has been raised — whilst I clearly cannot ask for anything more than indication of timescale for it to be published — and say that I believe that it would be helpful if matters are concluded and published as early as possible. That is entirely reasonable within my overall responsibilities, without going into the detail. So, perhaps I should clarify that point, Chair, if you think that it would be helpful.

**The Chairperson (Mr Givan):** That is helpful but it is not the resolution to the very serious issues.

**Mr Ford:** I am not suggesting that it is a resolution, but it might help along the stages in which I am suggesting that we need to see that work being done.

**Mr Poots:** It might also help, Chairman, if the Minister were to write to the Public Prosecution Service and Barra McGrory inquiring whether it has taken any actions arising from the AG's report and whether the recommendations have been applied. We do not know what the recommendations are, but we should ask whether anything has been done because, if recommendations have been made, you surely do not have to wait for the outcome of a case or an appeal to carry them out where flaws were identified.

**Mr Dickson:** I will just ask the Minister to comment. I welcome his offer to raise the matter with the Police Ombudsman in those general terms. Does the Minister agree — and he has clearly set out his knowledge of the boundaries and relationships between him and the other organisations, the PPS and the Police Ombudsman — that those boundaries are very important and set public confidence and that it would be unfortunate, if not disastrous, if the Department of Justice were to make knee-jerk reactions to issues as they arise? Rather, space should be given to those bodies to conduct their work, and it is only at the time after a perceived failure that it is appropriate for the Department to become involved.

**Mr Ford:** Stewart reminds me of the concerns about what went wrong at times in this society when there appeared to be political interference in the work of different agencies. I remember, not long after I became Minister, reading a report of an event 40 years previously where a recommendation for a prosecution for murder against two soldiers was recommended by the RUC and turned down by the then Attorney General for Northern Ireland, who was an elected politician.

So, we have these complex structures to ensure that people do not have concerns about political interference. How we get the balance between wider oversight of the system and encouraging agencies to cooperate and work together will be a focus of meetings that I will have later today, alongside recognising the operational independence of the different agencies.

**Mr McCartney:** I join in saying that this issue obviously needs our attention and that we need a process, or perhaps processes, to assist full disclosure. Notwithstanding the way that the Minister has laid out the different parameters — and that is understandable — there is a second part of the meeting where we will be looking at other ways of doing this. The Minister has made the offer and Edwin Poots has put the suggestion that the Minister should write to the PPS. Maybe the Committee should write to the ombudsman and ask him for a timeline, notwithstanding the timeline that you have provided.

When dealing with other complaints not of this nature — and I want to stress that — there can be frustration sometimes over the length of time it takes for a report to be published and given to the complainant. It is the same with the statement by the Director of Public Prosecutions that he will ask an independent legal expert to review this matter, and he finishes off by saying that, if there are lessons to be learned, they will do so openly and transparently. You could ask him what he means by

that and get a public commitment that he will publish the findings of the independent legal expert. That may assist the process of full disclosure. That is my observation. It is not really a question, Chair.

**Mr Elliott:** Thank you, Minister. You said that there are a number of statutory procedures to look at aspects of the case, and you went on to say that you will be reviewing the matters raised on the 'Spotlight' programme along with your officials. When can we expect you to review that with your officials? Will you then come back and give the Committee an update on your findings and where you think responsibility lies? I am concerned that everything gets lost in a mire of different organisations, with the Police Ombudsman looking at part of it and the PPS looking at another part of it, and we do not get an overall picture. Is there is a role for you in the overall picture and review? Specifically, when can you do that initial review and get back to us?

**Mr Ford:** I am sure that members would not expect an entirely frank answer to that, given that the senior official who will have the responsibility is sitting beside me and is probably about to kick me on the shins. I certainly hope that we could look at the implications of the programme that might fall to the Department, and some of the wider issues that are being raised about a former Secretary of State, within a relatively short period to, at least, establish where there is a role.

On the offer that I made to write to others about their anticipate timescales, that is something that can be done fairly immediately. I would be very reticent to give a timescale, but I will certainly give a commitment to write to the Committee as soon as we have something worth writing to the Committee about. If the Committee wishes that I come back to the Committee to discuss it, I will happily do so.

**Mr Elliott:** I am a wee bit reluctant to take that as a given answer simply because it almost kicks it into touch. I would prefer that we were clear that there is a timeline that you will come back within a week or two weeks with your initial review, where you see all the separate processes and how you can take an overarching look at all that so that, at least, we will know where the process is at.

**Mr Ford:** Sometimes you kick for touch hoping for a quick throw-in and an immediate move forward. I accept that you would like me to be more specific than I feel that I realistically can be. I could give you a specific promise this morning, but I am not prepared to give you a promise that would not necessarily be deliverable. It will be as soon as possible. That, I believe, is the best answer that I can give you.

**Mr Elliott:** Can we tie it down to some degree? Are you talking about days? Are you talking about a short number of weeks?

**Mr Ford:** I think that we are talking about a short number of weeks.

**Mr Elliott:** Two weeks? *[Laughter.]*

**Mr Ford:** A short number of weeks.

**The Chairperson (Mr Givan):** We have recess next week, so we are not meeting then. If it were the following week, that would allow for two weeks. The Committee will have to deliberate on its potential inquiry, but it would be helpful to know the Department's position. My view is that you, as the Minister of Justice, have the responsibility to ensure public confidence and that, therefore, the buck stops with you and that you should be doing that work rather than this Committee having to do it for your Department. I think that the onus is on you in the first instance, and then the Committee can consider how we could support that and see whether there is any parallel process that we can have. However, first, the Committee will need to know what you are going to do by way of looking into the issues that we have raised.

**Mr Ford:** There are certain circumstances in which it is easier for the Committee to conduct an inquiry, under its responsibilities, than it is for the Department to do so. However, I will give a commitment that we will come back to the Committee as soon as we can in a short number of weeks.

**The Chairperson (Mr Givan):** It may be that we work together on this one.

**Mr Ford:** I suspect that there will need to be some informal discussions between your staff and mine.

**Mr A Maginness:** I thank the Minister for coming and for being so frank with the Committee. However, I think that, if we distil what you have said, Minister, there is very little that you can do.

**Mr Ford:** Well, I tried to make the point at the beginning that, in terms of the complaints made so far, the responsibilities lie largely with the agencies responsible and the bodies that have oversight. I and my team are then concerned with looking at whether there are issues relating to the joining up of the system, some of the wider issues that have been highlighted in the television programme that do not fall directly to those agencies, whether there is a role for the Department, and, indeed, what the role of the Committee might be.

**Mr A Maginness:** But such is the fragmentation of the authority dealing with various aspects of this case that you, as the Minister, really do not have any overall role.

**Mr Ford:** Certainly, there is no role for the Minister in the operational matter.

**Mr A Maginness:** Given your frankness, it seems to me that, really, you are not promising the Committee anything today and that, in two or three weeks' time, you will come back to the Committee with very little.

**Mr Ford:** I have at least promised the Committee today that I will write to some of those agencies about a timeline.

You refer to my frankness. I like to think that my relationship with the Committee is generally frank and straightforward and that we have a reasonable working relationship. There is no point in suggesting that I can do more than I can actually do. However, at the same time, I am very concerned about not just Mairia Cahill but other young women who, as she has suggested, may be in a similar position to her.

**Mr A Maginness:** When I say that you are being frank, I mean that I think that you are being honest and open. I am not being sarcastic or anything like that.

**Mr Ford:** Sorry; I did not imply that you were.

**Mr A Maginness:** I think that that is very helpful for us to determine a way through all of this.

**Mr Douglas:** I thank the Minister for coming this morning. I know you had a busy day yesterday. You mentioned that you are going to work with your officials and look at the programme. I am a bit unclear about your role in some of this stuff. Maybe you could clarify it. If the Public Prosecution Service inquiry that we are discussing this morning goes into weeks, months or whatever, have you an intervention role to speed it up? This is one of my biggest fears. Edwin Poots mentioned the social services this morning, and it has been suggested that there may be an inquiry there. There could be other inquiries as things develop over the coming weeks. So, you could have all these various inquiries with all these various bodies involved. For me, there has to be a sense of cohesion. Someone needs to bring all that together. Are you saying that it should be this Committee that does that, possibly, as the Chair said, along with you? What is your overall role in this? Can you intervene in some of these things at any stage?

**Mr Ford:** When you use the word "intervene", the answer is largely no. It is really the point that I responded to Stewart on. Because of past history in Northern Ireland, we have a very complex system for ensuring independence. The idea of independence for the various agencies was to ensure that there was no political interference, that confidence was raised in the workings of those bodies, that they had oversight arrangements, and that they had independent operational accountability.

The difficulty that I see now, some years on from when those arrangements were set up, is that, to some extent, the danger to public confidence comes not from the positions being taken and the oversight of the agencies but from the difficulties of joining up the system as a whole, particularly on things such as time taken. In cases like this one, where there are matters between agencies, there is potential damage to public confidence because people see things taking too long. That is why the work that we have done around young people, for example, has been about speeding up the system. We have had good cooperation there.

Independent agencies have to recognise that they are interdependent as well as independent. The independence has been emphasised. Over the next few years, we need to look at how the system functions to provide the greater cohesiveness that you mentioned in the system as a whole without interfering operationally. It is actually quite a challenge to get that across.

**Mr Douglas:** Finally, you mentioned your officials, our officials and working together. Would you be keen to work with the Committee? Do you envisage any particular problems with that?

**Mr Ford:** I am always keener to work with the Committee than against it. The reality is that we have good working relationships. I am quite happy that we look, over the next couple of weeks — oh, sorry, that came close to giving a commitment to Tom — over the next few weeks, to see the best way of approaching these issues, recognising the role of the agencies and seeing how the Department and the Committee can best work together, as, for example, we have done in the past on issues like victims and witnesses.

**Mr Frew:** I know that the answer to the questions that we are asking here today are somewhat technical and it is hard enough for us as elected members to understand the intricacies and mechanics of government, the justice system and your role, Minister, but I cannot help but think about individuals who have been living with this over the past number of years, sometimes maybe even for decades, who have had to live through what can only be described as a notorious and murky world and who maybe over the past couple of weeks have seen a bit of light with regard to the courage and bravery of Máiría Cahill, but who are still unsure about coming forward with their evidence. If they were watching this today, I do not think that any of the questions that we have asked, or the answers that you have given, would actually reassure them to come forward. I suppose that what we have heard is a "can't do" attitude, regrettably — "Not my remit; not my fault; not my responsibility; can't do this; can't do that".

I do not want to seem to be hard on you, Minister, because I know that you are setting out your stall, what you are responsible for and what you are not, but what can you say to those people who do not understand the complexities and intricacies of this place and the way that it works? We need them to come out for their own sake, that of their family members and of other people who may well be in that position today. What is the message that you want to get to those people?

**Mr Ford:** I think there is a clear message that, since the time that Máiría Cahill came forward to the police, the work we have done collectively and the legislation of support for victims and witnesses that we have put through means that anybody who does come forward now could expect to be treated better than she felt treated. The ongoing publicity around the case has made it clear that these matters will now be responded to in a way that perhaps her case was not responded to quite so clearly. The fact that there is a level of public and political interest in the way it is being handled will be an incentive to ensure that anybody who has formal dealings with a subsequent complainant would have a better understanding of the issues and be better placed, alongside the work that we have done, to respond better to those victims. Ultimately, it is for those who are victims of crime to come forward and report, and I certainly encourage any of them to do so. I hope that what we now have in a variety of different support services would make life significantly easier for anybody who reports it this week.

**Mr Frew:** Are you fully confident in the bodies that will have a job of work to do going forward, whether it is the Police Ombudsman's office, the PSNI or the DPP? Are you fully confident that they will be able to give people the support they deserve?

**Mr Ford:** Being asked to be fully confident in agencies that are not directly accountable to me is always a risk. I am confident that the work that we have done over the last few years, in which those agencies have been participants, is ensuring that victims are treated better than they were not that many years ago at the time when Máiría came forward.

**The Chairperson (Mr Givan):** You need to be fully confident. You cannot not have full confidence in them, because you are responsible for engendering public confidence in all those agencies.

**Mr Ford:** Sorry, but full confidence implies that I am satisfied that every single person who works for every public agency is always doing their absolute best for their entire working week. I think that that is a fairly high charge. If the charge is whether we are managing things better; whether organisations are structured in a way that responds to the needs of victims better; whether we have means of

supporting victims across all the agencies; and whether we are embedding a better culture, then we are in a significantly better place, but we always have to work to get it from 99% to 100%.

**The Chairperson (Mr Givan):** The Police Ombudsman previously called in the Criminal Justice Inspection at the time Al Hutchinson was in charge, and it led to his downfall, or at least it accelerated it because of the accusations that the ombudsman's office was not properly investigating the state in respect of the past.

I am making it clear that, in dealing with my complaint, the ombudsman's office has compounded the concerns of a failure on the part of the police to properly investigate one of the most senior politicians on the island of Ireland because of his particular political background.

If I cannot get a response from the ombudsman's office — it has taken over a year — how can Máiría Cahill or any other victim who has suffered expect to get an adequate response? I do not think that it is good enough that we leave this to the ombudsman's office and the PPS. I think that when you consider all the evidence, when you get the opportunity to review what was in the 'Spotlight' programme — you have given a commitment that you will consider what you could do — you will seriously consider having an independent inquiry of some description that will look at the holistic picture of the criminal justice system so that the public can have full confidence that all of those agencies will do their job without fear or favour, irrespective of who is alleged to have carried out the abuse.

I think that that is going to be critical as we move forward. It will be important for the Committee, as members deliberate what they could do to support you. We are here to scrutinise and hold you to account, but we are also here to support. I hope that we can work collaboratively to support each other, because I think that we have the same aims and objectives in dealing with this. Hopefully, we can move forward with that constructive approach.

**Mr Ford:** I have no doubt that we share the aims and objectives of improving the experience of those who come into contact with the criminal justice system, but we need to ensure that we do that in the most effective way. We also need to ensure that we do it in a joined-up way. I appreciate the work that the Committee has done with the Department over recent years to make that better, but I am not, by any means, suggesting that we have got things perfect yet.

**The Chairperson (Mr Givan):** Minister, I appreciate your time with the Committee this morning. Thank you very much.