



COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 1 OCTOBER 2015
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 Seán Lynch MLA
Mr Alban Maginness MLA
Ms Bronwyn McGahan MLA
Mr Patsy McGlone MLA
Mr Edwin Poots MLA
Mr Neil Somerville MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)
Mr Keith McBride (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 2.05 p.m. in public session.

The Chairman advised Members that a copy of Neil Somerville's entry in the Register of Members' Interests had been circulated in the tabled pack.

1. Apologies

As above.

2. Draft minutes of the meeting held on 24 September 2015

The Committee agreed the minutes of the meeting held on 24 September 2015.

3. Matters Arising

- i. The Committee noted an updated Forward Work Programme for October 2015.

- ii. The Committee noted a written submission from the Committee for Social Development on the Justice No.2 Bill.

4. The Justice No. 2 Bill - Oral Evidence from the Prisoner Ombudsman for Northern Ireland

Mr Tom McGonigle, the Prisoner Ombudsman for Northern Ireland, joined the meeting at 2.06 p.m.

Mr McGonigle outlined a number of key issues in relation to Part 2 of the Justice No.2 Bill which creates the Office of Prison Ombudsman on a statutory footing.

2.12 p.m. M Patsy McGlone joined the meeting.

2.18 p.m. Mr Stewart Dickson joined the meeting.

A detailed question and answer session followed covering issues including: whether proposed arrangements by which the Prison Ombudsman will be appointed by the Department of Justice meet the requirement of the independence principle; whether it would be preferable to ensure that the appointment of the Prison Ombudsman is independent of those the Ombudsman will investigate; the financial resourcing of the office; the number of staff employed and the skill set required; whether it is difficult to recruit staff with the right skills set given the size of the office; the role the Office plays in investigating deaths in prison custody; whether the Prison Ombudsman should be given specific powers to compel witnesses to assist its investigations; whether the powers within the bill are robust enough to obtain documents and conduct investigations; whether a power should be provided to compel former staff to assist investigations; whether Clause 38 could impede and restrict investigations by the Prison Ombudsman's Office; whether the Prison Ombudsman's Office can investigate health care complaints; the role of the Prison Ombudsman in the investigation of health care provision linked to a death in custody; potential confusion regarding the mechanisms for health care complaints by prisoners; the reason for the new title for the Office; whether the new office of NI Public Service Ombudsman should undertake the duties of the Prisoner Ombudsman in relation to prisoner complaints; whether the Prison Ombudsman's role should investigate issues or deaths relating to the Youth Justice Agency, the Juvenile Justice Centre and the Probation Board; clarification regarding to whom the complaints procedure in clause 30 applies; whether the Bill should include a requirement to ensure that investigations are carried out in a timely manner; and whether a clause should be included in the Bill requiring the Prison Ombudsman to disclose to the PSNI where a report indicates that a criminal offence may have been committed.

2.28 p.m. Mr Seán Lynch joined the meeting.

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

The briefing was recorded by Hansard.

The Chairman thanked Mr McGonigle for his attendance and he left the meeting.

5. Update on the Department of Justice In-Year Financial Position

Mr Glyn Capper, Deputy Director, Finance and Ms Lisa Rocks and Mr Patrick Barr, Financial Services Division, Department of Justice joined the meeting at 2.35 p.m.

Mr Capper outlined the Department of Justice current financial position, context and pressures, and the scenario planning being undertaken in preparation for 2016/17 and beyond.

A question and answer session followed covering issues including: what role the Department has when the PSNI is identifying savings; the extent of the sharing of financial information between the PSNI and the Department of Justice; the position in relation to a potential PSNI underspend this year; whether any underspend can be reallocated within the Department of Justice; examples of discretionary spend that has been stopped following the request by the Departmental Accounting Officer to only fund inescapable or contractual commitments and the impact; whether the halt on discretionary spend has affected the funding for community and voluntary organisations; the financial implications of the judicial review against the Department by the Bar Council and the Law Society in relation to the remuneration for legal aid work in the Crown Court and whether this would be factored into the scenario planning; the current position in relation to the Voluntary Exit Scheme and the number of staff leaving the Department; whether the funding cuts are affecting services such as AccessNI checks; whether the 5% and 10% scenario planning reductions are across all areas; the purpose of the scenario planning; the current position in relation to funding for the Desertcreat Training College Capital Project; the background to and rationale for the allocation of the funding from the Together Building a United Community programme for interface areas;

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

2.57 p.m. Mr Sammy Douglas left the meeting.

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

3.04 p.m. Mr Patsy McGlone left the meeting.

arrangements in relation to scrutinising PSNI bids for funding and the role of the Policing Board; the next Spending Review process; and how much funding is being provided to the community sector in 2015/16 compared to previous years.

The officials agreed to provide the Committee with further information on a range of issues.

The briefing was recorded by Hansard.

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

6. SR The Victim Charter (Justice Act (Northern Ireland) 2015 Order (Northern Ireland) 2015

The Committee considered Statutory Rule The Victim Charter (Justice Act (Northern Ireland) 2015 Order (Northern Ireland) 2015 which will place the Victim Charter on a statutory footing.

Agreed: The Committee considered Statutory Rule The Victim Charter (Justice Act (Northern Ireland) 2015 Order (Northern Ireland) 2015 and recommended that it be affirmed by the Assembly.

7. SR 2015/330 The Disclosure of Victims' and Witnesses' Information (Prescribed Bodies) Regulations (Northern Ireland) 2015

The Committee considered Statutory Rule 2015/330 The Disclosure of Victims' and Witnesses' Information (Prescribed Bodies) Regulations (Northern Ireland) 2015 which

will prescribe Victim Support NI for the purpose of enabling relevant information about victims and witnesses of crime to be disclosed to them by the Police and the Public Prosecution Service and to prescribe the National Society for the Prevention of Cruelty to Children for the purpose of enabling relevant information about witnesses of crime to be disclosed to them.

Agreed: The Committee considered Statutory Rule 2015/330 The Disclosure of Victims' and Witnesses' Information (Prescribed Bodies) Regulations (Northern Ireland) 2015 and had no objection to the Rule.

8. SL1: The Firearms (Variation of Fees) Order (Northern Ireland) 2015

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to amend the firearms licensing fees as set out in Schedule 6 of the Firearms (Northern Ireland) Order 2004.

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

9. Police Pensions (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016 - Proposed Consultation

The Committee considered a proposal by the Department of Justice to undertake a limited, targeted consultation on draft Police Pensions (Consequential Provisions) (Amendment) Regulations which would make a technical change to introduce an amendment for 'protection of increases in guaranteed minimum pensions' after the abolition of "contracting-out" under Section 2 of the Public Services Pensions Act.

Agreed: The Committee agreed that it was content for the targeted consultation to take place and to consider the draft Regulation when the results of the consultation are available.

10. UK Response to European Court of Human Rights Judgements on Inquest Delay in the McKerr Group of Cases

The Committee noted a copy of an up-dated draft UK Government action plan provided by the Department of Justice in response to the European Court of Human Rights Judgements on Inquest Delay in the McKerr Group of Cases.

Agreed: The Committee agreed to ask the Department of Justice to provide an up-date on the timescale for the Lord Chief Justice assuming Presiding of the Coroners Court and to schedule an oral briefing in due course if necessary.

11. Correspondence

- i. The Committee considered correspondence from the Department of Justice regarding the retirement of the Deputy State Pathologist for Northern Ireland, arrangements to fill the vacancy and transitional arrangements to maintain the service in the meantime.

Agreed: The Committee agreed to request further information on the transitional arrangements to be put in place to maintain the service.

- ii. The Committee noted the publication of Statistical Bulletin ‘Views on Alcohol and Drug Related Issues: Findings from the September 2014 Northern Ireland Omnibus Survey’.

Agreed: The Committee agreed to ask the Department of Justice for details of the strategies and actions it has in place to address alcohol and drug related issues including those in conjunction with the Department of Health, Social Services and Public Safety.

Agreed: The Committee agreed to schedule a briefing by Department of Justice officials on the impact on the justice system of substance abuse.

- iii. The Committee noted the publication of the Youth Justice Agency Statistical Bulletin 1/2015: ‘Youth Justice Agency Annual Workload Statistics 2014/15’.
- iv. The Committee noted an update from the Department of Justice on the current position regarding payment of the Northern Ireland Prison Service Pay Award.
- v. The Committee noted correspondence from the Committee for Finance and Personnel providing a copy of a response from the Department of Finance and Personnel to a Mr Denvir in relation to the PSNI Civilian Staff Equal Pay issue.
- vi. The Committee noted correspondence from the Committee for Finance and Personnel providing a copy of correspondence from the Department for Finance and Personnel regarding the October Monitoring Round.
- vii. The Committee noted the Northern Ireland Prison Service Annual Report for 2014/15 which had been laid in the Assembly on 24 September 2015.
- viii. The Committee noted the Investment Strategy for Northern Ireland Procurement – Department of Justice’s Procurement Activity Report for September 2015.
- ix. The Committee considered two recently published reports from the Prisoner Ombudsman for Northern Ireland into the circumstances surrounding two deaths of men in custody at Maghaberry Prison and noted that there would be an opportunity to discuss the findings and recommendations with Prison Service officials when they attended the meeting on 8 October 2015.

12. Chairman’s Business

- i. The Chairman advised Members that he had spent a day with the Bar Council shadowing the work of barristers in the Crown Court and Family Court and the Bar Council had extended an invitation to other Members of the Committee if they were interested in undertaking a similar visit.

Agreed: The Committee agreed that Members should advise the Clerk if they wished to undertake a visit to the Bar Council.

- ii. The Chairman advised Members that the slides of the presentation by Dr Ruth Mann on “Evidence Based Policy in relation to Prisoner and Community Offender Programmes” organised by the Northern Ireland Division of Forensic Psychology that had taken place prior to the Committee meeting would be circulated for information.

13. Any Other Business

None.

14. Date and Time of next meeting

The next Committee meeting will take place on Thursday 8 October 2015 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 3.14 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice