



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Department of Justice: Overview Briefing

23 January 2020

chart and a breakdown of how the Department's finances are distributed. You will have a chance later this month to meet the Minister to discuss her views on priorities and the policy agenda for the remainder of the mandate.

The Department has four core directorates: access to justice; safer communities; reducing offending; and justice delivery. In addition, the Department has five executive agencies: the Northern Ireland Prison Service; the Northern Ireland Courts and Tribunals Service; the Legal Services Agency; the Youth Justice Agency; and Forensic Science Northern Ireland. It is also responsible for eight non-departmental public bodies of various sizes and natures, of which the Police Service of Northern Ireland is by far the largest.

The Department has 3,182 staff in post — that includes 1,274 prison grades — and around 90% of DOJ staff work in the five agencies, specifically in the courts and prison services. Those staff are involved in important service delivery roles of varying types. In addition to departmental staff, the non-departmental public bodies of the Department employ a further 10,075 people. I will not go through them all, but two have by far the most. There are 6,900 police officers and 2,500 police staff, and 420 staff in the Probation Board for Northern Ireland. That accounts for well over 95% of the total.

It is worth drawing out that the Department of Justice is a people-centred organisation where a substantial amount of our budget is spent on staff costs. Of the remainder, a significant proportion is committed to expenditure on legal aid and compensation payments, over which the Department has no direct control.

You will receive a fuller briefing on the detail of the budget in due course, but the DOJ received an opening budget for 2019-2020 of £1,077 million in resource — that does not include the technical budget for depreciation — and a capital budget of £76 million. The PSNI accounts for around 70% of the budget.

After many years of austerity, we face financial challenges, as every Department does. While we anticipate being able to live within this year's budget, we look forward to contributing to the wider process to set the budget for next year and future years. It is particularly important for us, as for many Departments, that we move away from a one-year budget cycle to a longer-term resource planning approach that will enable and encourage a longer-term view to be taken. As with other Departments, it is certain that there will be more soundly based cases for expenditure than there will be money to go round. As a result, the Justice Minister will have to reach decisions about prioritisation.

This year, we have largely rolled forward the budget from 2018-19, but there were differences and additions. We secured funding to meet a pressure in relation to employer pension contributions that was in common with that faced by a range of Departments. We received additional security funding for the PSNI from the Fresh Start Agreement and a contribution towards EU exit costs that were primarily used to fund the recruitment of additional police officers by the PSNI. We also secured some funding for pressures faced during the year, with a focus on front-line services and the commencement of the programme of legacy inquests, and received some funding for the tackling paramilitarism programme.

Our opening capital budget of £76 million has been prioritised in the following three areas: completion of a new accommodation block at Maghaberry prison; key capital projects in PSNI; and the Courts and Tribunals Service digitisation and estates projects.

Chair, I know that you will be speaking to the Minister directly in due course, but I just want to make a few comments on the key issues that the Department has been dealing with and seeking to advance in the past three years.

The Department has continued to take forward the policy position of the outgoing Minister, Claire Sugden, and of the Executive's draft Programme for Government through the outcome delivery plans. The Programme for Government matters a lot to Justice because the big issues that we face can be resolved only with help from others outside Justice. We have provided reports through the Executive Office website summarising progress made against the key areas measured in the outcome delivery plans. That outcomes approach matters to the DOJ because it recognises the need to collaborate to solve big problems and the need for early intervention to address problems before they become crises. In particular, the Department has continued to focus on reducing offending and reoffending through the core services provided by the likes of the Prison Service, the Probation Board and the Youth Justice Agency and through a suite of problem-solving justice pilots that have, in a number of cases, demonstrated positive results on evaluation. The Department is accordingly working up plans

for the consideration of the Justice Minister about how the most successful of those pilots might be rolled out more widely.

A second area for focus has been the Tackling Paramilitarism programme, which is an Executive-wide priority emerging from the Fresh Start Agreement and the subsequent report by the Independent Reporting Commission (IRC). The DOJ hosts the programme team, and, while colleagues will talk to you in more detail about the progress that has been made so far, it is important that this continues to be a whole-of-government approach, because the justice system and its agencies can make a contribution but cannot resolve societal problems of this nature on their own.

The third and final theme I would draw out has been the ongoing work in relation to transformation and modernisation. The Prisons 2020 programme is nearing the end of its second year of three years. In addition, a courts transformation programme has been initiated, and 2019 saw the implementation of a new legal aid management system that digitised the approach to legal aid and went live in July 2019. That system is now functioning effectively and is helping to speed up the payment of legal aid, as well as providing improved management information for evaluation. Taken together, that is a significant change agenda.

Finally, as we look forward, the 'New Decade, New Approach', document contains areas where the Department of Justice will have a role in implementation. The Gillen review of serious sexual offending, which was commissioned by the Criminal Justice Board and which contains over 250 recommendations, is one of the most important areas. Taken together with Sir John Gillen's previous reviews of civil and family justice, they represent a major area of work for the Department. The agreement also specifically references a commitment to advance legislation on committal reform, and we are finalising legislation to put to the Minister in the coming weeks for her consideration.

The agreement references a number of justice-related areas. I have already mentioned tackling paramilitarism: I want, briefly, to touch on two further areas. One is the commitment to move to 7,500 officers. The speed of progress towards that target will be dependent on the budget outcome. The agreement also references the British Government's commitment to bring forward legislation to address legacy issues within 100 days. Obviously, while the DOJ will not lead on that legislation — it is a matter for the Northern Ireland Office — we have a close and detailed interest, because there are aspects of the legacy agreement reached at Stormont House that would fall to the DOJ to implement, were the enabling legislation to be in place, principally the Historical Investigations Unit (HIU).

I hope this introduction has given you a flavour of the way the Department is organised, its budgets and some of the major issues that we face. I am happy to try to answer any questions that you may have.

The Chairperson (Mr Givan): Thank you, Peter. That is a helpful overview of where things are in the Department.

On the financial pressures facing the Department, the documentation highlights a pressure of nearly £56 million: is that based on what the Department is currently providing — that, going into the 2020-21 financial year, it has been identified that you will need £56 million in essence to stand still?

Mr May: Yes.

The Chairperson (Mr Givan): OK. You mentioned the 7,500 police officers aspect of 'New Decade, New Approach'. Has a costing exercise been carried out yet by the Department on what additional resources would be necessary to fund what is in 'New Decade, New Approach'?

Mr May: We are still going through some of that in detail. Some aspects of it, like the Historical Investigations Unit, will depend very much on what it says in the legislation that is brought forward. On police officers specifically, I have a couple of things to say. The first is that you could not move straight to 7,500: there would have to be a build period for that scale of recruitment. The estimate of the total additional cost is around £40 million for the additional officers required to get to 7,500.

The Chairperson (Mr Givan): So, at the point at which it gets staffed to 7,500, that would require an additional £40 million on the current baseline.

Mr May: Yes.

The Chairperson (Mr Givan): OK. Just to pick up on the legacy issue, the document talked about Westminster introducing it but getting the consent of the Assembly: does the Department know what that looks like?

Mr May: No. We have not been given any indication about what the thinking was behind that statement.

The Chairperson (Mr Givan): It says that it will be introduced in 100 days but the consent of the Assembly needs to be sought. The Department is not clear about the mechanism by which that will be achieved.

Mr May: No.

The Chairperson (Mr Givan): OK. As regards the legislation that the Department is looking at, the first-day brief mentions the Domestic Abuse Bill. Obviously, that was work that the Department had carried out just at the point at which the Assembly collapsed, and Westminster has subsequently sought to legislate for that. I note that the first-day brief appears to indicate that officials' recommendation is that the Assembly should take that on: I just want to tease that out with you. Is it the position that the Minister has been advised that the Assembly should take on the domestic abuse legislation?

Mr May: There is a judgement call to be made about where best to legislate, but I think that it makes sense for the Assembly to take the lead. My understanding, based on initial conversations with the Minister, is that she is minded to go there as well. We had prepared legislation for inclusion in a Domestic Abuse Bill at Westminster. That legislation was introduced in the summer and fell when Theresa May's Government fell. It was introduced again, I think, after Boris Johnson became Prime Minister but then fell for the election. That had been the path that we had looked at as a means of getting some important legislation onto the books. We are now working with legislative counsel to prepare legislation suitable for introduction in the Assembly.

The Chairperson (Mr Givan): Has any initial opinion been formed on which route will expedite the matter? There is other legislation that I would certainly be keen to pursue; for example, upskirting and other aspects. If the Assembly were to legislate, would it be able to add additional offences within the broad parameters of the domestic abuse legislation?

Mr May: As regards speed, I think that it is likely, if the Westminster timetable works as they currently envisage, that the legislation may well be passed more quickly at Westminster than in the Assembly. That is not certain; there are always lots of things that could change. The scope of the Bill is properly a matter for legislative experts to comment on. Normally, scope does restrict, but I know that one of the other areas in which the Minister is considering legislation is stalking. That could well be separate legislation introduced in slightly slower time. Last year, we did a consultation on offences in that area. It may well be that something like upskirting would fit better with something like that than domestic abuse, but I am not an expert on the issues of scope.

The Chairperson (Mr Givan): OK. Finally, is it the Department's intention to introduce specific forms of legislation, or will there be an overarching criminal justice piece of law that a lot of issues will be included in?

Mr May: That is a matter that we still need to discuss in more detail with the Minister. The first two pieces of legislation that would be ready pretty quickly are on domestic abuse and committal reform, subject, obviously, to the Minister being content with the policy direction set out in those. We think that a third piece of legislation on stalking could be introduced in the course of this year. We have not yet got to the point of having a detailed discussion about legislation beyond that.

The Chairperson (Mr Givan): OK. Certainly, as a point of principle, I would prefer this place to legislate. It is important to bear in mind the timeliness of trying to get laws in place, particularly around the domestic abuse legislation. That said, in principle, I prefer this place to pass that legislation. I would certainly like to hear a little more about the timeliness of it, but I do think this place can be more effective to make sure that, in those areas, it is more tailored to Northern Ireland.

I have a couple more points, and then I will bring other members in. The unexplained wealth orders: I have heard repeatedly from the Police Service and others about going after the criminal assets that

people have gained. When will the Department bring forward — will it bring forward? — a process for putting those in place?

Mr May: The Criminal Finances Act 2017 was passed at Westminster and enables unexplained wealth orders and a range of other opportunities in relation to serious and organised crime. The agreement reached was that there would need to be a legislative consent motion from the Assembly to enable those various provisions to be commenced. We are looking at how best we can give effect to that, because there is a range of areas that are affected in the Criminal Finances Act. We need to think about whether to do them all at once or one by one. Each of the arrangements requires further work to be done on court rules, updates to the Proceeds of Crime Act codes of practice and so on. We will look to do it as quickly as we can. We certainly anticipate that we will be able to do those various measures in the course of 2020.

The Chairperson (Mr Givan): Finally, on the Gillen review, in respect of court proceedings around sexual offences, do we have a precise outline of the kind of changes that require legislative effect? Has the Minister taken a view on whether all the recommendations are to be taken forward, or are there some recommendations that the Minister does not agree with and may want to take a different approach on? One issue that has been debated around this is the anonymity of defendants: I am keen to know what the view of the Department and, ultimately, of the Minister will be on that recommendation.

Mr May: We have not yet had the chance to go through all the recommendations in detail with the Minister. I am not able to comment specifically on her views on anonymity, for example. The Gillen review, in addition to legislation, contains a huge number of recommendations that fall to a wide range of organisations, some of which are within the justice system as statutory agencies, some of which are non-statutory agencies, such as the legal profession and the judiciary, indeed. We have been doing some work across the piece. The Criminal Justice Board will meet next week, chaired by the Minister, to look at where we have got to against all those recommendations. Within a relatively short period, we should be able to come to the Committee and set out more fully the position. It is conceivable that there will be recommendations that are either not agreed or difficult to implement. We need to take a view on which ones will have the biggest impact, particularly on the complainants and those who are most affected by the current arrangements.

The Chairperson (Mr Givan): OK, thank you. I introduce the Deputy Chair of the Committee, Linda Dillon.

Ms Dillon: Hi, Peter, thank you very much for your presentation. I have a quick question on the Gillen review, which has already been touched on. There is an implementation group that was, I think, to report to the parties in December, but then there was an election. Have they done a report? Is something sitting there that we could have access to and which we could see, as a Committee, even to get an idea of the implementation group's ideas? That would give us some idea of the Department's thinking. I know that Justice Gillen met the lady who is leading that: is it Linda?

Mr May: Linda Hamilton.

Ms Dillon: He felt that she was a positive influence on what needed to be done.

Mr May: Yes.

Ms Dillon: You would not want to lose whatever work has been done by the implementation group.

Mr May: Linda is a member of the Department of Justice and will continue to work on the implementation of Gillen in the period ahead. As I said, we should be able to bring something to the Committee very quickly. It is right that we first share where we have got to with the Minister and, indeed, with the Criminal Justice Board, but the group has set out what has already been achieved and its proposal for what the priorities for the year ahead should be, which is the key aspect of all this.

Ms Dillon: OK. I am not asking you to go into detail, as this meeting is, I suppose, more of an introduction to get the bigger picture stuff, but, at some stage in the future, could we find out what is happening or what work is being done on the legacy abuse cases in Fermanagh and the feeling among victims that they have not been listened to or have not been well treated by either the PSNI or the PPS? Can we find out if anything is being done on working with those victims? We are not talking

about a specific case; we are talking about up to almost 80 victims. I am not asking you to deal with it now, but, at some stage in the future, can we get something in relation to that? We probably need a bit of detail. Obviously, we respect the issues and the fact that there may be ongoing legal proceedings.

Mr May: This is an ongoing investigation, I think, at the moment. We can certainly enquire of the PSNI and the PPS to see whether there is material that they can share with the Committee about the approach that they have taken to those who have come forward.

Ms Dillon: It is more about the relationships and the ability of the victims to have faith in the processes in the PPS and the PSNI. It is not the actual investigation itself —

Mr May: I understand that.

Ms Dillon: — but more around what is being done to work with them.

Mr Beattie: Peter, thank you for your brief. Some of the questions so far have been fantastic and have covered an awful lot of mine. Could I raise a concern about the Domestic Abuse Bill that the Chair raised? It says that Westminster will bring forward the legislation in January, but we think that it is better that we bring it through the Assembly: in principle, I agree with that. My only concern is that I do not get what the time difference could be. For example, if you were to say that we could bring it in in Westminster and have it in statute in two months but, if we go through the Assembly, it will take eight months, I would have a real concern for victims of domestic abuse and those who are subject to coercive behaviour, because we have done an awful lot of work on that. Do we have any idea about the timescale, or is there any way that we could scope that — maybe not today? If people who are waiting for this suddenly realise that there is a Bill good to go but we are going to bring it through this House and it will take another year or whatever —

Mr May: To some extent, I think that it is fair to note that the Assembly can determine how long the legislation will take, because it will determine how long the period of scrutiny will be. We can only offer an estimate based on experience of taking legislation through, and it might be that the Committee decides that it can still scrutinise properly because significant work was done on the legislation previously, as the Chair observed, and that may allow for the passage of the legislation more quickly than might have been the case in previous mandates. Our assessment at the moment is that legislation in Westminster would be likely to be through before the summer recess — by the summertime — whereas it may take longer — it may well be the autumn or beyond — before it goes through the Assembly, based on experience. To be fair, that is based on the fact that Westminster would start now. We have to get the Minister to agree; we have to go to the Executive and get agreement to introduce; we have to consult the Committee. There are a range of processes to go through before we can start the formal scrutiny of the legislation in the Assembly, and that builds in a little bit of extra time at the start of the process. We are keen to expedite it as quickly as we can.

Mr Beattie: Thank you. May I also press you on the issue of police recruitment and the figure of 7,500? I know that that will depend on budgetary pressures: I get that. I think we all understand that, but you are right in saying that it will take a while to get to that figure — possibly three, maybe four years to get to that number. At what stage will we get a "press go" on that? Will it be based purely on the budget that will be given out? Is there a time frame for that?

Mr May: There are always two phases to a budget. The first is that the Department of Finance sets how much money the Department of Justice will receive, and then the Department, working with the Minister, needs to decide how to allocate that money. At the moment, we are not entirely clear about the time frames for the budget to be brought forward, but we clearly envisage that that will happen before the end of March. We ought to be in a position within eight to 10 weeks, I guess, to be clearer about where we sit.

Mr Beattie: That is perfect, Peter. Lastly, on the subject of the Stormont House Agreement Bill, I am reading here:

"the Department commissioned a technical adviser to produce a series of scoping papers".

What does that actually look like? What does that mean?

Mr May: Recognising that we do not yet know precisely what policy is being set, we know that any organisation will need accommodation, staff, IT, policies and procedures and so on, so just beginning to understand the nature of what will be required is a sensible piece of preparatory work. That is what the adviser is doing. As we see the legislation and when we are clear about what is required, we will be able to firm up the implementation plan. For the benefit of the Committee, it may be useful to say that our current estimate — it depends on what the legislation says — is that it will take about two years from the legislation being passed to set the Historical Investigations Unit up properly.

Mr Beattie: Have you gauged how many homicide investigators you will require? Has that been scoped?

Mr May: No. That will depend, critically, on decisions to be taken about what is within the scope of the HIU and the speed at which it is to proceed.

Mr Frew: Thank you very much for your attendance today, Peter. It would be remiss of me not to mention Peter's work in the interim period since the Committee last met. As the previous and outgoing Chair, I worked closely with Peter and his team in the Department throughout all these lean years, and I acknowledge the pressure that they have been under and the difficult position he and his departmental officials have been in with regard to the decision-making processes. That needs to be acknowledged, Chair, and I thank you for that latitude.

In the current budget, Peter, there is a line on EU exit costs of, I think, £10.7 million, of which £9.8 million is for the PSNI. How in goodness did you ever come to that figure — I suppose that is the blunt way of asking — given the state of flux that we have been in with regard to EU exit?

Mr May: That is a fair question. We were all working in a period of great uncertainty around EU exit. The PSNI put forward a business case for recruiting additional police officers to meet the potential threats that might emerge, depending on the nature of the EU exit. That business case was accepted, and the £9.8 million, very substantially, has gone towards the recruitment of additional officers in the course of this financial year. The very small amounts of money have been largely for administrative purposes in the Department and other organisations to enable us to have enough resource to try to work out the likely impacts of EU exit. You are right: it has been a moving picture.

Mr Frew: Just to be clear, then, it is about resource and building capacity at this stage. Are you any the wiser with regard to the withdrawal Bill and the pressures that will fall on the Minister and the Department in the coming months?

Mr May: On 31 January, when the UK leaves the EU, there will be no change in justice-related measures because of the transition period, so our focus is on how we can make a contribution to the negotiations on what is called the future security partnership and seek either to replicate or get as close as possible to some of the arrangements that have been in place with the EU. There are a couple of key areas — there is a number of areas we can talk about — but the two biggest are the use of the European arrest warrant and the ability of law enforcement and other organisations to share data; that is, policing, probation and others. While we are not alone in having those issues — all the UK has them — we have them probably more fundamentally than others because we need to be able to use those powers more often and to share data more often. That has been the focus of the work on how we can develop that future security partnership, but it is not our negotiation: it is about how we input to those who are negotiating that partnership.

Mr Frew: Also on the budget, you talked about an outcomes delivery plan for the draft Programme for Government, which I think you said was placed in the Executive Office.

Mr May: On the website.

Mr Frew: On the website?

Mr May: Yes.

Mr Frew: Are you confident that you are in a decent place — a healthy place — with the Justice budget and the draft Programme for Government whereby they are aligned and in parallel as much as possible so that one complements the other, or is there a lot of work still to do? I am mindful that, when we were here before, we had seen the Programme for Government and the outcomes but we

did not have a budget to place over the top of it. Are we there yet? Are you confident that we are there with financing the draft Programme for Government properly?

Mr May: The budget is still set departmentally rather than by outcomes, so I cannot allocate a lump of money against each of the outcomes or indicators. I suspect that may always end up being quite challenging, because significant parts of the Department's resources go on statutory duties that may not naturally sit under one of the outcomes. I mentioned, for example, legal aid and compensation payments, and neither would naturally sit under the different bits of the Programme for Government. That may not be the end objective, but it would certainly be good if we could get to a particular place. As I highlighted, a number of the different responsibilities require lots of people to make a contribution. To understand how the budget can become more flexible to enable that will be an important step forward, and it is a step we have yet to take.

Mr Frew: On the domestic violence piece, which is something dear to my heart, and the stalking piece, without a doubt, the default principle should be that we legislate here in Northern Ireland. There is an issue about time, though, for victims and victims' groups, who are supporting victims and who have been waiting for this legislation for so long. There is an issue not only about time but about making sure that the legislation is Northern Ireland-centric. I am led to believe that the legislation that would go through Westminster does not include things that we would really like to see. Can you give us any detail on that so that it gives us a better understanding that not only is it a nicer and better principle to put through legislation here on our own and have it scrutinised by the Committee, but that, actually, it would be a better piece of legislation? Is there any possibility, if we are to lose time, that the stalking piece could be brought up so that you could have one Bill? I know there are two different issues — domestic violence/sexual violence and stalking — but the outcomes will be of benefit to the people, and we could use the vehicle of one Bill as opposed to two, which would have to be segregated or put in a chain. Bringing them together would help with time.

Mr May: You are correct to say that the Westminster legislation would not include all the things that we would choose to bring forward, subject to a Minister's view, in Northern Ireland. We can give you a more detailed briefing on precisely what that looks like in due course. As I understand, the general thrust of the Committee's comments so far would be to try to accelerate the introduction of the domestic abuse legislation as quickly as possible. It would take us a few more months to be ready to put the stalking provisions in, and, on that basis, it may well be — the Minister has not reached a final view, but I think it is her initial view — that having short Bills and keeping them short, especially when they are ready to go, might be a better way to go, but that is subject to her taking a final view on some of these things.

Mr Frew: A final question, Chair. Obviously, the British Government and the Irish Government wrote the 'New Decade, New Approach' document. It seems to be the case that there has been a lot of departmental input to these pages. Is there anything that you, as permanent secretary, added or wished to be put into this document? Is there anything from your wish list in this?

Mr May: I certainly did not write any aspect of 'New Decade, New Approach', and, as I understand it, many of you would have been much closer to the production of this document than I was. I think it may well feature aspects of agreements that were reached at various points of the talks process. I do not have a wish list in the document.

Mr Frew: OK, thank you, Chair.

Mr Dunne: Thank you very much, Chair, and it is good to see you again, Peter. In relation to the review of the legal aid processes, having been a member of the Committee that looked at that some time ago, I see that recommendations came forward from the Public Accounts Committee:

"the Department fully tests the scope for generating savings from contracting legal aid services in Northern Ireland."

I see from the information that that has been commissioned, but the Department does not seem fully convinced that it is the way to go. Are you looking at other ways in which we can make significant savings in the management of legal aid? There certainly were weaknesses that were exposed in the system at that time. It was certainly felt that there could very well be conflicts of interest in how it is managed. What has been done to try to address those issues?

Mr May: Thank you for the question. You will remember that the legal aid reform that was conducted previously was significant and was quite hotly contested at various stages. It is our view that there is the potential to make some further reforms, and those are reforms, obviously, that we will need to discuss with the Minister of Justice.

In addition, there are two other areas. You specifically mentioned a review of contracting: the idea of a public defender service, perhaps, or some similar model. We got an independent expert to do a review, and we would be happy to share with the Committee the outcome of the work that was done there. That is a matter that, obviously, we will need to discuss with our Minister, and we have not yet had the chance to do so in detail. The review did not identify that the opportunity was a significant or huge one.

You mentioned further ways in which we can bear down on legal aid. Clearly, we have not reduced the scope of legal aid, as has been the case in England, despite the reforms that have been made. We are still looking to do more work through the reduction in fraud and error in how the payments for legal aid are made. The auditors have highlighted some issues that we need to address, and we are working meaningfully through those at the moment. We hope that the additional management information available from digitising legal aid will be of assistance in that work.

Mr Dunne: Is the new system now in place?

Mr May: It went live in July 2019.

Mr Dunne: Yes, which is early days.

Mr May: It is working at the moment. The legal profession had some concerns at the time it was introduced, but we are able to make payments and make them more quickly than would have been the case previously, and we continue to work with the legal profession through a group that has been established to identify whether tweaks are needed to the system. In a lot of systems, especially one as complicated as this, there is a need to continue to try to improve it.

Mr Dunne: The other point is on the repurposing of Woodlands Juvenile Justice Centre. Significant work is going on now, according to your report. Is that still on target to be completed this year?

Mr May: It is not going to be completed this year. The timescale we have set — the target timescale — is March 2022 for completion —

Mr Dunne: Of the whole thing, yes.

Mr May: — of the whole thing. This is very much joint work between the Department of Justice and the Department of Health, and a dedicated joint team was established to take forward the work. We hope and expect there will be draft design proposals available for consideration by the programme board soon — in the next month or so — and they will then go to the new Justice and Health Ministers to make sure that the direction of travel is one that they are content with. There is an opportunity here to use the facilities at Woodlands Juvenile Justice Centre and Lakewood secure care centre in a way that meets the needs of the justice and care sectors better.

Mr Dunne: Will it result in significant investment in the Woodlands site?

Mr May: At the moment, I am not clear that there will be a massive investment required in terms of new build. Woodlands is a well-set-up institution, as you well know — it is in your constituency — and it is the sort of place the Committee may wish to visit at some stage to see what it looks like and to understand better what is planned. That may be something the Committee may like to think about as part of its forward work programme.

Mr Dunne: OK. Thanks, Peter.

The Chairperson (Mr Givan): Just a quick question: are the accounts still being qualified on legal aid?

Mr May: The Legal Services Agency accounts have a qualification for fraud and error, but the Department's accounts were not qualified this year.

The Chairperson (Mr Givan): OK. I know Deborah is coming after you, and that falls within her remit, so I will follow up on that, but, from memory, I think the accounts have been qualified for years.

Mr May: The departmental accounts were being qualified at one point, but I think I am correct in saying that they are not currently being qualified, so that is evidence that progress is being made.

The Chairperson (Mr Givan): Not the Department's but the agency's.

Mr May: There is still more to do, but, at one point, the scale of the issue was of such magnitude that it was necessary to qualify the Department's accounts.

The Chairperson (Mr Givan): OK, well, Deborah has been forewarned. *[Laughter.]*

Mr McCartney: Thank you very much, Peter, for the briefing. These are just general observations. You have spoken to some degree about the legislative programme going forward. Will the Minister, when she comes here, be in a place to lay out her programme, or is it still too early?

Mr May: That would be the plan. I cannot remember the date you set, but it is a few weeks hence, so I expect we should be in a position by then to —.

Mr McCartney: You also said she is, at present, of a mind to do separate, smaller Bills.

Mr May: In terms of the immediate Bills that we face.

Mr McCartney: I have a couple of other observations. In relation to the Access NI in-court judgement, it says in the papers that the permanent secretary has made some administrative changes to make it compatible but that legislation is required. Is it still the intention to have legislation, or are the administrative changes enough?

Mr May: No, legislation is required. We did a sort of short-term fix to try to get over the worst of the problem, but it is not a way to continue.

Mr McCartney: OK, so you envisage legislation.

Mr May: Yes, this will be secondary legislation. It will not be primary legislation. It will require affirmative resolution, as I understand it.

Mr McCartney: Again, I have some general observations. On the Policing Board appointments process, was it a regular thing that the Secretary of State would intervene and ask for a rerun of the competition?

Mr May: For the last 10 years, self-evidently, it has been for the Justice Minister to make that decision, and that has not been necessary, so it is not a regular thing but it is not something within our gift. The interviews are ongoing for that competition, and we still expect the Minister to be in a position to make appointments to fill the vacancies.

Mr McCartney: Yes, but when he took that decision —. I assume it was "he"?

Mr May: I think it was Karen Bradley who took the decision.

Mr McCartney: Karen Bradley took the decision. OK. Was there any advice from the Department at the time about the decision she was taking?

Mr May: The Department had run a competition, and we were ready for the appointments to be made, but it was her decision just to fill the immediate vacancies.

Mr McCartney: Yes, but it said "revised criteria".

Mr May: Sorry, do you want to give me the reference?

Mr McCartney: No, we can come back to it. It is unfair, maybe, in this particular instance.

Mr May: I am happy to try to answer the detail, but I —.

Mr McCartney: I just notice that the commissioner criticised the appointment process for the Probation Board.

Mr May: That is correct.

Mr McCartney: You are just being mindful of these types of appointments.

Mr May: Yes. We are trying to make sure that we follow best practice. So, yes.

Mr McCartney: It might be something we can come back to at a different briefing. Thank you very much.

Miss Woods: Thank you, Peter, for that overview. I have a couple of questions. The first is on the criminal law on child sexual exploitation responses. Would you have any details of when those will be made public and when you expect them to be released?

Mr May: I know the consultation is complete. Perhaps I could come back to the Committee in writing on that specific point, if that is OK.

Miss Woods: Have you any update on the centre of restorative excellence and which Department could take the lead? I see the multi-agency group has been meeting to discuss next steps. Do you have any details on those?

Mr May: This is a centre that flows from the recommendation of the independent reporting commission. The feasibility report confirmed that stakeholders see a need and role for the centre. The next steps are that we need an Executive-wide approach. At this stage, we do not have clarity about which Department will lead on that. That is something that needs to be addressed in the period ahead.

It was one of those areas where we were right on the cusp of seeing whether progress could be made on the centre in the absence of Ministers. We sought legal advice, which had not been received before the return of Ministers, so we are now in a place where we know we can move ahead, and that is what we will be aiming to do.

Mr McGlone: Peter, good to see you again. In relation to the EU exit preparations, I note in the document that there is heavy emphasis on policing, crime, justice and all those types of things. Has the Department any input into citizenship issues with the Home Office? That was raised with me over lunch. We met the Romanian ambassador to the UK, and they are reflecting back from their citizens who are living here this uncertainty among other EU citizens about the future. Has any work been initiated on, or is there even any remit or responsibility in the Department for, those issues, which are of concern to a lot of people living in the North?

Mr May: No. Issues relating to citizenship, immigration and so on are not devolved, so the Department does not have any locus, and we have not been doing any work in that area.

Mr McGlone: Who, then, is the person, or which Department, would have responsibility to ensure that those issues are correctly and properly reflected back to the Home Office, because we are in an unusual situation here?

Mr May: The Executive Office leads overall on the EU exit, so insofar as there are issues that need to be brought globally together, the Executive Office would naturally be in the lead. It probably still would not be getting into the specifics of, for example, immigration policy or whatever it might be, just because we will not have the competence or the skills in that area.

Mr McGlone: OK, right. Thank you.

The Chairperson (Mr Givan): Members, any other points you want to follow up on?

Peter, you have given a broad outline of a lot of issues. If you had three critical issues that you are advising the Minister on in terms of the pressures the Department is facing, what would they be?

Mr May: Do you mean financial pressures or pressures of delivery?

The Chairperson (Mr Givan): Financial pressures and those on the delivery side.

Mr May: That is a good question and a difficult one to answer. The starting point for all this has to be the Programme for Government. That has to be the overarching direction. The work we are doing on speeding up justice, reducing reoffending and reducing crime is the central focus for the Department. Clearly, a new Programme for Government may come forward and may adjust or amend that, but, pending that, that has to be the key way forward.

Beyond that, there are two other areas that I would draw out. A number of your colleagues referenced the need to keep a very close eye on what the EU exit will mean. That is a key pressure; we do not know yet whether that will have a financial dimension. Sir John Gillen has done a review not just on serious sexual violence but on civil justice and on family justice. Overall, there are over 600 recommendations from those three reviews. Reaching a prioritised way forward on all those to try to make progress in the areas that will matter most in the period ahead — in this two-year period — would be another area that I would draw out as being really important.

The Chairperson (Mr Givan): Peter, I again thank you for coming to the Committee's first meeting. I have no doubt that you would be quite happy to come again at a future point.

Mr May: Indeed.

The Chairperson (Mr Givan): Obviously, we will get a briefing from each of your directors in the areas that they have to deal with, but, in the first instance, you have been very helpful in providing the Committee with a very good starting point for us to scope further work from. Thank you, Peter.

Mr Frew: Sorry, can I ask one wee quick question with your indulgence, Chair? Peter, was the first-day brief the one that you presented to the Minister?

Mr May: Yes.

Mr Frew: I commend you on your transparency to the Committee. It is very good to have that. Thank you.

Mr May: OK. Thank you for your help.

The Chairperson (Mr Givan): Thank you, Peter.