



Northern Ireland
Assembly

Committee for The Executive Office

OFFICIAL REPORT (Hansard)

T:BUC, Good Relations and Victims:
Overview

19 February 2020

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Colin McGrath (Chairperson)
Mr Mike Nesbitt (Deputy Chairperson)
Mr Trevor Clarke
Mr Fra McCann
Mr George Robinson
Mr Pat Sheehan
Ms Emma Sheerin
Mr Christopher Stalford

Witnesses:

Dr Mark Browne	The Executive Office
Mr Andy Cole	The Executive Office
Mr Gareth Johnston	The Executive Office

The Chairperson (Mr McGrath): Gentlemen, welcome back. Thank you very much for coming back to us. I do not think that we need to reintroduce you; we introduced you last week. We got the report through from you and have had time to examine it. We will pass over to you, Mark, and your team to give us a quick walk-through of the information that is there, and then members will have some questions. Is that OK?

Dr Mark Browne (The Executive Office): Yes, Chair, thanks very much. In taking the Committee through the paper, I will not cover the bits that were covered last week or that will be covered in the later finance session.

I will focus initially on Together: Building a United Community (T:BUC). That strategy was published in May 2013 and reflects the Executive's commitment to improving community relations and continuing the journey towards a more united and shared society. It directly contributes to outcomes 7, 9 and 10 of the draft Programme for Government. The vision for the strategy is one of a:

"a united community, based on equality of opportunity, the desirability of good relations and reconciliation — one which is strengthened by its diversity, where cultural expression is celebrated and embraced and where everyone can live, learn, work and socialise together, free from prejudice, hate and intolerance."

That provides the framework for government action in tackling sectarianism, racism and other forms of intolerance.

The strategy has four key priorities, which are our children and young people, our shared community, our safe community and our cultural expression. Those key priorities are delivered through seven key headline actions and then a range of other actions that have been identified, and there are five Departments that help to deliver those seven headline actions. The delivery of those actions is monitored at departmental level through project boards in each Department and, at a strategic level, by the Executive Office through the good relations programme board, which meets quarterly and which I chair.

The strategy is funded through a combination of baseline allocations in the Departments and through the shared future funding of £60 million over five years, which was provided from the Fresh Start Agreement. Departments bid for a share of that funding every year to the Executive Office, and the appropriate allocations are then made. Some £46 million has been allocated to date, and we are in the last year of the five years. The funding is due to end in March 2021.

I will give you a brief update on the progress of the seven headline actions. The first one was to pilot 100 shared summer schools by 2015. The concept there has moved on slightly to talk about T:BUC camps, and we have had over 570 camps since 2015, with over 20,000 young people participating in those. The next one was about developing four Urban Villages. In fact, five were actually identified: four in Belfast and one in Derry/Londonderry. Those programmes are being delivered at present. The next one was about establishing 10 shared education campuses. Development has begun on five of those campuses, and DE is considering options on progressing further schemes. The commitment around 10,000 placements for young people in a new United Youth volunteering programme has been taken forward through funding from the EU under what is now called the Peace for Youth programme. Since 2017, some 2,100 young people have completed that programme, and some 7,400 are anticipated to go through it by the time it completes. There was a commitment to establish 10 new shared housing schemes, and all 10 of those have been completed. The sixth headline action was to develop a significant programme of cross-community sporting events. This was taken forward by DFC through its Uniting Communities Through Sport and Creativity programme. That has engaged some 2,200 young people to date. Finally, the seventh headline action was to remove interface barriers by 2023. The number of DOJ interface barriers has been reduced from 59 to 46. That is a very brief outline of progress against each of those headline actions.

I should say that we are taking an outcome-focused approach to T:BUC. Significant work has been undertaken to embed that outcomes focus in TEO-funded good relations programmes. We have methods of assessing, before and after the events, the impact that the programme has had on young people. For example, over 8,500 participants gave us feedback on our central and district council good relations programmes. Some 70% of those respondents indicated that they had a more positive attitude to people from a different community as a result of their participation, some 75% were positive about the project that they were participating in, and a similar proportion felt that the programme had a positive role in bringing young people from different backgrounds together.

I will now turn to victims and survivors. TEO is responsible for the strategy and policy on victims and survivors, including sponsorship of the Commission for Victims and Survivors and the Victims and Survivors Service. A new Victims and Survivors Service delivery model was implemented in April 2017, with funding worth some £34.6 million over the three-year period of 2017-2020. That was in addition to the £14.9 million that was allocated through Peace IV.

I will just speak briefly about victims' payments, because we had some fairly detailed discussions last week. TEO also has responsibility for the implementation of a scheme of payments to victims of Troubles-related incidents. The Victims' Payments Regulations 2020 were laid in Parliament by the NIO on 31 January 2020. As it is a devolved matter, the Executive Office is leading on the implementation of the scheme by the end of May 2020. Although the implementation plans have already commenced, as we discussed last week, the time frame legislated by Parliament is extremely challenging.

The period of the initial 10-year strategy for victims and survivors ended in November 2019. Under the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018, a two-year extension was approved, with a possible further short extension, if required, to allow for the development of a new strategy, including engagement with the victims' sector and ministerial consideration of the findings of that engagement. A review of the current strategy is being taken forward by RSM UK Consulting. The final report is due to be submitted to TEO by the end of June 2020, and the findings and current ongoing research will help to inform the development of a new victims' strategy.

TEO is working closely with the Department of Health, the Health and Social Care Board and the Victims and Survivors Service to ensure that the regional trauma network delivers on the Stormont House Agreement by increasing access for victims and survivors to the mental health services that they need. The aim is to deliver a comprehensive regional trauma service through partnership working that builds on existing resources and expertise in the statutory and voluntary and community sectors.

We covered historical institutional abuse (HIA) in some detail last week, so I do not propose to go over that aspect today.

The Executive Office leads on the cross-departmental Delivering Social Change programme. The six initial signature programmes, with investment of some £27 million, which sought to tackle key issues being faced by parents, children and families, are all complete. Three further signature programmes were developed, which focused on dementia, shared education and early intervention. Those further programmes were jointly funded by Atlantic Philanthropies. The early intervention and shared education programmes are largely completed, and TEO funding for the dementia project ends in March 2020. Some very significant benefits have been demonstrated from those programmes, and they are now being mainstreamed. The potential for a further programme to pump-prime changes to Programme for Government indicators will be explored.

We are going to pick up on equality in our session in March, so I do not propose to go into that. I will pause there, and we are happy to take any questions that there might be.

The Chairperson (Mr McGrath): OK. Thank you very much for the presentation and the update. I am sure that members will have plenty of questions, and I will kick off.

You jumped over the HIA stuff, but there are elements of it that have been raised in meetings since last week that I want to ask about. One is in relation to the suggestion from the interim advocate about the provision of support services for those involved. There seems to be a delay there, so can I get your thoughts on that? That is the sort of measure that can help to provide a bit of support, help and assistance, which is something that we all desperately want to see offered to those who have been caught up in this. We do not want it to transpire that red tape or decision-making that can be sorted quickly are the reasons for the delay in implementing that.

More generally, as I read that report and some of the other reports, I remain uncomfortable. I am not sure whether you can provide any comfort on this, but there are these big wide ranges of costs: "It will be £25 million to £60 million, but it could end up being £300 million". Those are big, bold numbers, so I want to try, from the public's perspective, to drill down and find out how quickly we can get those figures brought down to actual, real figures rather than the wide numbers, because it will obviously impact your budget and capacity for delivery. If you have any thoughts on that from last week and the support services for HIA?

Dr Browne: Maybe Gareth will pick up on the support services, and I will pick up the issue of the numbers afterwards.

Mr Gareth Johnston (The Executive Office): The support services for HIA victims and survivors, as I said last week, are important, because we recognise that putting in applications and going through what you have experienced with a solicitor could be traumatising. The point is that the services that we would like to have, which will be ongoing, will take a few months to establish. We are working with the interim advocate's office on an interim arrangement that will make sure that people are supported in the meantime so that, by the time the scheme goes live in April, there should be access to services for people who need them.

What we are looking at for the slightly longer term, which will probably take until the beginning of the summer to establish, are services where people can have a meeting with a caseworker and then be directed to the relevant services in light of their need. So, whether they needed counselling and psychological support, complementary therapies or help in accessing information from the institutions in which they had lived, all of that provision would be available. So we are looking for a fairly comprehensive service, but there will be a social work-based service available in the meantime.

The Chairperson (Mr McGrath): Last week, the interim advocate suggested that there were quite a number of vacancies within the organisation. Although there are only six or seven staff, three or four of the positions are empty. Is there a way that you could work to quickly address that? Some of those positions were for advocacy workers and support workers, and that might help to very quickly assist

with some of those activities. Can we get an assurance from you today that those positions will be filled as quickly as they possibly can be?

Mr Johnston: We are absolutely working on that. We are also working to see, particularly on the research side, what will sit in the commissioner's office and what will be provided in the service that I have just described, so there will be some additional support coming from that service. Yes, we have been working with the interim advocate. There was a particular issue due to arise in the next few weeks because a member of staff has a holiday that has been booked for a very long time, so I am lending him one of my staff who has been in the office before. We are working on all the other posts to try to speed things up. On the research post, I am looking to see whether there is a quick solution that we can come up with. We have agreed, on a personal secretary post, that we can bring somebody in from an agency. There are interviews taking place in the next couple of weeks about a health and social support post, so there should be somebody in place within the next four to six weeks. We are working on all of those.

The Chairperson (Mr McGrath): I welcome and accept that, and the motivation is 100% perfect. However, the message that it sends out to those in the sector, if staffing has to be borrowed, does not sound good. I know your motivation is perfect, but it underscores the need to fill those positions properly so the service does not have to borrow staff from other places to be able to do its work.

Mr Johnston: I should say that the member of staff who is going down to the office previously worked with Brendan McAllister doing the same job, so he will be known to the victims and survivors groups.

The Chairperson (Mr McGrath): Mark, can you speak on the budget?

Dr Browne: I want to make a comment on the previous question as well. It is important to emphasise that there is no difference between us and the commissioner on the posts that have been identified. We have agreed to fill the posts, and we are making our best endeavour to try to get those posts filled as quickly as possible, which is why we have been taking some staff from our own team and finding various ways to get the staff in place. We want to move towards permanent positions as soon as possible.

I understand the Committee's concern about the uncertainty in the figures: it is a concern that we, the Ministers and others share. The commitment that was made by the Executive to victims is important, but one of the difficulties of dealing with such historical issues and dealing with homes that are, in many cases, no longer in place is that the numbers and the records simply are not there in many cases to establish how many people may have gone through the homes and, of those who went through the homes, how many are still alive, as many people may not have shared their experiences even with their spouses or their siblings. They may not have indicated to anyone that they had these kinds of difficulties. We are trying to get a base figure around that, and from that figure then trying to determine how many of those people will come forward seeking redress and, when they come forward to seek redress, how many of them will be able to demonstrate, on the balance of probability, as is required, that abuse was suffered. Then, what judgement will the redress board make about the appropriate award in light of the evidence that they have received?

Those are the parameters that we are dealing with. We did talk about this in some detail last week. It is an uncomfortable truth that it is impossible to get a precise figure. All we can do is make our best estimates based on certain assumptions and, as we get further information, try and refine those estimates down. Currently, we have a range of figures. At the lower end, this could be somewhere in the region of £149 million. Our central estimate, which we are focusing on mostly, is £402 million, and, at the upper end, it could go up as high as £668 million. We do not think that it will, but it is a possibility.

When the application system opens, we will get a better sense, when we start to see the flow of applications coming in, as to what the likely numbers are going to be. Again, we will have to keep this under constant review because we will be having a publicity campaign to raise awareness of the availability of the scheme, and that might take time for people, even for those who are local, to think about it and decide whether they want to come forward, but also for those who may be further afield to become aware of the scheme and decide to come in. This is not something that lends itself to precise figures. It would be wrong of us to try and give precise figures, which is why we have always talked about a range. We are trying to make sure that, in the financial planning that the Executive and the Department of Finance do, they are aware of what the potential costs are so that they can plan for that. We will improve and refine that as more information becomes available.

The Chairperson (Mr McGrath): The campaign should be all right: there are 47 press officers that can assist you with that work.

On the T:BUC side of things, you mentioned that, as the programme finishes soon, there will be exploration of potential replacement funding. Many organisations, not least the Youth Service, have very heavily utilised that funding to be able to deliver programmes for young people, especially in the summertime. There is a fear that the funding will just dry up. Can you give me a sense of what "exploring it" means? What do you need to explore? Is it just that you need ministerial direction to say, "We are prepared to fund this again", or does an evaluation need to be done on the programme before you can move to the next stage? What would allow it to move to the next stage? If it does, would there be any opportunity for some of the guidelines in it to be evaluated? I know of some organisations for which geographical stipulations created difficulties. I cannot remember which it was: whether the groups could not be more than 15 miles apart or less than 15 miles apart, but it meant that, geographically, some communities struggled to participate because of their rural nature. It meant that, by the time you travelled to groups that were further away, it did not make the programme worthwhile; whereas, if there was something nearby, it might be worthwhile, but the rules did not permit it. Could something like that be re-evaluated if there was another round of funding?

Dr Browne: Andy will pick up on that in a moment, but I will address the broader question. T:BUC is the Executive's key strategy for building a united community, and the Executive have reaffirmed their commitment to that strategy in the New Decade, New Approach agreement. This is a question of where the funding comes from. Ministers are in discussion with the Department of Finance about a range of things, including the ongoing funding for this.

In some respects, we have had greater certainty for this strategy over the past five years. It was guaranteed for five years because it came from the Fresh Start Agreement. We actually had a figure guaranteed for this programme. Other programmes did not have the benefit of that, so it has been a boon to date. The problem is that it comes to an end next year, and, at the moment, we are flagging up to the Department of Finance that provision needs to be put in place for it. As I say, given that it is a major Executive priority and that it is confirmed in the New Decade, New Approach agreement, I expect that the programme will continue.

Obviously, there is always that little bit of uncertainty for those in the voluntary and community sector, but, as I say, it is a flagship programme. Do you want to pick up on the other aspect, Andy?

Mr Andy Cole (The Executive Office): You may be referring to the T:BUC camps programme, Chair. The purpose of T:BUC camps is to bring young people together to meet people from the other community in order to build lasting relationships. It is delivered across many sectors: faith groups, uniformed organisations, registered Education Authority groups and the voluntary and community sector. It has a wide spread. Policy has developed in the T:BUC camps, from it just being summer camps — the headline action — to being something much more involved. We can talk about that if necessary.

In bringing groups together, it is quite artificial to have a group from Fermanagh and one from Belfast if the objective is to create lasting friendships. Where possible, we try to partner groups that are close geographically. There is a pre-camp activity, the camp itself, and a post-camp activity so that they can build on friendships created at the camp. Attitudinal change is created in the camp and then, hopefully, friendships develop over time. That is the reason for the criteria.

Assessment is ongoing for rolling out the programme for 2021. I have seen that just today. There is a good geographic spread. That is what we are trying to address in terms of geography: ensuring that groups can take relationships forward on a longer-term basis.

The Chairperson (Mr McGrath): Are there grounds for saying that not every group can fulfil those criteria? I may speak to you again, because I am thinking of a specific example. If you are 20 miles from Belfast and live in a particularly predominant community, it is very difficult to find a group on your doorstep that is within that, but it does not mean that you cannot have friendships with a group that is 20 miles down the road. The town I live in is quite used to going back and forward to Belfast. Twenty miles does not mean much. I am sure that many people in Fermanagh would think that 20 miles is no distance, whereas somebody who lives in the city might think that anything beyond four or five miles is quite far.

Mr Stalford: Or beyond the City Hall.

The Chairperson (Mr McGrath): It is just that it is the straight [*Inaudible.*]

Mr Cole: No, it is possible.

The Chairperson (Mr McGrath): If there is an opportunity —

Mr Cole: There is an opportunity. If there are specific groups that have an issue, we can look with the Education Authority about partnering them up, or, if it is a distance more than local, that is still possible. Just on a generic basis, we try to keep them close geographically for that purpose.

Dr Browne: We can look at the policy in specific circumstances, but one of the reasons for the policy was to avoid a sense that groups were partnering with everyone except the people who lived in their own community. What was important was that relationships were built locally. A key part of the development of the camps programme has been to ensure that the young people are visible, undertaking joint activities in their own community and that others in the community see that happening. We think that that is really important, but there can be exceptions, as you say, where it is difficult. We can look at that exception.

Mr Cole: For those who are not geographically close, we bring camps together to a camp in the community event three times throughout the year, so they are part of something much bigger than just their camp. Lots of camps will come together and see that they are part of a bigger piece. Those develop social-action projects from that to build a legacy back into their own communities. They go back to their own communities, give a positive reflection of the youth in those communities and give back to the communities. That is being developed in the camps programme.

Mr Nesbitt: There was an issue that I was going to raise in the finance section, Mark, but you brought it up, and that is on redress to victims of historical institutional abuse. You quoted four variables: the number who remain; the number who come forward; the number who can prove that they were abused; and the level of awards. Do you not accept that there is a fifth variable?

Dr Browne: I was not being exhaustive in the list, Mike. There are probably more variables than that.

Mr Nesbitt: I am referring to recovering costs from the institutions that were responsible for the abuse.

Dr Browne: There are a couple of points to make about that. The first is that Ministers are keen to engage with the institutions and are making arrangements to engage personally with the institutions on recovering some of the costs and looking at a contribution from the institutions. We, as officials, have already been in touch with them to ensure that we can get the necessary records in the institutions to enable applications to be considered by the redress board so that all the information is before them.

There is another very important point here, which is that the historical institutional abuse inquiry was set up as a publicly funded scheme. It was intentionally set up as a publicly funded scheme, and that was a key recommendation from Hart, so that no one who suffered in any of the institutions would be dependent on a contribution from the institutions. The public funding has to be guaranteed up front to ensure that anyone who comes forward and has a valid claim, which is substantiated as part of the process, will receive the redress that they deserve. Any contribution from the institution will then defray the overall cost to the public purse, but, as yet, we do not know what that might be.

Mr Nesbitt: Which means that it is a variable. My argument is that it should have been in your document. I am not sure if you were at the meeting some months ago in Castle Buildings — I know that Gareth was — when the five parties agreed, very strongly, that David Sterling should go back to the institutions, not least the Catholic Church, and make it clear to them that we expected them to put their hand in their pockets and to find much deeper pockets than they did when this was resolved in the Republic of Ireland. Do you know whether David Sterling had that discussion?

Dr Browne: David wrote to the institutions making two points. One was about the compellability of information as to whether individuals had been in the institutions, and that second point that you have just referred to, which is about the contributions being made from the institutions and that there will be engagement with them. He has made that contact; he has written to them. In my comments, I was responding orally to the question, so it was not an exhaustive list of variables. The difficulty for us now is that, as part of the overall total cost, we will have to consider what a contribution from the institution

might be. That is extremely difficult to estimate, and we are only at the very early stages of even thinking about what that might be, but, absolutely, it is a variable.

Mr Nesbitt: I accept that it is very difficult to estimate. I just feel that in such an important document for the Committee as a briefing paper on budgetary pressures, it should have been in as one of the variables.

Let us move back to the seven T:BUC headline actions. You gave us the headline figures for the summer camps. What is demand versus supply like?

Dr Browne: On the number of applications for the camps?

Mr Nesbitt: Yes.

Dr Browne: They have been oversubscribed, I think.

Mr Cole: They have been oversubscribed this year and will be subject to budget approval by Ministers. We started off with about 101 camps in 2015-16. That increased to 128 camps in 2019-2020. Some camps were assessed as not being strong enough or above the line, and they were not funded, but there has been an increase from 101 to 128, and we are oversubscribed this year. How many we fund in 2021 will be subject to budget confirmation.

Mr Nesbitt: Do all seven have targets?

Mr Cole: All seven headline actions?

Mr Nesbitt: Yes.

Mr Cole: As articulated in the strategy, yes — 10 shared housing schemes, 100 summer camps etc.

Mr Nesbitt: Do you run a risk assessment guidelines-based (RAG) risk assessment?

Dr Browne: We assess progress against all the headline actions on the basis of the targets, yes.

Mr Nesbitt: Are any in the red?

Dr Browne: The shared campuses is at risk. There were to be 10 shared campuses; there are five at various stages of development. That has proven to be difficult. The funding that we provide from Together: Building a United Community is the revenue costs that are required to help the schools work with one another to work through how they will manage the campus and so forth. The capital funding has to come from elsewhere. There has been pressure on the availability of the capital funding. It is also a long slow process working with communities and boards of governors to get agreement on the arrangements for that.

That is one on which, for a range of reasons, progress has not been as rapid as we would like. Removing all the interface barriers by 2023 is an extremely challenging target. For reasons that everyone around the table will understand, it is probably the most challenging target among the headline actions. While progress has been made on it, if we were using a formal RAG status, that would be in the upper category.

Mr Nesbitt: There are two reds, as in they will not happen on time. I am not criticising; I am just seeking information. Are there any ambers?

Dr Browne: We have not formally done the red/amber/green assessment on them. In respect of the camps, we have exceeded what is required. In respect of the Urban Villages, we have exceeded what is required. For shared neighbourhoods, we have achieved the 10 shared neighbourhoods and moved beyond that. In respect of the 10,000 young people, the Peace for Youth programme is on target to bring in 7,400 when it completes, and the intention there is to look at PEACE PLUS for a possible extension of that to try to get up to the 10,000 that is required.

I am losing count of how many I have got through now. That is four, I think, that have been achieved. In terms of sport, it was not a very clear target in a numerical sense, but it was about having a significant programme, and I think that we do have a significant programme there. Five are being achieved, and two are at risk of not being fully achieved.

Mr Nesbitt: The regional trauma network arises in paragraph 27 of the Stormont House Agreement, which was a political agreement to accept a recommendation from the Commission for Victims and Survivors to bring forward a:

"comprehensive Mental Trauma Service".

You will be aware that there is now some dispute about whether that is a service for victims and survivors primarily or whether it is open to all through the National Health Service. How can we have that debate when it was brought forward specifically on the back of a recommendation from the Victims' Commission? It would be ultra vires for that commission to recommend something for the general public.

Dr Browne: Gareth can come in on the detail. The intention, as I know you are aware, was to ensure that victims and survivors have access to the key services that they need. The commitment was that it would operate within the NHS. One of the key principles on which the NHS is based is that it treats people on the basis of need regardless. It does not focus on and prioritise particular groups; they are all prioritised on the basis of clinical need. While victims have significant issues, a range of groups in society can and will present to the National Health Service with significant mental health issues and other trauma-related issues. Putting a service in the NHS means that it has to operate under the basic principles of the NHS — on the basis of clinical need. That does not mean that there will not be enhanced services for victims; there will be enhanced services for victims. They will be treated, but there cannot be a service that is specifically for victims within the NHS.

Mr Nesbitt: Mark Lee, who is leading for the Department of Health, told an all-party group this week that the Department of Health is seeking legal advice on this matter. Are you aware of what that legal advice is?

Mr Johnston: The legal advice will be a matter for the Department of Health. What I can say is that the Department of Health is considering all these issues, but —.

Mr Nesbitt: Gareth, I asked you whether you were aware of what the legal advice is.

Dr Browne: The legal advice will be privileged to that Department. You will have to ask the question of that Department.

Mr Nesbitt: We are supposed to be doing joined-up government and you are working closely with the Department of Health in our own briefing, but now you are saying that you are not. You are saying that there is a Chinese wall. You cannot have it both ways.

Dr Browne: No, I am saying that we are working very closely with them. What I set out was what I understand to be the principles of the NHS —.

Mr Nesbitt: I get that, but I am not asking you what the advice was; I am asking you whether you are aware of what the advice is.

Mr Johnston: I have not seen the advice itself, nor would I expect to, because —.

Mr Nesbitt: But are you aware of it?

Mr Johnston: I have had a general indication of what is in the advice.

Mr Nesbitt: That did not hurt. Thank you. I take it, Mark, that you have satisfied me that there is an issue here in terms of the purpose of the NHS and what paragraph 27 is trying to do as far as I understand it — and I was part of the negotiations. There is an unresolved tension that needs to be resolved. I simply wanted to know whether that advice was out and whether both Departments were working collaboratively and knew what the advice was. Thank you.

Ms Sheerin: Thank you for your presentation. I want to follow up on some of the things that Mike said about T:BUC and the targets. There is a commitment to renew the funding past March 2021, and there are ticks beside some of those targets and there are some that have not quite been achieved. I wanted to ask a broader question about the learning that has come out of this phase. I assume that you will be having discussions about changes and how some of those things will be addressed.

I note the percentages of positive responses from those involved; I assume that they are young people. Seventy-five per cent of respondents felt that the programme had a positive role in bringing young people from different backgrounds together, which is, obviously, impressive. At the same time, however, that means that a quarter of those involved in a scheme designed to bring young people from different communities together did not feel that it had been effective. That is a big gap.

Mr Cole: Over recent years, since the implementation of the programmes, we have been trying to get better at how we capture our outcomes — not just how many people participate in the programmes but what the impact on attitudinal change has been. It is only in the last year, 2018-19, that we have been able to aggregate that up to a programme level. The sample that you are referring to is from about 8,000 participants. There are many more participants, however, so we need to get better at that next year and increase the number that we can aggregate up to programme level.

We are always evaluating the effectiveness of each programme, be it the district council or central programmes or the planned interventions and identifying weaknesses and how we can address them. Across the different programmes, we have what are called shared learning forums. That is where we bring all the groups that are delivering programmes — for example, central good relations or the district council good relations — to share best practice, challenge with one another, determine where improvements could be made, and see what has worked well and what could work better. There is a whole programme of evaluation of projects at programme level and shared learning in the sector across delivery partners. It is ongoing work, and it will always be ongoing as we look to improve delivery.

There are approximately 100 projects in central good relations, and there are 141 district council projects and 128 camps, so a significant number of interventions are ongoing at any one time. They all have slightly different approaches and are designed for different purposes. We try to collate all that and aggregate it to programme level to learn the lessons and strengthen going forward.

Ms Sheerin: Do you have a confirmed figure for what will be spent after March 2021? Do you have a budget set out?

Mr Cole: At present, as Mark reflected, T:BUC is resourced from baseline funding from the Executive Office and shared future funds. The shared future funds run out in March 2021, so resource has yet to be identified for delivery beyond that date.

Ms Sheerin: OK. It is being worked on.

Mr Cole: The pressure has been logged with the Department of Finance.

Mr Stalford: Is there a working definition of shared education?

Dr Browne: Yes, there is. In fact, it is in legislation. Our programme may have predated the actual legislation, but there is a responsibility on the Department of Education to promote shared education. Interestingly, it goes beyond the responsibility required for encouraging and facilitating integrated education and Irish-medium education. It is an additional responsibility.

I do not have a precise definition in front of me, but it is young people coming together for shared classes that could be on either campus. A shared campus takes you into different territory. Shared education is where you have a campus where the facilities are shared to a greater or lesser degree. It may be that some parts of the campus are particular to one of the sharing schools and some are common to both, or it can be a campus that is completely shared. There is a spectrum.

Mr Stalford: How much money is in the shared education pot at this stage?

Mr Johnston: For Delivering Social Change and the three further programmes that Mark mentioned there is £25 million for shared education.

Mr Stalford: How much of that went to the integrated sector?

Mr Johnston: I do not have those figures. It is a question for the Department of Education, but we can certainly ask.

Mr Stalford: In my constituency, there is an ideal example of where a shared education project should go: in the Knockbreda area, there sits, within spitting distance of one another, St Bernard's Primary School, Knockbreda Primary School and Knockbreda Nursery School. The Department of Education, in its infinite wisdom, has undertaken to put a massive integrated school beside Knockbreda Primary School with what, I think, will be serious consequences for that school. If it is shared education, my understanding is that for the school that is going on the Knockbreda site, some of the money came from this pot. Are you familiar with Forge Integrated Primary School?

Dr Browne: I am familiar with Forge Integrated Primary School.

Mr Stalford: Did some of the funding for its project come from this pot?

Dr Browne: We are mixing up two pots. There is the T:BUC funding, which is to encourage a certain number of schools to come together, and Forge was not a part of that. There was also the much larger funding that was for the Delivering Social Change programme to encourage shared education programmes for existing schools, and I am not aware if Forge received any funding from that source.

Mr Stalford: I pushed the Department of Education on this matter when we visited. Forge deserves and should get a new building; I am speaking as a former governor of Forge Integrated Primary School. On that one site you could have had an integrated school, a Catholic maintained school, and a controlled school, and, in the middle of those three schools, you could have had a nursery school acting as the feeder school for the them. It was ideal.

I am really interested to know how much of this shared education money was really rebranded or used because people assume that integrated education and shared education are the same thing, and they are not. I am interested to know how much of that money went to the integrated sector. It is a source of annoyance to me as, throughout my constituency, there are schools that may technically be controlled primary schools, but the fact of the matter is, because of the nature of my constituency, they are integrated schools. For example, kids from every conceivable background go to Rosetta Primary School. There are 47 different languages spoken in Fane Street Primary School, but, because it is not part of the integrated sector, opportunities for funding seem to be lost to it. I would like an answer on how much of the shared education budget went to the integrated sector.

Dr Browne: What I can tell you is that the shared education budget in relation to T:BUC would not have gone to those schools. I have a list here of the schools that received funding. Those schools have to respond to a call; it is put out there, and they respond to it. They have to bring forward the plans that they have to share, those are considered and then go forward for approval, before being taken forward to the next stage. Capital funding was also made available, along with funding for shared housing, from the Treasury; some funding was made available there for projects involving shared education and integrated education. I think that a significant amount of that went to existing integrated schools. The fact that that budget has been used up is one of the problems with moving forward with the shared campuses programme in T:BUC because that capital funding is no longer available.

Mr Stalford: Yes. That is where there is a source of real annoyance to me. We have missed the shared campus target. There is a big site in my constituency — it used to be Knockbreda High School — where you could have created a shared campus and helped to deliver on that target.

Do you think that it was a mistake to put a date of 2023 on the removal of interface barriers? I was born in Annadale and spent a big part of my childhood living in Cluan Place at an interface. I would be interested to know how we measure community confidence that allows those barriers to be removed. It is all well and good for civil servants or for Departments run by people who do not live at interfaces to say that, by 2023, all the walls should be down or all the interface issues should be dealt with. However, unless the people who live on either side of those interfaces are content to go down that road, it is not going to happen, is it?

Dr Browne: Any change in any of those areas absolutely requires the consent of the community and can go only as fast as the community is prepared to go. The target was set by the Executive as part of their overall strategy. You can argue about whether having a target helps as a spur to action and to focus minds or whether it is unrealistic, and there will be different views on that. However, we work with what we are given by Ministers. The 2023 target was there, and it is DOJ that takes that forward on our behalf. All the work on interfaces is on preparation; it is about working with communities to build confidence and to try to get involvement across the different communities to allow for some changes to be made.

Those changes can come in a range of ways. It can be about totally removing the structure; it can be about reducing the structure, so that, where it is very high, it can be made smaller; it can be about making it more open, so that, where it has been a solid fence, you can make it a more open fence. All of that can make a significant difference. There can be reclassification and re-imaging. There is almost a spectrum, but, ultimately, of course, there is removal.

To go to your point, when we talk about the difficulties with this issue, there is a piece by Avila Kilmurray in the IFI magazine in which she makes the point that 70% of all conflict-related deaths occurred within 500 yards of a peace wall and 85% of killings within 1,000 yards. Those communities suffered significantly during the Troubles, which, obviously, is why the interfaces are there. Many of them are in very deprived communities. A lot of work has to be done to rebuild confidence. I think that there are some positive signs coming through in some of the surveys that have been done; figures suggest that 76% of people said that they would like to see the walls being removed in their children's or grandchildren's lifetime, so, longer term, they want to see them being removed. The latest figure for those who want them to be removed now is 19%. That has increased over two years from 13%, so there is a desire in the longer term to see them being removed. I think that there is greater progress in communities being prepared to see them being removed now, but it is a difficult process. It has to take account of where the community is.

Mr Cole: It is also important to say that none of those things sits in isolation from the others. We try, through district council good-relations programmes, central good relations or camps, for example, to join the dots to build capacity and the confidence of communities in and around interfaces. If you bring the children together in cross-community activities and there is attitudinal change, that can have an impact on communities and on parents and starts to build that confidence. Only when communities feel safe will they engage in those conversations. It is a journey, and different communities and different interfaces are at different places on that journey. Nothing is in isolation. It is not just the removal of interfaces and the taking down of a barrier; it is much more complex, as, obviously, you will appreciate.

Mr Stalford: How do you measure the community confidence that would allow the walls to come down? Do you physically ask the people who live alongside the walls?

Mr Cole: There is face-to-face engagement with communities, first with those closest to the interface and then wider, beyond the interface. An engagement team from DOJ is out on the ground. We also work with the International Fund for Ireland and other statutory partners and core-funded groups from the CRC, for example the Belfast Interface Project. There are many conversations going on, and different levers emerge from having those and face-to-face consultation in building the confidence of those communities. There is some survey work on evidence, and that has given us some of the percentages that Mark was referencing.

Mr Stalford: That is grand. I appreciate your indulgence, Chair. Can I take you back to the capital figures for shared education? You do not hold the figures. Do I get those from the Department of Education?

Dr Browne: Yes. I think somewhere in the region of £500 million was made available from Treasury, at one point, for a whole range of shared housing and shared education programmes, but that money is now all committed, including for the Strule campus and other major programmes.

Mr Stalford: My concern was that the Department of Education, in the absence of a Minister and ministerial direction, was determined to get the money spent and just thought that shared education was close to integrated education, so it would just send the money there. I will speak to that Department about those figures.

Mr McCann: Following on from what Christopher said, I live in and represent an area with the longest interface in the North, running from Lanark Way to Townsend Street. I have worked with the Department of Justice on a number of schemes, and I think that the replacement of the gates at Townsend Street, North Howard Street and Workman Avenue has made a change in that it has softened the intimidatory nature of the gates that were there in the past.

Like Christopher, I have always held the idea that the people who live on either side of the interface are the people you need to convince that the walls are not necessary. If you take it wider, as CRC has done, to people some miles away, it will have an impact on the area. The removal of a wall or a gate at a particular time could set you back 40 years. It needs to be done with some thought. I am not saying that that does not take place. I have always believed that the walls are the public manifestation of division, but the real enemy that we need to tackle and defeat is sectarianism. When we can crack that nut, you can start to deal with some of the other stuff that is there. I do understand that it is really difficult and that 2023 is just around the corner in many ways and that it will be difficult to meet that target, but I do believe that the softening of many of the interfaces has worked and played a role.

Moving on from interface barriers to the T:BUC Executive action in relation to tackling paramilitarism, the community element outlined in B4 has only got off the ground, yet it is supposed to finish in March next year. What plans are there to ensure the continuation of that? From taking part in a lot of the consultation with some of the communities and officials from the Department. I have been concerned for a considerable time that the community element was being handled badly. I think that some of the consultations were terrible. I think that some the answers that were given to many of the questions were untruths. Many people that you had encouraged to take part in these consultations left and felt that there had been bad faith. Whether it was B2, B4 or whatever, the likes of the Department of Education, the PSNI, the Housing Executive and others, upon this becoming available, were able to tap into funding immediately, but, again, the community waited four years and went through hard work and difficulties with the Department. Could we get an update on where that is at, how it has been handled and the plans for future funding?

Dr Browne: That will be picked up at the next session, but I am happy to say some words about it now because I have been involved in that. The tackling paramilitarism, criminality and organised crime programme, to give it its full title, is headed by DOJ, and, within that, a range of Departments have responsibility for certain parts of it. We have responsibility for B4, as you describe, which is about communities in transition. Funding of £10 million a year was provided: £5 million from the Treasury and £5 million from the Executive funds. The Treasury was very focused on the money being spent in-year. It has since provided a little bit of flexibility at times, but the money had to be spent in-year. When that programme was set up, it needed to have the capacity to spend almost immediately. That meant that projects that were ready to go and those areas of the programme that could spend were able to bring forward programmes very quickly, and those that needed to have community consultation and discussions about what things the community wanted could not come in immediately.

The initial spend tended to be focused, as you say, on certain areas. There was an element around support for the PSNI and the task force, but a number of community programmes were delivered through, for example, DFC. The training programmes for women were delivered. On B4, the eight areas had to be identified first of all, and then there was work in consulting with the communities on what it was they actually wanted. Then we ran into the Buick case issue about whether or not civil servants could make decisions. That took between six and nine months out of the programme, because no one would engage. The political parties would not engage at that point and would not support the community consultation that was going on. That caused a delay.

To go to the end of this, £12 million was identified as potentially available specifically for B4. We have identified projects for the next 18 months and, when the programme is supposed to come to an end, there will be £8.5 million of projects. They are already being procured. The majority of those have been procured, and a number of them have already started. I can give you the detail, and you will get the detail in the next hearing.

There is also the commitment in NDNA. Our view was — the very point that you are making — that, given the time taken for consultation, you have to give these programmes time to have an impact on the ground. They need to be given time to make a difference, and it is important that the programme is extended. There is a commitment in NDNA to keep the focus on tackling these kinds of issues. Discussions are ongoing with the British Government about the funding of that, and we hope and expect that the programme will be extended, which means that, after the £8.5 million that I referred to, there will be an opportunity for further funding in the years after that. We hope and expect that these projects will go on beyond the 18 months. At the minute, in our procurement, we have been able to

say that these projects will go to a certain point and, subject to the availability of funding, there is a possibility of extension beyond that. If the money comes, we will be able to run them on.

Mr McCann: I appreciate that update. Right from the get-go, I was out encouraging groups, certainly in my constituency, to buy into it. At an early stage, groups were told, "You need to come up with proposals and buy into this". These are professional people who have done community work over the years and know what they are dealing with, and they were told on a number of occasions, "No, we have to go back and try another route". I sat in consultations where this was relayed. What you ended up doing at that stage was losing people who had had some confidence in the process at the start. You said that you had to go down other avenues, such as DFC. There was one proposal whereby a group came in — I think that it might have been an American group — and said that it would go out and talk to a community about what it wanted. That was a waste of space. Communities were asking, "Who are they, what do they represent and who do they reflect? We have been working in this area for years and years", and they were just completely ignored. As a matter of fact, most people in DFC did not even know that that was going on. As I say, there were problems all the way through that consultation process.

Dr Browne: There were problems and difficulties. There were others beyond the ones that you have just described with regard to community consultation. What actually happened was that there was initial analysis of all the areas. Key issues that came up were identified as priorities. Then, there was discussion with the groups about which projects should come forward to deal with those priorities. When they were identified, they were procured. They are out now at the moment. Groups have applied for them, and a significant number have been awarded. Yes, it took longer — and I accept that it took longer — than people would have wanted, but there is a key point here: when we talk about community development, all our experience from elsewhere, what we get in all the Audit Office reports and the best advice that we get is that, if you want to have projects that will be effective in the longer run, you have to take the time to work with the community to do that, work out what is actually required and come up with proposals that reflect what the community wants. Then, you will get buy-in. That was why we took the time up front. As I say, it was interrupted by other factors, but we have received good applications for the projects that we have put out. They have been awarded and are starting to deliver in those communities.

The other point that I would make is that it has not been easy in some areas to get people to come out and consult on tackling paramilitarism, for fairly obvious reasons.

Mr McCann: What does that tell you?

Dr Browne: It tells you that people are afraid. In some areas, it was less difficult. In other areas, it was very marked, and it meant that, when we were trying to have those consultations, we could not get to people to find out their views. Then, groups came and told us to organise a particular event here or there, and at that point, people came along. We had to have a lot of extra events in particular areas. It took longer in some areas than in others to be able to get to people in the community to find out what they actually wanted.

That is an ongoing issue around the whole area: not everyone is prepared to engage openly in the programme because of their concern about their own personal position. There were difficulties around that, but we have managed to get through it. The programme is rolling out. I accept what you say about the time that it took, but when we bring you the figures at the next meeting — I do not have them with me, because I was not expecting to get into the detail today — you will see that the procurements are out and being delivered on the ground. They will all be procured by the end of March, and they will run through to the end of the programme. We are hopeful that, where it makes sense to keep them going, a number of them will be able to continue beyond that, providing that the funding is there.

Mr McCann: Thank you for that. The other issue was B2, which was specifically an action to end discrimination against political prisoners. Where is it at?

Dr Browne: Are you talking about the veto legislation?

Mr McCann: Yes.

Dr Browne: We have had initial discussions with Ministers and will bring proposals to them on that.

Mr Robinson: Thank you for the presentation. My question is on page 18. It relates to the establishment of 10 shared education campuses. Where are the five that have started?

I will ask another question, while I am here, on the establishment of 10 new shared housing schemes. Again, where will they be?

Mr Cole: With regard to the shared education campuses, there have been three calls. Five projects are ongoing. One is the Limavady shared education campus, which involves St Mary's, Limavady and Limavady High School. That includes the creation of two new shared facilities; a shared sixth-form careers, media and drama centre; and a STEM centre at Limavady High School.

The second one is the Ballycastle shared educational campus. It is a post-primary school project involving Ballycastle High School and Cross and Passion College. The third project is Moy, and that proposes a single 11-class base school build to accommodate both St John's Primary School and Moy Regional Primary School. The fourth is Brookborough shared education centre, which is St Mary's Primary School and Brookborough Primary School coming together to a single school build that will accommodate both schools and facilitate their shared education learning. The fifth and last one is Duneane Primary School, Toomebridge and Moneynick Primary School, Randalstown. They will co-locate to a single school build that will accommodate both schools whilst allowing for shared facilities. That is the first two calls and the five projects that are live.

Dr Browne: There are 10 shared neighbourhoods. The first one is in Ballynafoy Close, on the Ravenhill Road in east Belfast.

Mr Stalford: It is in south Belfast.

Dr Browne: Yes, you are right, it is south Belfast. It says "east" here. *[Laughter.]* You are absolutely right, for obvious reasons. The next is Global Crescent, on Ravenhill Avenue, which, again, is in south Belfast, despite the fact that it says here "east Belfast".

Mr Stalford: If you ask the people who live there where they are from, they will say that they that are from east Belfast, but it is their choice.

Dr Browne: Burnvale Crescent, Cookstown; Manse Road in Crossgar; Felden in Newtownabbey; Main Street, Dundrum; Market Road in Ballymena; Antrim Road in Ballynahinch; Dromore Street in Banbridge; and the Embankment in Ballynafeigh, also in south Belfast.

The Chairperson (Mr McGrath): Thank you very much. Pat is next but —.

Mr Clarke: Can I have a supplementary question to that?

The Chairperson (Mr McGrath): You can have a supplementary to that, if Pat is OK with it, quickly.

Mr Clarke: Andy, you referred to those schools in answer to George. Obviously, everybody else is interested in their own constituency, so I will ask about mine. Has money been spent at Duneane and Moneynick Primary School yet, Andy?

Mr Cole: T:BUC money has been allocated to release the leadership teams and staffing. It is resource money, to facilitate discussions between the schools. It is not the capital element. The T:BUC money is the resource. Yes, money has been spent in respect of that at Moneynick.

Mr Clarke: I am not going to try to pooh-pooh the suggestion, because I think it was a good idea for the two schools. What concerns me is the advancement of these schemes. In the setting up of these structures, no plans have been drawn up, nor has a site been identified. I think that, if you were to ask the public's opinion on that, they would say it has been a waste of money. Both schools took big challenges and leaps of faith to encourage parents to go in a particular direction. That was the right thing to do for both communities. If you were to go back and ask them today, I do not believe that they would say that they have confidence, because nothing has materialised. The schools are working and collaborating well together, but there is still no site identified and no plans. As a result of that, the numbers will continue to drop.

Mr Cole: You think they will lose confidence?

Mr Clarke: Yes.

Mr Cole: Any school build is a long process. In shared education, it is important to build confidence.

Mr Clarke: Andy, it should not be, because the whole purpose of those shared campuses was that they were schools that were becoming unviable in their own right. Moneynick and Duneane were each becoming unviable. They were from separated communities and there was an opportunity to bring the them together on a single campus,

The Chairperson (Mr McGrath): Can I —.

Mr Clarke: To bring it up to that stage and then do nothing —.

The Chairperson (Mr McGrath): You are now on a supplementary to the supplementary to the supplementary. I have been generous and Pat is waiting, so perhaps I will ask you to continue.

Mr Clarke: You can expand that for me, Pat. *[Laughter.]*

The Chairperson (Mr McGrath): You have made your point, and you can get a reply, but afterwards.

Mr Sheehan: Thanks, Chair. I am asking about the shared housing development. It is well documented that there have been some problems around some of those developments anyway. Could you tell me what is being done to protect occupants who have felt intimidated or who feel under pressure? Has the Department, in conjunction with DOJ and the police, taken any action to ensure that that type of intimidation is dealt with?

Dr Browne: There are a couple of aspects to this. Some of the issues that shared neighbourhoods encounter are no different to the sorts of issues that other neighbourhoods encounter. The difficulties that there are in dealing with those apply equally to shared neighbourhoods as elsewhere. Anyone who commits to being part of a shared neighbourhood has to sign up to a charter, which sets out how they will behave. If they breach the charter, there is the potential for them to be asked to leave the neighbourhood scheme.

Some of the learning from the issues that have arisen, for example in Global Crescent, includes the importance of focusing not just on the shared neighbourhood but on the community around it. There are good relations plans that are funded and work being supported so that there are bonding programmes and bridging programmes. The bonding programmes are about the residents of the new development and giving them a sense of community by making them aware of the fact that they all belong to a community that has particular aspects. The bridging programme is to try to make connections between that neighbourhood and the surrounding neighbourhood, because there can be difficulties sometimes when brand new, shiny houses are being put in an area and other people do not have access to them — it can create tensions — and there needs to be something to show how the neighbouring community can benefit. There is funding made available as part of the shared neighbourhood schemes to support a good relations plan over a number of years to try to develop those connections within and across the community.

Some of the other issues that you are referring to, whether they come down to intimidation or flags or so forth, will be dealt with by the Flags, Identity, Culture and Tradition (FICT) Commission. They are not something that can be dealt with by the shared neighbourhood scheme.

The other point is that in some areas there is pressure on housing, and it is highly political, as you know, and that can create difficulties. There, we need to have all representatives, local political representatives and others who are working with those communities, trying to maintain good relationships and diffuse any tensions that arise. There is work for all of us in this. It is not easy.

Mr Cole: There has been £5 million allocated to those 10 T:BUC schemes. The 10 T:BUC schemes have been mainstreamed into DFC's Housing for All programme. Eight further schemes have been developed, and there has been good relations support for those too. So, it is not just a case of building them; there are the bonding and bridging programmes that Mark mentioned. As Mark explained it one day, it is like the health service in that you do not get everyone better and that is the end of it. This is

an ongoing piece of work when it comes to building community relationships and ensuring that those communities within themselves and beyond themselves continue to strengthen.

Mr Sheehan: OK, thanks for that. I want to move on to some of the stuff that we dealt with last week in relation to the victims' payments or pensions. They are commonly called the "victims' pensions", but I am not sure; what is the correct term?

Dr Browne: Victims' payments.

Mr Sheehan: Will all the payments be lump sums or will there be instalments over a particular period? What way is it going to work?

Dr Browne: That is a matter of choice for anyone who qualifies for the payment. When they reach the age of 60, they can choose to have the remaining payments rolled up into 10 years' worth as a lump sum, and that will be it finished, or they can continue to take an annual payment. That is a decision for each individual, and that is one of the variables when it comes to how many we think will go for that option and how many will opt for the ongoing payment.

Mr Sheehan: Is it a pension, then, in everything but name? It will not be taxable I take it.

Dr Browne: It is not taxable, no. It is identified as a payment to provide acknowledgement and recognition to victims who were injured through no fault of their own. That is the description that the Secretary of State gave it.

Mr Sheehan: OK. Given that Westminster made these regulations but they will be administered by the Executive Office, are there any other examples of regulations like this being made at Westminster that have to be administered by an Executive Department?

Dr Browne: I will have to look. I would be surprised if that was not the case, but I would need to check just in case.

Mr Sheehan: On the development of the scheme, I know you had an issue last week about the term "engagement", but can you walk me through the role that the Department had when the NIO was trying to develop the scheme? There was some sort of contact between yourselves, DOJ and the NIO. What form did that contact take?

Dr Browne: As you know, this came in to amend the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 (EFEF). It was set in a very clear time frame for regulation at the end of January and implementation by the end of May. Once we knew the EFEF Act had gone through and work was starting on the regulations, we asked who was going to deliver it. When we looked at it, we realised that, as it was a devolved issue, it was going to be for our Department. We, therefore, established an oversight group for victims' payments, which I chair, and which has representation from a range of Departments, including the NIO. We established the group so that we could try to understand what was proposed in the consultation document and what would be required by way of delivery, so that we could start do make of the preparations while the regulations were being developed. We had monthly meetings and started by asking what issues would come out of this so that we could make sensible preparations.

We looked at such things as IT. Which Department is going to do that? What might the potential costs be? What format might it all take? Who will be included? Who will not be included? It was difficult to do because the regulations had not yet been put in place and the consultation was not in place. We were trying to make whatever preparations we could make without certainty over what the policy would be, because the policy was the responsibility of the NIO. As I said last week, the decision to be taken on that was the responsibility of the Secretary of State. We were trying to make the best preparations that we could without certainty or clarity over what the policy was going to be. We had regular contact in that regard, but the final decisions and the management of the consultation were the responsibility of the NIO, and we were not privy to those final decisions because that was the responsibility of the Secretary of State.

Mr Sheehan: You say in the paper that officials raised a number of drafting and technical points. What were they?

Mr Johnston: They really were drafting and technical points. Where a particular topic was dealt with, for instance, we said, "That covers a and b, but we also need to provide c". Or, we asked a question about something that had been mentioned, such as how the consultation was reflected in the regulations. It was at that very technical level of how things were drafted and how words were used. It was not at a policy level.

Mr Sheehan: Did the issue of the 2006 Order ever come into those discussions?

Mr Johnston: The NIO was aware, and, when we had the discussions, we referred to the Victims and Survivors (Northern Ireland) Order 2006 and the difference between it and what was in the consultation paper, so, yes. There was an observance that there was that difference. Of course, the difference goes back to the Executive Formation and Exercise of Functions Act and the amendment tabled by Lord Hain and others. The difference was in the primary legislation before the NIO started any work on regulations.

Mr Sheehan: The point I am making is that these regulations are not consistent with the 2006 Order. Was there discussion around that? Was the potential for a legal objection to the regulations discussed?

Dr Browne: The difference between the definition in the Order and what was intended by the victims' payment was quite clear from the outset. It was an explicit element of discussion in Westminster when Lord Hain brought forward his amendment. It was explicit from the outset. It was not something that we needed to raise. It was there from the outset, and it certainly would have been raised in responses to the consultation by various groups, I imagine. I have not seen the detail, but I imagine that they would have raised that issue. However, the whole issue of the definition of a victim and what victims' payments were going to cover were at the heart from the outset, and it was public from the outset. It was not something that we had to raise; it was implicit in the announcement that was made.

Mr Sheehan: Are you saying that the regulations trump the 2006 order?

Dr Browne: It is not a question of one trumping the other but a question of the definition of a victim being used for certain things, such as providing support for services. The regulations, in the way in which they are drafted, have a different scope for making payments to victims to acknowledge and recognise them. The eligibility is different.

Mr Johnston: On the other work that the Executive Office is doing through the victims' strategy, the services that are being provided by the Victims and Survivors Service and so on are all still provided on the basis of the 2006 definition.

Mr Sheehan: Was the issue of a legal challenge discussed at all?

Dr Browne: Do you mean by the Department?

Mr Sheehan: In any of the discussions that took place that the Department was involved in.

Dr Browne: The Department acts only under the advice and guidance of Ministers. We did not have Ministers at that point, so we would not have taken a legal challenge. That was for others to take.

Mr Sheehan: Did the Department take any legal advice?

Dr Browne: Again, the Department was not really in a position to take legal advice. We act under the direction of Ministers, and we did not have Ministers.

Mr Sheehan: Are you saying that there is absolute legal clarity that the 2006 order is of no consequence here at all?

Dr Browne: I am not saying that, because I am not qualified to say that. What I can say —.

Mr Sheehan: That is why I am asking you whether you took legal advice.

Dr Browne: I am not sure that it was for me to take legal advice in this instance. This is essentially a political matter. It emanated from Westminster. We act under the direction of Ministers, so, when Parliament puts the legislation in place and states the intent of the legislation, we act to that. If Ministers want to change it, it is up to Ministers to do so. That is not something that we as civil servants do. We act under the direction and control of Ministers.

The Chairperson (Mr McGrath): Gentlemen, thank you very much for your presentation and for taking a substantial number of questions. I appreciate that. There are a number of issues on which we will, no doubt, come back to you. One is to look at the briefing on historical institutional abuse to include details of the engagement with institutions. That point has been raised several times over the past few weeks, so we may do a separate briefing on that. The Clerk will liaise with the departmental Assembly liaison officer to get that arranged for some point in the future.