



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Key Issues, Priorities and Legislative Programme:
Mrs Naomi Long MLA, Minister of Justice

27 February 2020

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Ms Linda Dillon (Deputy Chairperson)
Ms Martina Anderson
Mr Doug Beattie
Mr Gordon Dunne
Mr Paul Frew
Mr Patsy McGlone
Mr Pat Sheehan
Miss Rachel Woods

Witnesses:

Mrs Naomi Long	Minister of Justice
Mr Peter May	Department of Justice

The Chairperson (Mr Givan): We are delighted to have the Minister of Justice, Naomi Long, and her permanent secretary, Peter May, at the meeting. We welcome this engagement. We have now had a briefing from all aspects of your Department. There are just a couple that we still want to follow up. We thought it important that we took those briefings before taking the opportunity to meet you, Minister. I intend to try to have a constructive relationship with you, and I know that it will be the mind of the Committee to do that. Notwithstanding that, I am sure that there will be issues that we will, at times, disagree on, but, as I did with your predecessor when I had this role, I always thought that it was better to try to work on areas on which we had common ground. As Chair of the Committee, I certainly intend, with the Committee's support, to do that. I will hand over to you to give us an overview, and then members will have some questions.

Mrs Long (The Minister of Justice): Thank you very much, Chairman, and thank you to the Committee for the invitation and for your welcome. In particular, Chairman, I thank you for your opening remarks on cooperative working. Particularly in the context of a short mandate, close cooperation between the Department and the Committee is the best way for us to ensure that, at the end of the mandate, there are tangible results on the delivery of the programme that we want to take forward. I welcome the opportunity to meet you today, and I want to set out what I hope to deliver in this mandate. I hope that we can work together to do that.

Much good work was done by my predecessors, including work with this Committee, to develop innovative and problem-solving practices to address largely intractable problems in the justice system. I want to build on that, and, in doing so, I want to work in partnership with the Committee and with

colleagues across the Executive and in the community and voluntary sector. In the two remaining years of the mandate, I hope that we can have a shared commitment to make a real difference for some of the most vulnerable people whom we engage with or who are impacted on by the justice system. I want us to do that through developing a focus on person-centred approaches whereby we look at the system and services that we provide through the eyes of the people who are most impacted on by crime, the people who are the most vulnerable, the people who usually do not have a voice.

I want to ensure that we look at the system through the eyes of the most vulnerable victims and witnesses so that we can, working together, deliver real change in their experience of the system. In order to do that, I want to introduce a range of measures that I believe will reduce harm for individuals. When complainants, victims and witnesses engage with the justice system, a crime will have occurred, and, to some extent, damage will already have been done. I want to ensure that the system does not re-traumatise and re-victimise those victims. I want to ensure that the legislative framework meets the needs of victims and that the supports and services that we offer are holistic and bespoke. If possible, I want to be able to repair some of the damage done, and I think that it is possible for us to do that.

In this mandate, I want to work with the Committee to help in five ways that relate to victims of domestic and sexual offences in particular. First, and as soon as possible, I want to bring legislation through the Assembly to close an important gap for victims of domestic abuse, introducing a new domestic abuse offence to cover abusive behaviour: for example, emotional, controlling, intimidating, humiliating or degrading behaviour as well as physical or sexual violence. Secondly, I want to establish an advocacy support service for victims of domestic and sexual violence and abuse, which will ensure a more coordinated and tailored response to their needs. Thirdly, through the implementation of some key Gillen recommendations that have the potential to transform the experience of vulnerable complainants, I want to avoid the re-traumatisation of victims of sexual violence. Those include, for example, developing remote evidence centres; identifying how voluntary and public-sector organisations in Northern Ireland can work together to provide children with access to justice, while avoiding re-traumatisation or re-victimisation of children, as well as providing high professional standards for their recovery; establishing a framework for pre-recorded cross-examination, potentially starting with young victims of sexual offences to support them to give evidence ahead of trial in a familiar and supportive environment; reforming committal legislation to ensure that complainants have to give oral evidence in court on only one occasion — I think that that reform will also assist with speeding up the process of justice, which is another factor that we know impacts negatively on victims' experiences — and excluding the public from court when evidence in sexual violence cases is being taken. Fourthly, I want to empower vulnerable victims of sexual violence by ensuring that they have the knowledge and advice required to make the right decisions for them, and by tackling the cultural issues that exist around sexual violence cases and the role that social media can play in those. Finally in this section, I want to introduce legislation to remove the same household provision so that victims of sexual abuse who have previously been denied compensation because of that rule can now receive the compensation that they are due.

I want to take a number of steps on the issue of vulnerable victims. We know that the current legislative provisions are not adequate to meet their needs, particularly for victims of stalking, and we know how the justice system response to such cases can influence the overall effect that the crime has on the victim. I have, therefore, committed to introducing legislation this year to provide a more effective and appropriate legislative framework.

The scale and impact of hate crime in Northern Ireland need to be tackled. We all know that such crimes have a profound and lasting impact not just on the individual affected but on communities. I want to look at the report of Judge Marrinan's review of hate crime legislation and then work to take forward those recommendations that can have the most impact on the experiences of vulnerable hate crime victims in the initial phase.

Later this year, I will bring in domestic homicide reviews. These will seek opportunities for learning from tragic cases of homicide resulting from domestic violence and abuse. It is intended that the learning from the reviews will be used to try to prevent future domestic homicides.

I turn now to vulnerable communities. We all know that the causes of crime are complex. There is much research and evidence to show that issues such as poverty, neglect, low self-esteem, low levels of educational attainment, and the abuse and misuse of alcohol and drugs can be connected to people's reasons for committing crime. It is vital that we work with others, right across government and in the voluntary and community sector, to prevent crime from occurring in the first place by intervening earlier as we seek to address the societal issues upstream through restorative approaches, and as we

seek to repair the damage through a more holistic approach to community safety to ensure that the justice response is joined up, working collaboratively and making a difference for people and places impacted on by crime.

We also know that some people and communities are disproportionately affected by crime and criminality. The devastating impact that coercive control can have on communities and the importance of living in communities where there is confidence in the rule of law and respect for each other are obvious to us all. Some communities still live in fear. That detracts heavily from their confidence in the justice system and impacts on our work to support the creation of shared communities.

It is vital that we take a cross-departmental approach and work across central and local government and in the community and voluntary sector to take forward the tackling paramilitarism programme. We need to continue to embed a culture of lawfulness, to challenge robustly and consistently any perceived legitimacy around, for example, paramilitary-style attacks, to work with communities to stop people, especially young people, getting involved in the first place and to bring to justice those who continue to wreak havoc in communities. I will work to ensure that criminals do not enjoy the benefits of their ill-gotten gains by working to introduce and bring into force the criminal finance Act, including unexplained wealth orders (UWOs) by the end of this year.

One of the ways that the justice system can support vulnerable communities is through having strong neighbourhood policing teams, and you will know that the Chief Constable has advocated an increase in police numbers, which forms part of the 'New Decade, New Approach' document. The speed with which that can be implemented is highly dependent on the budget, but I want to ensure that we secure in this mandate an increase from current levels so that we are moving in the right direction.

I now turn to our work with those already in the justice system. A very important part of reducing the number of victims is working to tackle the root causes of offending and to support those released from our care to reintegrate in society. The reality is that most who offend return to our community when their sentence is complete, so it is vital that we work with them while they are in our care, challenging and supporting them to change offending behaviour. We should not underestimate the challenges faced by prison staff. Often, those who offend have a range of complex needs. By the time they reach the justice system, everything else has failed, and that is why they have ended up in custody. If we want a safer community with less crime and fewer victims, investing in helping people while they are in custody to stop offending is necessary and important.

Recently, I was delighted to visit Davis House at Maghaberry. That work, which was started by David Ford, now enables the Prison Service to take rehabilitation work in that facility to a new level. I am, therefore, committed to building on the early intervention and problem-solving approaches that were pioneered by my predecessors, including work taken forward with the previous Justice Committee. I will seek to develop further successful problem-solving justice pilots and to build on the rehabilitative work undertaken by the Prison Service.

I have commissioned work to scope how we might better support those with addictions who find themselves in our prisons, and I want to work with the Minister of Health to improve health, particularly mental health, among those who come into contact with the justice system, particularly those placed in our care by the courts. We will continue our work with the Department of Health to transform existing facilities at Woodlands and Lakewood into a multipurpose, secure care and justice campus that will deliver intensive support for vulnerable children with complex needs, including mental health needs, substance misuse and behavioural issues. I am determined to keep a focus on our work to support people as they transition from custody back into the community. This will be done through strengthening family relationships, enhancing the education, skills and employability provision that is offered within the system and ensuring that the accommodation and health needs of those leaving prison are appropriately met.

Finally, I turn to the criminal justice system. An effective justice system is important for the victims of crime, for those who have offended, for those who need to resolve civil and family disputes and so that the general community has confidence in the system. The speed with which cases progress through the system matters to everyone in that chain. Therefore, within the mandate, I want to work with partners on the Criminal Justice Board to tackle avoidable delay. I will introduce a new committal reform Bill, as already mentioned, which will help to reduce the time taken for cases to be completed. That is a further example of our work to ensure that the system works for, and does not re-traumatise, vulnerable people.

I will now talk about the facilities that we provide. In addition to the secure children's campus, which is due for completion in 2020, I will, throughout this mandate, continue with the modernisation of the court and prison estates in order to ensure that our facilities better meet the needs of service users and the staff who work in them. I am also considering whether the time is right to take stock of the policing oversight arrangements, bearing in mind that it is 20 years since the major policing reforms were implemented through Patten and 10 years since justice was devolved. It seems sensible to look at whether any enhancements to those arrangements are now needed to ensure that the vision of the Patten report continues to be delivered seamlessly. I have not yet consolidated my thinking on that, but I will ensure that the Committee and other key stakeholders are kept informed of any decisions. I have no doubt that the Committee would join me in acknowledging the vital work undertaken by front-line staff in the justice system. Their work is complex, challenging and often dangerous, so I pay tribute to them for the work that they do and the sacrifices that they make.

Even before taking office, it had become clear to me that there is a disparity in the support available to retired police officers and in the provision in place for former prison officers. In view of that, I have commissioned an urgent review to advise me on how we can ensure better equivalence. The review will examine the current provision of services to former prison officers and identify whether, and if so, what, additional service provision would be appropriate, and propose a costed approach for delivery. The review will report to me by 30 June 2020, after which I will decide how best to proceed. In commissioning the review, it is important to note that the Department does not currently have funding available for this work, so I will want to work with Executive colleagues, and with the Northern Ireland Office (NIO) in relation to legacy issues, to ensure that funding is made available to address that significant need.

In conclusion, it is a big agenda. Some difficult decisions need to be made about priorities and how we use the departmental resources available to us. Issues will arise throughout the mandate that are, as yet, beyond our control, and demands will be made on the Department over which we have only limited control — such things as Brexit, emerging priorities from the UK Government and legacy. It will require us to work together with many partners in other Departments, this Committee and beyond, to deliver. I recognise and support the important scrutiny role of the Committee, and I hope that, today, I have set out some major initiatives that we can work together on and deliver over the next two years. Inevitably, we will not always agree, but, if we have a clear vision of what we are trying to achieve, it will, surely, help us to navigate any challenges and look for pragmatic solutions.

In the next two years, we can, together, ensure that vulnerable victims are better supported in their journey through the justice system; that people who offend and who have complex needs are helped and challenged to resolve their issues, addictions and offending behaviour; that people who are at risk of offending are encouraged away from that path before they find themselves in the justice system; that communities are better supported and empowered to be safe and resilient; and that our justice system is better at meeting the needs of those who engage with it. The outcome is a safer community, less crime and fewer victims. I think that that is an outcome on which we will all be agreed. I look forward to working with you in delivering it.

The Chairperson (Mr Givan): Thank you, Minister. You laid out a very ambitious plan for the next two years. I have no doubt that the Committee will want to look at all of that as part of its scrutiny role. I do not intend to make elaborate comments. I would rather have good engagement on some of the information. I will, I hope, set a good example, and then I will open it up to members.

The Committee, with your policy objectives in mind, has been advised that just over £60 million is needed in the next financial year to stand still on your current baseline. Have you had your bilateral with the Finance Minister? Is there any indication of progress in getting the resources that you need?

Mrs Long: The figures that you quoted are correct. It will, potentially, be a challenging environment for us. As you know, decisions are being taken around the Budget. The Finance Minister announced this week the intention to delay the Budget so that we can take account of the Westminster Budget. The timing is far from ideal. As you will appreciate, not all of it is in our gift. Our January return after a period of hiatus made preparation for that more difficult. More importantly, however, the fact that the UK Parliament went through a general election at a time when, normally, we would have had the autumn statement and other indications of the direction of travel meant that we do not have huge foresight of where the Government might be headed with the Budget. The decision to delay was a wise one, ensuring that we do not project on the basis of what could be artificially low figures. However, we also recognise that any Budget announcements are more likely to affect capital than have a significant effect on revenue, so we need to be realistic about that.

It will, therefore, be a challenging environment financially. I have had my bilateral with the Finance Minister. It is my view — I have communicated this to colleagues in the Executive — that, although the Budget will not be finalised until we know the Barnett consequential of the Budget in Westminster, we should plan on the basis of the Budget that we have in order that we all prioritise the things that we want to do. That should not just be within the Department. We should prioritise the Justice Department's asks against other Departments' demands. We need to be realistic about that.

It is fair to say that, over the years, the Department's budget has reduced significantly. There has been, I think, an 11% reduction since 2010-11. That is not sustainable for the future direction of travel. The Department has shown itself willing to make the kind of reform necessary to make sure that finances are well managed. You will be aware, for example, of the legal aid reforms in the last term and of the work done to ensure that some of the services provided become self-financing so that they recover costs. All of that work is done to make sure that any money that we get is spent on the right things. Balanced against all of that is the fact that such a large chunk of the Department's budget goes directly to front-line service provision. About 70% goes to the police, and a large proportion of the remainder goes to the Prison Service and other direct services. Only around 5% of the budget remains in the Department to manage, so the opportunities do not exist there to get any more efficiency out of the Department's structures.

The Chairperson (Mr Givan): Beyond the resource, if there is a significant uplift in infrastructure spending, which is what all the indications from London are, will an ambitious capital bid be made for the police, prison and court estates?

Mrs Long: A number of capital projects are, as you know, under development. The estate project for the Courts and Tribunals Service is quite an important one. Members have already been asking questions about, for example, the use of courthouses for hearing benefit appeals and the impact that that can have on whether all of those courthouses are entirely suitable for that use. Work can be done to make courthouses more accessible and more suitable, and to recognise that they are used not just for criminal issues but for family justice and, indeed, other civil matters. As you know, there is also a requirement relating to the Prison Service. Plans have been developed for Magilligan, which is in a poor state and needs considerable rebuild. A women's prison is also needed. Those are a few examples.

I have been briefed about the police's ambition to reorganise their estate. Of course, it is for the police to discuss that with the Policing Board and go through their internal mechanisms. They then bring those funding bids to me, from where they go on through the system. There are sufficiently ambitious projects on which, if capital money were available, we would not find it difficult to spend, nor would that money be misspent. A key argument that we can make is on the case of Davis House. That infrastructure project was brought in on time and on budget, and, given the criticism of other infrastructure projects, the Prison Service and the Department have demonstrated that when we get capital, we can spend it efficiently and effectively and produce good outcomes.

The Chairperson (Mr Givan): I want to touch on a couple of policy areas. The Assembly passed human trafficking legislation, and the modern slavery aspect of that was touched on last week. There has been a review of aspects of the legislation. I will not go into the policy-related issues that relate to supporting victims of human trafficking. On the back of the reviews that have already been carried, does the Department have any intention to review that legislation?

Mrs Long: I have no intention to review or repeal the legislation. I met Lord Morrow and a couple of his colleagues last week, and we had this discussion. It is not my intention to do that, and it is not a priority. I do not believe that the legislation being on the books, regardless of what people's views of its efficacy might be, is detrimental to being able to get on with the work that needs to be done. It is not a priority for me in this mandate. Hopefully, those who were concerned that that might be the case can rest assured that that is not at the top of my list.

The Chairperson (Mr Givan): I appreciate that. I welcome the urgent review of support for ex-prison officers. My father was a prison officer for some 36 years. Other family members were also prison officers. The issue has been raised with me by people, particularly after they have left the service. There are issues around post-traumatic stress disorder (PTSD) after losing colleagues, and other issues have impacted upon them. I will clarify: the urgent review is due to complete by June of this year. An equivalent kind of support to consider is the Police Rehabilitation and Retraining Trust (PRRT) facilities for the police. The Prison Service gets limited opportunities to avail itself of that. Is that the kind of support package that is being considered?

Mrs Long: The review will look at the landscape that we already have. A number of organisations provide different levels of support to prison officers and their widows. There is an opportunity for us to look at what is provided for the police, and PRRT is one of those supports. You are right, and there are, I think, two elements to this: the prison officers who served in the times that you refer to and those who still serve in very difficult circumstances in which they and their families face threats and intimidation. We are aware of the risk that they place themselves in through the service that they provide. Retirement is often the point when people's trauma really hits. We want to make sure that we scope out the extent to which that is a problem and the numbers of people who would be seeking to use the service, so that we can get a grip on it. At the moment, because there is no service, we actually do not know how many people would require it. We are trying to scope out the volume of demand that there would be, the issues that people are dealing with, and the support that they would require. We will then look at whether access to an existing service or a bespoke service is the best way forward.

I recognise that, today, officers who do not even work with organised crime and terrorist offenders and others can still face quite traumatic circumstances. They can witness things in the prison system that are quite traumatising. We know that deaths in custody, for example, have a huge impact on not just other prisoners but prison officers, who often have to be the first responder. It is appropriate that we provide people with the right support as they are doing their job. It is also important that we look to see that we have the correct provision for those who have retired out of the service for whatever reason and ensure that they are not left without the necessary support, given that they have served the community in the way that they have.

On my visits to Maghaberry and, this morning, to Hydebank Wood, I have been hugely impressed by the work that is being done by the Prison Service. It is not always fully appreciated just how diverse and complex that work is. I have been hugely impressed by the talent and initiative that is being shown by officers who are genuinely committed to rehabilitation and to working with prisoners and keeping them safe. It would be wrong of us, as a society, not to provide properly for their care, but I will need cooperation from Executive colleagues and others. Hopefully, those of you who have written to and questioned me about it will be able to talk to your colleagues about the need for this to happen. I imagine that a large part of the cooperation will come from Health and Education. It is often that kind of support that somebody needs after they have left the service in order that they can go on and build a new career and life. They must have the health support that they need.

The Chairperson (Mr Givan): I certainly agree with all of that and welcome your comments. Those who serve in the Prison Service often feel that it is a hidden service. Police officers are very much under pressure, however the public can see that, come alongside them and give support. People do not see prison officers unless they are in the prison. Therefore, prison officers do not necessarily get the same community support from those who are supportive of what they do. Their families still have to say that their father or mother is involved in insurance or whatever, as they do not have the confidence to tell people what job they actually do. That brings a dynamic that those families need to manage. So, I welcome all of that.

Finally, before I bring in other members, I would like your view on the figures for applications to the Police Service that were published yesterday. There were nearly 7,000 applicants, and you will have seen the breakdown of that figure. I look forward to the day when we do not need to have a breakdown of Protestant, Catholic, other, male, female. Nevertheless, it is the world that we are in right now. I would welcome your comments and views on the recruitment process.

Mrs Long: First, the level of cross-party political support for this recruitment was very welcome. It took place in what could only be described as quite challenging circumstances, given the conduct of others in trying to dissuade people from engaging with the recruitment process and joining the police. The fact that the numbers are so strong is a very good indicator that we will get out of this recruitment a very talented group of people who are committed to serving the community.

I agree with you that it is a shame that we still have to measure these issues but, for community confidence, it is important that we can demonstrate that we have a diverse and reflective Police Service. It is important for community confidence that people feel that the police reflect them as much as they reflect anyone else. That is a huge part of being able to work with communities to deliver effective policing. It is a heartening start to the recruitment process. Credit to all of those who encouraged people in their communities to come forward and to all of those who applied, some of whom will be successful and some of whom will not. I thank all of those who put their applications forward, because they have applied to carry out a valuable role. If you want to serve your community and make a real difference, it is hard to think of something that will do that more than making people

feel safe. That is what the police are engaged in doing every day. It is a positive start to the campaign, and I hope that it will lead to the police being able to recruit some really good new officers and continue to deliver good results in communities.

The Chairperson (Mr Givan): It was indicated at the launch of the recruitment campaign that there was a disproportionate level of dropout from people from the Catholic community. There have been reports about underlying reasons as to why people have not felt confident to come forward from that community to apply. The police have indicated that, throughout that stage, they have been trying to address the issues that have been highlighted as to why there is that disproportionate drop-off when it comes to the final selection of the pool. You would anticipate that the final pool would be reasonably reflective of the number of applications. You have said that, to address those underlying issues about greater community support for people in the Catholic community to join, you are up for the conversation about, if it ever became necessary, looking at, as a last resort, 50:50 recruitment coming back in. Is that still the position that you hold; that you would want to have that conversation? Is that something that you feel could be necessary in light of the recent figures?

Mrs Long: It is not a conversation that I want to have. I want to have a pool of applicants that ensures that we have a reflective Police Service without having to artificially manufacture that. That is a much healthier situation to be in. I am not a fan of 50:50, as you will be well aware; it is not something that I particularly lean towards. It is a very blunt tool. It has unintended consequences for confidence in other parts of the community, and that is unhelpful. However, I, as Minister, have to be willing to listen to the advice and guidance that is provided at the appropriate time and to have those discussions. Given the lack of general political support for it, and given that it is a cross-cutting and controversial issue, it would be a matter for the Executive, not me solely, to decide on. However, I would want to have that conversation with colleagues on the basis of evidence.

The best way to overcome disparities is to look at whether they are as a result of discrimination, whether direct or indirect, and whether, simply, there are barriers, societal or otherwise, that can be tackled as a first way of trying to increase the representation and make it more balanced. It is not just about Protestant and Catholic; it is also about women in the Police Service. It is about people from the LGBT community. It is about people with disabilities who can serve in the Police Service. It is also about people from ethnic minority backgrounds, who are underrepresented, and a whole host of other groups. I think that everybody wants to reach the same end point, which is that, when they look at the Police Service, they see a service that reflects the community around them, and themselves, and, therefore, they have confidence that they are dealing with people who reflect the community. The last resort of 50:50 is very much exactly that.

It also needs to be borne in mind that 50:50 may have been effective at one time, but it was part of a suite of measures that were put in place, including early retirement schemes and other things, that accelerated change in the Police Service in a particular set of circumstances. It would not necessarily have the same impact on the overall proportions of people in the Police Service were it to be applied as a stand-alone measure.

We need to look at the barriers. Community support is crucial; not just community support to encourage people to come forward, but community support that will allow people, when they become police officers, to remain members of that community. Unfortunately, the pattern has been that, when people have joined the police, due to either perceived or real threats and intimidation, they have often felt that they had to leave the community in which they live. That has led to an under-representation of people from not just a Catholic background but, in many cases, a working-class background. They do not feel that they can join the police and continue to live in their communities because they may see a perceived threat there from other paramilitary organisations, or whatever it might be. So, I think that it is important that police officers can continue to live in and be part of the community, because I think what builds confidence in community policing is the feeling that you are being policed by people who understand and live in your community, who understand the circumstances of the people who they are policing for and with, and who are able to provide that point of contact. I think that there is still a lot of work to be done in society, which why the work that the police have done on going out and actively looking for diversity for their intake is important. Also, the work that is being done at a political level on supporting people to come forward is absolutely crucial.

Undoubtedly, it is a difficult decision, and, as you rightly say, people do not only consider themselves but will consider their families. Often, there can be a high attrition rate where people apply thinking that they might want to be in the police but, as the realism dawns as to what that might entail for them, they decide that, on balance, they do not want to continue. I think that we need to look at that really carefully and ask how we better support people to remain in that process and also remain in the Police

Service when they join, so that we have a fair and balanced Police Service, but one that is able to do that organically rather than through some mechanism that we have to apply.

The Chairperson (Mr Givan): Again, I agree with everything but the last resort being an option when you talked about your views on how we go about getting a representative Police Service for Northern Ireland. I think that keeping the last resort on the table sends out the wrong message.

Mrs Long: You will understand that if I, as Minister, take the last resort off the table, that also causes significant problems because people would see that as a political decision not taken in light of the evidence. It is important that I remain, if you like, open-minded to people coming along with a strong evidential case as to why it is necessary or would work. I have to leave it on the table, because it is there already. However, I am saying very clearly that I believe that there are many things that we can do short of that that will have a potentially greater impact. It is important that we work together to try to ensure that we do everything else, because 50:50 does have unintended consequences and, indeed, may not be as effective as it might have been in the past, given the circumstances in which it is being applied.

The Chairperson (Mr Givan): As you pointed out, it is cross-cutting and controversial and would require cross-community support. The DUP did not support it when it was first introduced as a result of Patten, and we would certainly not support it if it ever came forward. From listening to you, I do not think that it is going to come forward, but, if it ever did, it would not get the cross-community support that people, obviously, realise would be necessary.

Mrs Long: I think it was one of the few areas on Patten, Chairman, where your party and mine agreed at a party political level. As I said, as Minister, it is on the table. It is one of a suite of options. I cannot unilaterally take it off the table without giving due consideration to the evidence. As I said, I think that it would be a backward step in many ways, given that we have been able to move away from that position, to then feel that we had to move back. I think that what society needs is for us to be always moving forward, so I would like to think that we are able to do that and to maintain the progress that we have had to date. Nevertheless, it is crucial that the Police Service is representative of the whole community, because that is crucial not just for support for the police but for confidence in the justice system more widely. We cannot jeopardise that either. It is hugely important that we work together on a cross-party basis to ensure that that is the case.

The Chairperson (Mr Givan): I agree with that, but it is equally applicable across all of the public sector, from senior permanent secretaries to the Housing Executive and all of the different public bodies that I could mention. I would never argue that there should be a form of legalised sectarian discrimination when it comes to recruitment to those posts, so I do not think that it should be the case for the police.

I will now bring in the Deputy Chair of the Committee, Linda Dillon.

Ms Dillon: Obviously, I do not hold the same view. I do not want to take up the whole meeting with it, but I think that saying that it is something we could move away from is not right. It was something that we were forced to move away from. I will not go down the road of keeping us on this topic. You have already made your points, and I think that that is fair enough.

I have a number of issues that I want to raise. Obviously, you outlined what your priorities are. On legacy, there are two elements. Can we have a reassurance that the resourcing will continue to be available for the Lord Chief Justice (LCJ) to enable him to carry the inquest process through and fulfil the expectations of the families involved? Will the resourcing also be there for the ombudsman's office and the Historical Investigations Unit (HIU)? I hope that it will. What is your own view of the HIU? Do you see it as being beneficial to the overall justice brief? I will leave it at that on legacy, and I can come back.

Mrs Long: First, I acknowledge that there is a range of views on 50:50, which is one of the reasons why I said it would have to be discussed at the Executive, if we got to that point. I also think that it has to be done in light of the evidence. That is my position on that.

Legacy is a very challenging area, and, undoubtedly, it is one that is outside our direct control, to some degree. As you know, the legislation is part of New Decade, New Approach. In 100 days, we were meant to see the legislation brought forward on the HIU and the Stormont House Agreement structures. I think I said in the Chamber, when I was asked about this during my initial session of

questions, that, for me, like all of the legacy pieces, the Stormont House Agreement is imperfect, but I do not think that we can allow perfect to become the enemy of the good. I think that, if we do not go down the route of having some kind of comprehensive approach on legacy and if we do not do it now, we need to be candid with victims that it is unlikely that there will be another opportunity to do it. I think that that applies to the legislation, to the structures and to the resource. I think the resource question is one that has not yet been answered by the UK Government. For example, the estimate for the HIU alone is £300 million to £400 million over 10 years. Initially, there was an indication from the Northern Ireland Office (NIO) that the UK Government would allocate £150 million to the HIU. They then added a subsequent £100 million, so that makes £250 million out of an ask of £300 million to £400 million. That is for the HIU alone and does not take account of the other legacy costs.

You mentioned the ombudsman, and, as you are aware, not all of the ombudsman cases would transfer to the HIU, because some of those would remain as ombudsman cases — the cases about police misconduct, as opposed to the investigations into deaths in the Troubles.

There is also an increasing burden on the Police Service's budget from legacy litigation, where people are taking cases against the police directly to the courts. That is a growing issue, and, to some degree, the scale of that is unpredictable. We have put a bid through to the Department of Finance to try to accommodate at least some of that additional cost in policing.

The big issue here is that, as we stand at the moment, it is not a choice between Stormont House and something better. It is the choice between Stormont House and nothing at all, because there is no capacity left in the system to continue to deal with legacy as it stands. The current system is completely broken when it comes to being able to take things forward. It is at capacity. For example, the Jon Boucher approach has been working well for the families who have access to that. There are no investigators from other police services who can be brought in at this stage with the kind of experience at investigative level who would be able to supplement that were new cases to come forward. There is no further capacity there.

Obviously, we are awaiting court judgements with respect to the role that former police officers and police officers can play in investigations, and that will, again, shape resource that is available for the HIU and, indeed, for anything else. In the interim, the police, with the Historical Enquiries Team (HET) having been wound up, do not have the ability to look at anything further, and article 2 compliance also raises issues. That puts a limit on that. Everything that is done that is legacy-related is, essentially, taking resource away from current policing priorities. That is unavoidable. That is true in my conversations with the ombudsman's office, where there is a direct competition for resource between legacy and current policing. It is true with policing that the money that needs to be invested in legacy will come from front-line policing.

There is a challenge to get the structures in place to deal with legacy and to get them funded. We need to be realistic about people's expectations of what those structures can deliver. The more remote we are from the events that occurred, the harder it will be to secure information that has not previously been available, and so on. I fundamentally believe that victims have a right to seek justice. It would not add to confidence in the current justice system were people to be told that their historical cases cannot be properly considered and investigated. There would also be a conflict with the approach that is taken with other historical serious crime. For example, in historical cases of child abuse, people are investigated, regardless of the age of the alleged perpetrator; investigations are taken forward and people are brought to court and tried for those offences. Indeed, where appropriate, they are convicted and sentenced for them. It would be the wrong message to send out that, whilst we pursue one kind of crime, we ignore another. The answer is to try to get the structures in place and then continue the conversations with the UK Government about the funding of the legacy piece.

The arrangements around inquests preceded my time in office, but I know that the first tranche of inquests are ongoing. Money was set aside to ensure that that process could be completed; it was time-bound, and a financial limit was placed on that so that those cases could be dealt with. Peter, maybe you want to add a little bit on progress on the inquest cases.

Mr Peter May (Department of Justice): The courts have commenced a number of inquests this year. Funding has been made available for those. We assume that that funding will be baselined. Next year, we will need some additional money because this year was a kind of start-up year. That is something that will be subject to the wider Budget consideration that needs to be worked through. We started on the basis that it was a five-year enterprise that needed to be carried right through, so it continues to be our plan that that is the way in which it will proceed, but we do not yet have a budget settlement to give you certainty on that.

Ms Dillon: I appreciate that. What you outlined around the HIU is, to me, as important as anything else in relation to the PSNI recruitment process. The PSNI has said — this is not coming from Sinn Féin; two chief constables have said it, and they put it in their consultation response — that, as long as legacy is with PSNI, that will create a toxicity that makes it impossible for the police to recruit from certain sections of our community. The disclosure process could be, because of legal advice, ill-judged or there could be an intentional obstruction of disclosure. It does not matter whether it is intentional or unintentional; the perception is that it is intentional. You will not convince families around that. It is a pointless argument to say that the police will do it to the best of their ability. I am certain that many of them will, but that will not take away the perception of the families, which has the knock-on effect and creates the issue around the —.

Mrs Long: I completely agree about the impact of legacy on current policing. I mentioned the resource implications, but you are also correct to say that there is an issue around confidence. If legacy issues are not dealt with well but also if legacy issues continue to be processed by the current system, the findings of something that happened 30, 40 or 50 years ago can colour people's view of the Police Service as it is now. That can be very unhelpful by not giving due recognition to the massive changes that have been made. If people feel that those issues are not being dealt with, there is an issue with confidence in the current system. That is why it is so important that we do not simply, as people have said in the past, draw a line under it and move on. I understand why people think that that is an easier solution, but I do not believe that it builds confidence in policing or the wider justice system if we go down that road. We need to recognise that nothing that we do will be perfect or can repair the damage that has been done, but there are things that we can do to try to rebuild community confidence in the justice system. We can at least try to give some closure and help to people, if only so that they can get an understanding of the truth or circumstances or clarity as to why that cannot be provided. It is sometimes enough for people to know that someone has genuinely tried. So, that is absolutely correct. It is important that we try to find structures that allow the police to get on with policing the current circumstances and allow legacy to be dealt with as a separate piece of work, as I believe it should be.

Ms Dillon: I agree with all of what you say.

There are a few other issues that I want to raise with you, Minister. I know that you have already said that stalking legislation will be coming. There is a bit of a campaign building up there. I would like a wee bit of confirmation on the timeline for that. The other issue, which was raised in matters arising, is the Terrorist Offenders Bill. I am a wee bit concerned about the view that we should have it extended to here. It was brought in across the water without any consultation, and, as far as I am aware, there has been no consultation here with the judicial system, the PSNI or the Prison Service. The Prison Service is probably the one that will be impacted most, obviously outside of those who will be imprisoned. Will it be retrospective? As far as I am aware, it is retrospective across the water. Will that be the same here? Again, I have concerns about how the Prison Service would cope with that. Why are we not allowing at least a conversation and consultation with those organisations before we decide that this would be good legislation for here? Even with the domestic abuse legislation that we talked about, I want to see it come forward quickly, but I want to see it got right. No matter what legislation we are bringing forward, it should be done as quickly as possible but not at the expense of it being the right legislation. It is more important to have the right tools than to have the wrong tools quickly.

Mrs Long: There are a couple of things there. I will start with the easier one, which is stalking and the legislation on that. We decided to bring it forward as a separate Bill for two reasons. One, a little bit more policy development and scoping needed to be done to get it to a stage of readiness where we were good to go. I do not think that it would have been helpful to hold back the Domestic Abuse Bill to combine the two into one Bill. The other issue is that not all stalking is domestic-related. In framing the Bill, we wanted to make sure that it was kept as separate legislation, so that those who are stalked as a result of domestic abuse, personal relationships and so on still have access to that, but that others who are stalked by strangers or whoever recognise that this is legislation that is also available for them to utilise to protect themselves.

We hope to bring this forward in the autumn; that is the sort of timeline that we are working towards. The intention then is that it would introduce a specific offence of stalking but also allow for stalking protection orders to be introduced. The key there is that, at the moment, if someone is stalked, they have to use the legislation around harassment, for example. It can be quite difficult to secure a conviction for harassment, because, often, when somebody is being stalked, the individual incidents fall below the threshold to qualify as harassment under the current law, but it is the pattern and the repetition of the behaviour that constitutes stalking, and so it can be very difficult, under the current law, to protect people adequately. People need to go to court to get a non-molestation order, and

there can be a financial barrier if people cannot afford to do that, and they are unable to seek that protection. With stalking protection orders, the police seek the order, not the person who is being stalked, and so that relieves them of the financial burden of having to go to court to seek a protection order. We think that both of those respond to what we have heard from victims directly about stalking and where they found that the biggest challenges were when they went to try to report it and to get a response to the circumstances that they had faced.

On the terrorist-related offences and what has happened in England and Wales and, indeed, in GB more widely, the emergency provisions in the Bill were brought in for a very specific purpose. There was an operational imperative that drove that in England and Wales that did not apply in the Northern Ireland context. There was discussion with the Department of Justice officials, as I set out before, but, in the end, the decision not to include the Justice Department in that legislation was not ours. Some of the issues that we raised during that conversation, which did not preclude Northern Ireland, were that retrospectivity would be difficult within the Northern Ireland justice context and that there would be difficulties around how that would be implemented. As you know, they are bringing forward the counterterrorism, sentencing and release Bill further down the line. That will be in, I think, March.

Mr May: Towards the end of March.

Mrs Long: Yes, towards the end of March. The thinking is that that will, if you like, set the final position on this. To be clear, the provisions in the emergency legislation may be changed by the time of the final legislation. That is not clear. That might change, but it also might then encompass a wider provision in Northern Ireland. We have been clear in our engagement with the Ministry of Justice that it is important that it engages with the Department's officials and looks at the particular issues and circumstances in Northern Ireland and how that would be managed and implemented, because it needs to be operable in the Northern Ireland context and cannot be something that will not work. There is no point having changes made to that.

It is also important to say that we cannot have a situation where, because it happens here, Northern Ireland terrorism is treated as though it is a different kind of animal, because it is not inconceivable that, if we are not included in those Bills, exactly the same kind of events that have happened in parts of England could happen in Northern Ireland and we would be seen to be out of step with the public protection that is put in place.

The other thing to say is about people in Northern Ireland who are guilty of, for example, murder here. As one of the terrorist offences, someone who is serving a life sentence already goes through quite a detailed assessment process before release anyway. It is not an automatic right of release, so people have to apply to the Parole Commissioners and have their level of threat assessed and all those other things, so it is not straightforward. I do not want people to think that, in some way, a huge gap has been created in this. This was essentially to do with an individual who was likely to come up for release in that period before the final legislation comes through whom they were particularly worried about, as opposed to a driver for massive policy change otherwise, but we have been clear that they need to engage with the Department and that whatever comes up needs to be compliant with our system and needs to be operable in Northern Ireland. There has to be some uniformity in the approach taken, because we cannot have a two-tiered approach to dealing with those issues. It is about striking the balance there. As I say, the last decision was taken by the Ministry of Justice, not by our Department and not on the basis of our advice. Hopefully, we will continue to engage with it on the new legislation and that will be productive in trying to shape the provision that it is bringing forward. We can also inform its thinking, when it comes to how those issues are handled, as opposed to the other way round. It may be that some of the practice here is better than in other places.

Ms Dillon: I have concerns about legislation coming forward like that, particularly given the evidence that comes from the Prison Service on rehabilitation. Will delaying somebody's release for an extra year, 18 months or two years rehabilitate them any further? That is where your focus needs to be. It is about rehabilitation. Are we delaying somebody being stabbed in London by two years? There is no value in that. That is my concern. Obviously, we will have further conversations when we see what is coming forward. I do not want to tie you down on that.

I have two quick questions from what you said. You said that the non-mols would be included in the stalking legislation, which I am glad to hear. In one of the first Committee meetings, I raised my concern about people not being able to access them because they were not on benefits, and so were not entitled to legal aid, but were on low incomes. Those orders usually result from circumstances of domestic violence. Will that be included in the domestic violence legislation as well?

Mrs Long: There are two separate provisions. Non-molestation orders will still exist. That provision will still be there and people will be able to access it where they meet the threshold. We are aware that there can be issues for people, particularly those in low-paid jobs. That tends to be the group worst affected; people unable to access legal aid but unable to afford the non-molestation order. More importantly, they are unable to afford the legal advice when, for example, the person who the order is served against seeks to vary the terms and conditions and often does so on a frequent basis. That can become like a war of attrition and can be very damaging.

In the case of stalking, there will be separate stalking protection orders that the police will be able to use. In the case of domestic violence, domestic violence prevention orders are included and, again, that is a police-led initiative. We are trying to provide a range of tools that are available for the police and courts to use, in circumstances where a vulnerable victim comes to them and needs protection. The non-molestation order is not always the right fit and is not always accessible. The domestic violence protection orders may be useful in some cases of domestic violence.

One area that we have not included in the legislation on domestic violence is the domestic abuse protection orders and notices. I draw that to the Committee's attention. One reason for that is that the evidence base and policy around those is not as well developed. England and Wales have introduced them, and we hope to review the evidence base on uptake and use by the police service there, over the first year or year and a half of them being used. They could then be added to future legislation. However, at this stage, we think that the domestic violence protection orders and notices will give sufficient cover for the police to implement and use them. Then we can review how they operate in Northern Ireland and how the domestic abuse protection orders and notices operate in England and Wales to see whether they would add value to what we do here. That is one area where people may have different views, and I am open to listening on that score. There is a difference between how it is handled here and in the Bill for England and Wales.

Ms Dillon: It will help us to create confidence if we bring in good legislation to create confidence in policing. One of difficulties at the minute, as you know, is that they are seen as the people who have let them down, not the PPS; not when it gets further up the food chain.

Mr Frew: Minister, congratulations on your post. It is not an easy one, and I wish you all the best in the future. I certainly give you my commitment that, as a member of this Committee, I will work alongside you to produce the best results for our people. We will not always agree, but we will always try to work together. I will try to be as constructive as I possibly can, whilst still asking the hard questions. I thank you for saying that you will attend the all-party working group on domestic violence. It is very good of you to do that, and we look forward to it.

Given that we had legislation ready to go in 2017 and that we have had all the discussions with Westminster about UK-wide legislation, and given that we have already seen a private Member's Bill come before the House in this term and have also managed to be able to vote on 45% of the next financial year's Budget, why is it that we have not yet seen a domestic violence Bill come before the House?

Mrs Long: First, that was a priority for me when I came into the Department, and I said at the beginning that tackling domestic violence and domestic abuse is a priority. The legislation is about changing the conversation around those issues. It is about a culture shift, as well as a legislative change. You are correct that there was a Bill in 2016. However, policy development has moved on since that point, so it was important that that was reviewed and addressed. There was, as you know, a plan to bring this forward as part of the legislation that would have gone through Westminster. That would not have been as complete a solution to the problem, so I had to decide — it was not an easy decision — whether to let that proceed, which would have been quicker but less complete, or to bring it back here and do this through the Assembly, where the Committee, the NGOs, the charities, the victims and so on would have an opportunity to have ownership of the legislation. In consultation with the Chair and various others, we all agreed that the best place to do it was here, so that decision was taken.

We then had to look at what we wanted to include in the Bill. What we are able to include in the Bill is an aggravator that relates to children being affected by, for example, domestic abuse. A new version of the legislation had to be drafted in order for it to be fit for purpose and to encompass all those issues. Decisions had to be taken about, for example, whether to include stalking in the domestic violence Bill or in a separate Bill. Once the decision-making was in place — obviously, I had reviewed the pros and cons of that — we were able to proceed.

We expect this to move slightly faster than perhaps was anticipated. I think, we said that it would come to the Committee in April/May. I am confident that it will be in April; we are hopeful that it will be before recess. We are hopeful, now that the draft Bill has gone through proofing with Legislative Counsel, that it will go to the Executive in the next week to 10 days. Once we get Executive agreement, it will come to the Committee for scrutiny. Obviously, the Committee has an opportunity to decide how long it takes to scrutinise it. I do not think that any Assembly Committee has yet managed to complete its scrutiny of a piece of legislation in the six-week statutory period.

The Chairperson (Mr Givan): There is a challenge.

Mrs Long: There is a challenge. You can make history as a Committee if you do so. It is very narrow, circumscribed legislation; it is not a wide-ranging, complex Bill. It is not like previous miscellaneous provisions Bills, where things were much more complicated. Those were many Bills in one. This is a single-issue Bill.

Mr Frew: Hence the frustration about why it has not happened before now.

Mrs Long: Absolutely. That is the reason: it has to be drafted, and we have to get it right. There is no point in my bringing a Bill to you that is half-baked; it has to be correct. As I say, the drafting takes time. It is also fair to say that we are not the only Department bringing forward legislation that needs to be looked at and considered by counsel, so there is quite a lot of pressure on them to turn Bills round. We expect it to be cleared on Monday and to be able to move towards the Executive, with the permission of colleagues. If you have the ear of any of your Executive colleagues, perhaps you would encourage them to make sure that it gets an early date for consideration at the Executive. It will then be over to you on where we go from there.

We want this done quickly. I have been in post for six weeks. If we can get this signed off on Monday, that is not too bad a pace. As for delivery, it is quite possible for this to be turned around in a relatively short time, given even the Assembly scheduling and Committee scrutiny challenges and allowing the correct time for that.

Mr Frew: I am sure that you are aware of the concern and worry about changes to the advocacy support service. I have spoken many times to your officials about this and relayed my concerns about sexual violence and trying to make sure there is support, but, by bunching it with domestic violence, are we in danger of distorting and lessening the service that victims of domestic violence receive?

I am led to believe that we have not got agreement on the consortium piece. Are we anywhere near agreement? Who will lead that consortium? Will it even work?

Mrs Long: We have been working with and consulting our partners in the voluntary and community sector on this. We understand that there is a range of views. The consortium model is still under discussion with those partners, and that will take time.

The concern about the advocacy support service is that, if you split it into two more-specialised services, you could have significant resource challenges for what is likely to be a small number of people. The key is that those delivering advocacy support are properly trained to deal with domestic violence, sexual violence or a combination. In cases of domestic abuse, there can often be a sexually violent component, so often those who are dealing with those cases will be dealing with a complex combination of offences. For us, it is about ensuring that there is a coordinated response to support the individuals who come forward and that the response is appropriate to their needs.

We are still developing our thinking on this, in consultation with partners. There are strong views on both sides about how best this can be delivered. The key is that, regardless of the model that is chosen, the focus has to be on the quality of service provision. That is about training and upskilling the people who provide that service, building on the high-quality support that is already being provided by organisations, but trying to make it as comprehensive as possible rather than fragmented, which can happen at times. It is not about trying to reinvent the wheel but about building on good practice that already exists.

The issue about a single advocacy support service is more to do with scale and the fact that, in a small jurisdiction with limited resource, it may be better to have one service trained across the full piece and able to deliver flexibly than two services that cannot cross over when one may be under less pressure. That is the main argument in favour of a single service.

In bringing forward a Bill on domestic violence and abuse, it is absolutely clear that we are not trying to diminish the seriousness of domestic violence or abuse. It is one of the reasons why we are bringing forward specific offences. We are specifically looking at coercive control, financial control and abuse and other elements. The legislation puts a framework around it that says that we take the issue seriously. We are then trying to find the best mechanism for delivering advocacy support. As I say, that is still a work in progress, but I am happy to listen to members' views. No doubt at the all-party group, I will hear them.

Mr Frew: All those interest groups do incredible work in their different ways. It is one thing getting them all to agree as a consortium, but I am led to believe that the police have as yet also refused to support or fund that direction of travel and so has the health service. Can you comment on that, Minister?

Mrs Long: No, I cannot, because I have not been briefed on that. I will ask officials, but my understanding is that the ongoing work has not led to any suggestion of that nature. I will check and come back to you.

Mr Frew: Finally, something arose in the Committee a number of weeks ago when we had the Chief Constable here. The Chairperson asked him about the Independent Reporting Commission and the status of the Provisional IRA and the army council. We got a very strange answer from Chief Constable Simon Byrne. He basically said that it is not a question for him but for the Secretary of State. That then grew into a wider debate. The media also picked it up, of course. I think it was me — and, I am sure, other Members — then asked you about it on the Floor of the Assembly, Minister, and you answered that it was not for you to comment. Is that still your position, given the very frank, concise information that has been given by Drew Harris? He basically illustrated and demonstrated fact. He did not want to "amplify or clarify" it, was the way he put it. He was just delivering fact. You are the Justice Minister. Is it still your belief that it is not a question or comment for you? Ultimately, it is something that we as politicians all have to be mindful of. We have to ensure confidence in our political system. We cannot tolerate private armies, terrorist structures or shadowy groups at any time. Is that still your position, Minister of Justice?

Mrs Long: I will say a couple of things in response to that. First, I agree that the continued existence of paramilitary structures is completely unacceptable. Whether that is an army council, combined command, brigadiers, commanders — call it what you will — it should not exist in a normalised society. That is clear in the position that we have taken in our pledge of ministerial office. That has been my position from the moment that I entered politics, and indeed long before it. The work towards dismantling those organisations is the responsibility of not just the Department of Justice and all the parties of the Executive under tackling paramilitarism, but of everybody who is involved in politics and community leadership in society.

What I said was that the assessment of terrorist threat and activity and the existence of organisations is not the responsibility of the Justice Department. That is a statement of fact, so, yes, I stand by that. It is not my job to assess whether organisations are active or inactive. It is the responsibility of the Northern Ireland Office to make that assessment. I will be meeting the new Secretary of State and will undoubtedly discuss with him whether or not he intends to make any fresh assessment following the decision that was taken in 2015. However, as I also said when I was asked this on the Floor of the House, as far as I am concerned, the 2015 situation is as is until new evidence or a new assessment is brought forward. That is the basis on which I answer. I cannot answer for the Chief Constable. I cannot give a running commentary on the Chief Constable's answers. That is an operational matter for the police, and I respect their independence. I am certainly not going to stray into commenting on the Garda Commissioner's operations, because that would not be appropriate either. Look, both men are senior police officers. They have made their statements, and you are as capable of judging what you make of those statements as anybody else. From my perspective, speaking as Justice Minister, it is not the responsibility of my Department to make that assessment.

Mr Frew: Do you receive intelligence briefings on the status of proscribed organisations?

Mrs Long: I receive the same briefings that my predecessors received with respect to levels of paramilitary threat and activity. That reflects both active paramilitarism that is being prosecuted by the police in the courts and also the background information that they have about activity levels on the ground. So, yes, the Justice Minister is kept apprised of those but, in general terms, those are made by the police and given to me by the police.

Mr Frew: That was to be my next question. Who briefs you on that? Is it only the police, or is it other intelligence services? So it is the police?

Mrs Long: Well, the only briefing that I have received has come from the PSNI.

Mr Frew: Are those confidential — for your eyes only, if you like?

Mrs Long: Yes.

The Chairperson (Mr Givan): To pick up on what Paul said, we are struggling to understand why the PSNI Chief Constable has ducked this issue in comparison to Drew Harris in the South, given that your predecessor David Ford said last year:

“It is important the PSNI and Independent Reporting Commission continue to give assessments on paramilitary activity, and all political parties use their influence so we see a complete disbandment of such groups.”

I agree with that: it is important that the PSNI continues to give such assessments. The PSNI is not giving that assessment. It did not give it to this Committee. So is it giving it to you in private?

Mrs Long: To be clear, I said that the PSNI gave me a security briefing. It is not about it being in private. It is simply that it is confidential information, and you will understand that you need a level of security clearance to be able to receive that information. The point that I would make is that the PSNI will still do security assessments on paramilitary organisations. It provides those assessments to the Northern Ireland Office in the course of the Northern Ireland Office doing its assessments, as does the Independent Reporting Commission. I cannot answer on the Chief Constable's response in Committee. What I can say is that the original 2015 statements referred to the existence of structures but also the fact that those structures were not active in directing paramilitary activity. I believe that even the existence of legacy structures is not appropriate; I said that in my opening remarks. It is incumbent on all of us to work to ensure that that situation ends. However, I have no further insight other than the 2015 assessment. It is not for the Department of Justice to make that assessment or to receive other information from other sources to make a view on that. Our role is to try to lead the initiatives and the Executive actions in trying to end paramilitary activity and criminality. I am focused on that, rather than the assessment of it. As you know, things like assessment of the level of terrorist threat come from the UK Government. The police will feed into that, as will the NIO. What I am saying is that we are responding to what we are briefed, as opposed to assessing it. That is why I am not going to put myself in the situation of commenting from a perspective where it looks like I am giving you information that I have access to that others do not. I am being briefed in the same way that anyone else would be.

The Chairperson (Mr Givan): That is what I would expect: that a politician is not responsible for the assessment. That is why I am concerned that the Chief Constable said that it is for the Secretary of State because he is a politician. It should be coming from the police, not filtered through a political system.

Mrs Long: But it is in statute—.

Mr May: The case in 2015 was that the British Government asked for an assessment that they then published. That assessment was produced, as I understand it, by the PSNI and the security service.

The Chairperson (Mr Givan): There is a difficulty though, Minister. I assume that the briefing that you got from the PSNI is consistent with the 2015 assessment vis-à-vis the current status of these organisations, including the Provisional IRA. However, the IRC report at the end of last year was silent on the Provisional IRA. Therein lies the problem.

Mrs Long: To be clear, the briefings that I have had — not to breach the confidentiality of those — have been about active organisations and levels of threat. I have had no briefing on the comments that were included in the 2015 report and no confirmation that it remains like that. I am simply saying that, in the absence of any suggestion otherwise, that is the only information that I have to work off. I am not saying that, when I had a briefing, it was confirmed to me that nothing had changed. I do not know whether anything has changed because I do not know whether another assessment has been done. It is an issue that has to be raised with the Northern Ireland Office and the Secretary of State,

because terrorism remains a reserved matter. I am not trying to duck the question; it is simply not within my purview to be able to give any kind of assessment on that. The 2015 assessment is, as far as I am aware, the last assessment of that particular issue that was done. That has not been updated or changed. I cannot speak to whether the circumstances have changed, but that is an issue for the Secretary of State to consider. It is one that I am sure that I will raise with him when I meet him to discuss wider issues.

The Chairperson (Mr Givan): I would certainly welcome your raising that.

This morning the UK published an announcement around its future relationship with the European Union. There is a detailed section on law enforcement, which covers policing. The report states that the UK Government are not seeking to be part of Europol or Eurojust and are not seeking access to the European arrest warrant. Those are just three issues that they revealed this morning. What is your Department's assessment of the UK's position? How is that being taken forward vis-à-vis your role and in the Executive's Brexit subcommittee?

Mrs Long: The future security partnership is the one that has the most direct implications, although not the only one that has implications, for the Department of Justice. We are obviously conscious of what the UK negotiating position is at the point of uptake. We have been working with the Ministry of Justice and the Home Office to make sure that Northern Ireland-specific issues remain on their agenda and that they are sensitive to those needs. We have looked — as you will understand, it is a provisional look — at that statement today. There are a number of positive elements, as well as some that will require further refinement. For example, issues around data sharing and data adequacy underpin our ability to cooperate, whether it is with other police forces, Europol or Eurojust and so on. It is absolutely crucial that that is got right because, unless we can do that and communicate in live time, there will be serious implications for the justice system.

We briefed the Executive subcommittee yesterday; Assistant Chief Constable George Clarke attended with us and spoke from an operational perspective about the impact of the European arrest warrant and other things. Realistically, there will be some challenges. What has been suggested as a replacement, if you like, for the European arrest warrant is a kind of Norway/Iceland scenario. To be clear, that is not the European arrest warrant by another name; it falls short and is suboptimal. However, it is better than some of the other suggestions that would have occurred had we ended up in a no-deal scenario, or if we end up in that scenario in the future. The reason why I say that it is not perfect is that countries can derogate from that; they are not obligated to cooperate with it. As you know, three countries have already derogated from extradition with the UK in the transition period. Under any kind of Norway/Iceland arrangement, they could continue to do so. For example, I think that there are six countries that do not cooperate in that agreement, so it leaves gaps, potentially, in the system. That is something that we would want to work on very closely. We want as close as we can have to the European arrest warrant, but obviously there are issues because those are European Union structures, and access to them is for European Union members. We need to work on that.

The UK is seeking not full membership of Europol and Eurojust but a third-country agreement. In the case of Europol, they are suggesting a kind of third-country-plus agreement. Data systems and access may well be achieved, but the difference is that there will be no seat on the board, so we will not have any influence over the direction of travel of those organisations in future. There are also issues around some of the information sharing, particularly around the second-generation Schengen information system (SIS II). There are agreements between the EU and Switzerland, Norway, Iceland and Lichtenstein, which are non-Schengen countries, and that has a dispute mechanism, but I think that access beyond that will be very difficult. Again, I think that there are some issues around passenger named records and exchange of criminal records that will depend highly on the level of cooperation that we get through the future security partnership, but also on data adequacy.

As I said, we know now what people's opening positions are. There is some alignment between the EU starting position and the UK starting position, but, more importantly, the expression that both want to have close cooperation is something that I think we should encourage and work closely on with both sides to make sure that they achieve it. Undoubtedly, we are more vulnerable to the impact of non-cooperation and not being able to share that data. The negotiations are starting next week. We do not know when the future security partnership itself will be discussed, but we are working with the Home Office closely, and we can provide further updates to the Committee as and when available. From our perspective, we want to see this as seamless as possible.

I did mention that the future security partnership was only one element of it, and I think that all of the strands of the future arrangements, particularly around trade, some of the infrastructure issues, freight,

for example, and some the work that is being done around agriculture, have the potential, if they are not properly managed and if the arrangements are not aligned with what happens in the EU, to cause interfaces that will be exploited, potentially, by organised crime. Therefore, we need to be very conscious as we move towards separation and divergence, which seems to be the direction that the UK is taking rather than alignment, that we are kept abreast of that and are conscious of the potential costs in terms of security and policing and the potential implications for organised crime to exploit those differentials. We have been stressing that at the Executive, and I think that colleagues are conscious of that as they go into their negotiations, even on the economic elements of Brexit.

It will be an unsettled period, and, with much of that landscape, we can only really respond once we know what the future arrangements are going to look like. We can anticipate some of the challenges, particularly in justice, and we can prepare for those. I think that the more difficult element will be to judge some of the other risks and threats that exist, whether that is around things like civil unrest, whether it is around community tensions around perceptions of where borders are and where checks are being done and all of the rest of it, and whether the future partnership itself is open to organised crime and exploitation. I think that those things are less in our gift when we consider how we are able to scope where they are at this point, and they will become much clearer as time goes on because, once we know what the future arrangements look like, it is much clearer to know how to be able to police them.

The last thing that I will mention on that is that we have also said very clearly that we need clarity as early as possible, not just because it will allow the Justice partners to respond to it but because there is an important issue of creating a culture of compliance around new regulations, new checks and other things. We talk a lot about the need to establish a base culture of lawfulness in Northern Ireland, but, if systems are unclear or if systems are not easy to follow for people who need to use them, there will be a risk that there will be accidental non-compliance, which could become embedded and routine. That in itself could become problematic in getting people after the event to start to become compliant again. So we need to make sure that, from the outset, there is a culture of compliance around this, that people are clear what they need to do, that it is simple and accessible and that they are able to meet the requirements of whatever regulations or laws are in place so that we do not end up in a situation where, either by design or default, we end up with large parts of the community operating outside the law, whether wilfully or unintentionally. That is really important for clarity around the systems. We have made that point to colleagues through the Executive subcommittee, and hopefully we will be able to see some progress in the UK Government's negotiations over the coming months.

Ms Anderson: I want first to congratulate the Minister on taking up her post.

Mrs Long: Thank you.

Ms Anderson: You have a difficult job. You will have the support of the Committee, but you will also expect it to hold the Department to account.

I want to add to what Linda said about the need, at times, for positive discrimination in our society, particularly around 50:50 recruitment. I was glad to hear that you will not just bring a party position to the determination of this but will look to have a policing service that is fully representative of the society that it serves.

I have a number of questions. I will start with the budget, which has just been touched on. In the papers that we have received, I noted that the Department has been allocated £10.7 million for Brexit, of which £6.7 million is for PSNI capital. I am particularly concerned about the announcement today on the future security partnership, particularly around Europol, Eurojust and the European arrest warrant. A point that you will be all too familiar with is that 40 EU justice measures could potentially be lost if there is no deal. As you said, a number of member states, including one of the big ones, Germany, will not extradite their citizens to non-EU states. On top of that, we have the layer of non-compliance and the regulatory divergence that we heard about today. I would not mind hearing a little more about that, particularly with regard to the expenditure in the budget.

I also want to pick up on some of the comments that have been made about domestic violence. There is an organisation in Derry — I know that you have heard of it — the La Dolce Vita project, which is very vocal about the need for parental alienation. I know that that issue has been brought to your attention, but I am not sure whether it is in the Bill that you have talked about that will be coming forward. The World Health Organization has recognised the emotional and physical harm that is being

caused to children. Section 60 of the legislation in the South of Ireland deals with parental alienation. Is that something that will be taken forward by you?

There are links to that with what Linda and others touched on around non-molestation orders. I am somewhat shocked that we are still in a situation that victims —. People who are subjected to that kind of physical and verbal abuse are victims, yet, when they go for non-molestation orders, they are "applicants" and the perpetrators are "respondents". The policy and the language around that should be changed. It is simply not good enough that a victim has to pay to get a non-molestation order just because they work, and there is cross-party support on that.

The Chair mentioned human trafficking and modern slavery. Dealing with that within the criminal justice system, going back to my initial comment, relies on the data from Europol and Eurojust that you outlined to try to dismantle modern slavery and trafficking networks. Much to the horror and surprise of most people, there was an increase in modern slavery in the North in 2018, whether that was in labour or sexual exploitation, forced criminality or domestic servitude. I am concerned about the implications of how this society will deal with that in the context of Brexit and not having the data sharing that would enable the PSNI and others to dismantle those networks. That is something that we are all concerned about.

On the crucial issues in the paperwork that we have been given, I have been looking at the issue of vulnerable persons in prison. It would be helpful for me, as a new member of the Committee, to find out the composition of those who are in prison by religion, geography and race and to ascertain the cost of keeping a vulnerable person in prison. Many advocacy groups that deal with people who are struggling with mental-health issues and who end up in prison take the view that the cost of keeping such persons in prison is more than what those groups receive to try to keep them in society. I would like to have that kind of information.

I want to make one final comment about the paperwork that I was reading. I would like to know more about firearms in our society, apart from personnel who have firearm certificates for their work. Do we have a gun culture here? I was interested to know how many people have their certificates appealed, and that triggered my interest in the number of people here who have a firearm.

Mrs Long: There are quite a few things there. I will start with the EU end of things, where I left off at the previous question. Obviously, in terms of the demands on the budget, we have been given an assurance that where costs relate directly to Brexit, they will be covered by the UK Government. They do not form, if you like, part of the pressures that we have been reporting to the Finance Minister.

Part of the discussions that we have had at the Brexit subcommittee is about the need for Departments to determine, within the various business areas, where there will be additional costs, whether they are for the initial set-up of new structures or the ongoing costs of the long-term implications of management and so on, and to identify those to the Department of Finance so that the bids can be put in to allow the UKG Treasury to pay for them.

It is important to try to recoup those costs, because it is another layer of cost in addition to what would be normal for us. The costs in Northern Ireland for that may well be higher than in other places, so there is a strong argument for us to do that. The Finance Minister is dealing with that in terms of the Budget.

Ms Anderson: I do not want to cut across you, Minister, but the information that I am reading here says that there is £10.7 million, of which £9.8 million is for the PSNI. I just wanted to try to —.

Mr May: That was money secured this year. The £9.8 million is money that has been spent during 2019-2020 and is almost entirely for additional police officers. There has been an uplift of approximately 300 police officers and staff as a result of that funding, which we hope and expect will be baselined for future years. That is what the vast majority of that money was used for. There were also small amounts in addition that were used for the administrative capacity required in the Department, the Courts and Tribunals Service, and so on, to take the steps required for EU exit.

Mrs Long: Obviously, there is a cost to the Department in assessing and analysing where costs will be incurred. That is an ongoing pressure that we face, but the Department of Finance has told us that it wants us to keep them separate from our regular challenges so that it can press the Treasury to cover them, as we were assured they would. However, that is an evolving situation, as you can imagine.

On the subject of parental alienation, the La Dolce Vita project has been in touch with me, and I hope to meet them, although the initial timing that we had hoped to set up may not necessarily work. Parental alienation is a significant issue, and, undoubtedly, it has massive consequences not only for the non-resident parent but for the children and for their relationships. We know that relationship breakdown can have long-term negative impacts if it is not handled in a constructive way.

I think that that falls under the family courts and justice issue that Sir John Gillen had taken up and on which he has done a number of reviews. We are trying to take forward elements of that that will make a difference to people. Parental alienation is one element that we need to look at to determine what the Department's best response might be. It is not included in the Domestic Abuse Bill, but more work needs to be done in establishing how best to address it. It may not, in fact, need legislative change but simply a change in practice and procedure, and we need to look at the reviews that have been done so that parental alienation is recognised and taken into account when it comes, for example, to the family court system and when decisions are being made on access and custody. Awareness needs to be raised of the risk of parental alienation, because we know that it has a detrimental impact on those affected by it. There is more work to be done on that, and I want to return to it when the policy is better developed.

Ms Anderson: People would have expected it in the domestic abuse Bill. We have section 6 in the South of Ireland, so there is a model there that would help.

Mrs Long: The Domestic Abuse Bill deals with coercive control and financial control, among other things, and some forms of parental alienation will fit within that definition. However, parental alienation per se is not mentioned in the Bill. It may be that elements of the Bill can be used if parental alienation is one kind of coercive control that is being exercised, and the Bill takes account of the aggravating factor of children either witnessing domestic abuse or violence or of that being exerted over a child, where they are the victim of domestic abuse or violence. Again, if the domestic abuse involves coercive control of a child not to see the non-resident parent, for example, there may be an issue there that can be pursued through it, but it is not a specific offence in the Bill.

You asked about modern slavery. There is an increasing recognition of the need to deal with this alongside issues of organised crime. When I sat on the Northern Ireland Affairs Select Committee, we did quite a bit of research into smuggling and realised from the evidence at that stage that, essentially, for a lot of organised crime gangs, contraband is not the issue; establishing routes is the issue. Once they establish a route, they simply see everything that travels through that route as a commodity, and it does not matter whether it is a human being trafficked, cigarettes, firearms or anything else. There is a real challenge to ensure that, first, our communities are alert to signs of domestic servitude and that when they see exploitation they are willing to report it. There is a need to ensure that, when they do that or when victims of trafficking come forward, the right support is in place for them and they are properly cared for.

You are correct that access to international organisations such as Europol, Eurojust, Interpol and others is crucial. In the last month, we saw some excellent police work in breaking up organised crime, where the crime gangs were not based in Northern Ireland but were using Northern Ireland as a base for money laundering. We also need not to be parochial about this issue. Like every other place, we are vulnerable to international crime gangs using us as a base from which to operate; therefore it is important, from that perspective, that we work through international organisations.

My understanding, for what it is worth — as I say, it is an early assessment that the Department gave me today — is that, with Europol and Eurojust, the UK is not seeking full membership, because it has that access, but it would have one as they do with the EU and the USA. That allows full sharing of information and full cooperation. It simply means that you are not sitting on the board that directs how the organisation develops and making the decisions. If that is the case, that is not necessarily the worst outcome for being able to continue to use the resource available. I do not think that it is in the interests of either the EU or the UK for us not to have full cooperation and access. That is where data adequacy becomes absolutely crucial.

Unless people are confident that the information shared with the UK is properly held and managed, and all the other challenges that we face are met, we will find cooperation harder to sustain. However, no one would want to see us take retrograde steps that made it more difficult for us to deal with issues such as human trafficking and slavery. It is important that we raise public awareness, as well as maintain the ability to predict, from an intelligence and police standpoint, what is going on in some of the larger-scale crime gangs.

You asked about statistics. It would be best if we came back to you with the answers. You asked about the breakdown of the prison population, and we can get you more statistics on that. You mentioned vulnerable prisoners. Significant work is being done with vulnerable prisoners. When I was in Maghaberry, I went to see Bann House, as when prisoners arrive, that is where they go initially. I talked to some of the prisoners who are peer mentors for mental health. We looked at the work being done to offer support to people coming into the prison system, who have never been there before and who find it quite traumatic.

We also recognise that a significant proportion of the prison population has pre-existing mental-health conditions. About one third of the people in the prison system have already had contact with the health service with mental-health issues. Some 90% self-identify as having substance abuse, or misuse, problems. Some are self-medicating with alcohol, prescription or illicit drugs because of mental-health issues.

We recognise that significant proportion of the prison population is vulnerable. Part of the work in prison is joined up with Health. There are mental-health professionals on site to help assess prisoners who can identify prisoners already in the system who can mentor and support people coming into the system and provide them with an outlet to talk if they feel pressure. That is really important. I was very impressed in speaking to one of the young peer mentors in Maghaberry, who explained to me the work that he does in befriending someone who has just arrived. He tells them who to speak to if they are upset, distressed or whatever it might be. He works through with them the best way to do that. The initial 24 or 48 hours are really important.

Work is being done in custody suites in police stations, as people are increasingly brought in, not necessarily because they have reported crimes, but because they are individuals in distress phoning for assistance. So people are often brought into custody because there is nowhere else for them to go. The work being done there, in having proper mental health facilities on site and being able to assess the needs of people and provide the right care for them, is hugely important.

There will always be a challenge around this, but it is something that the Prison Service and prison officers have taken very seriously. There have been significant improvements.

Today, I was in Hydebank because some of the young people in Hydebank Wood, and some of the women prisoners there, had been involved in six weeks of non-contact boxing training. Paddy Barnes and Carl Frampton were there today, presenting certificates for participation. I spoke to people who taken that course, and many of them said they wanted to continue that activity when they leave because they had struggled with depression and mental-health issues, and they found that training and exercise helped them deal with stress, anxiety and depression. It had made them feel fitter and healthier, and they had also taken courses on nutrition, mindfulness and other things. That helps to build resilience in people who will eventually be returned to the community, hopefully, in such a way that they can make a positive contribution to society and are more resilient and able to cope with life than, perhaps, they were when they arrived. Those are the kinds of positive interventions.

That is the first time that a course like that has ever taken place in any prison in the UK. That is innovative work that is being done by the Prison Service to help people in our care to deal with their mental-health challenges in a constructive and productive way and which has long-term out-turns for them when they leave the prison system.

We will get back to you with the statistics on firearms.

Ms Anderson: Can you give us an update on resolving the dispute that involves the court workers who are on strike?

Mrs Long: I will pass that question to Peter, because that is a long-standing issue from before my time.

Mr May: Are you talking about the fact that some staff are taking strike action?

Ms Anderson: Yes.

Mr May: That relates to a pay dispute that is being addressed by the Department of Finance on behalf of the whole Northern Ireland Civil Service, so it is not a matter that the Department of Justice is

dealing with directly. Negotiations are going on between unions and the Department of Finance about the pay deal.

Ms Anderson: So they are working directly with the Department of Finance? *[Inaudible.]*

Mr May: It is because all civil servants are paid on the same basis.

Mr McGlone: Minister, congratulations on your appointment. I look forward to working with you, like everyone else here. We have already touched upon a number of issues with regard to domestic violence and abuse. I look forward to the shape and form of that legislation when it manifests itself.

I want to raise one particular issue that comes to my attention fairly frequently: cyberbullying. Mentioned in the news this morning was a report by the National Children's Bureau on children's performance and the issues that affect them, peer pressure and so on. I am not sure what can be done about cyberbullying, but it is increasingly becoming a serious issue, particularly among young people and schoolkids. I do not expect an instant answer today, Minister, by any means, manner or fashion, but it is an issue. We hear about peer pressure and academic pressure. In the cases that have come to my attention where kids have been subjected to cyberbullying, it has been vitriolic, bad stuff. If I could leave that one with you, perhaps you would have a bit of reflection on it, and, further down the line, we could hear a wee bit from you if you choose to reply.

Mrs Long: I am happy to reply. As regards online offences and cybercrime generally, in the main, it is a matter for Westminster to legislate, because it is a reserved matter. Things that would be criminal, if you like, under the law offline remain criminal when they are online. For an offence like harassment, abuse, and so on, that would pass the criminal threshold, it does not matter whether it happens in person or on Twitter, it is still a criminal offence. There is a degree of read-across, although it would be for the UK Government to develop specific legislation to deal with cybercrime specifically and that kind of online abuse in particular.

As regards the cultural issue and education, there is work to be done to keep people safe and to raise awareness of that, but it is not necessarily one for the Department of Justice specifically; it concerns Education too, and perhaps Health, Communities, Education, Justice and others could work together in order to deal with those issues.

On a very personal level, and I think that many of us who are on social media would probably recognise it, I think that the biggest challenge with online abuse at present is the anonymity: being able to use accounts without names. Increasingly, that is a challenge. It is often a challenge for the police when they identify an offence but find it hard to identify an offender. It can be very difficult for those who are subject to abuse, because anonymity gives people carte blanche to say and do whatever they like, and they feel that they can get away with it and will not be traced.

There is a challenge for service providers to step up and take action to deal better with online abuse. I worry when you report things and get an answer from organisations saying it does not breach their community standards. I dread to think what their community is like if that is the standard of conduct that they deem acceptable.

There is wider work to be done on the impact that that has on people. Online abuse, intimidation, threats and a lot of the other stuff that we are increasingly seeing online is an emerging issue. It is having a real impact on people. From a Department of Justice point of view, the key issue is that if it is an offence offline, it is an offence online. For example, if someone is harassing someone online, it is still harassment. That is the key thing for the police in prosecuting those cases.

To varying degrees of effectiveness, they really do try, where that is happening, to take it seriously. It is when it comes to bullying, particularly at school level, that it is an educational piece that needs to be done as much as how to protect yourself online. It is also for parents to be aware of the information and material that children can be exposed to.

Mr McGlone: I go back to the issue of human trafficking and the international cooperation and exchange of data required to capture those responsible for it. What happened in Essex where those people died was awful, and it showed the scale of the problem. We cannot understate the necessity for international cooperation and exchange of information between jurisdictions to head off organised crime, trafficking and drugs.

I know that you understand that, but we have to support you on that because those things are just awful. Poor people are being manipulated, abused, and, in that instance, they died as a consequence of trafficking and organised criminality. In some cases, the allegations are that it has been traced to our own country. You can be assured of any support the Committee can give you to head off and tackle that awful criminality.

Mrs Long: It would also be very welcome, particularly when these issues are in the public consciousness. At a time when our structures are changing, it is important that we maintain the strong approach to organised crime and trafficking. It does not matter whether it is people, drugs or firearms, traffickers do not care, and they do not care about the outcomes for the people they are trafficking.

The tragedy is that people die in transit. Moreover, those who make it to their destination often do not end up in the circumstances that they thought they would end up in when they left home. Some are trafficked against their will; some believe that they are being assisted and do not even recognise that they are trafficked. Yet when they arrive, they find that they have absolutely no power to determine their own future.

They are a hugely vulnerable group of people and we need to make sure that the public is aware. If something seems too good to be true, if a service is being provided at a rate that is eye-poppingly good, it probably is too good to be true, and you need to ask questions as to why it can be provided at such a low rate. It is about making people aware that these are crimes that affect individuals' lives profoundly and you are supporting criminal gangs that, next week, could be trafficking drugs into the same community. It is important to get the support of communities to help those who have been trafficked.

Anything from the Committee that shines a light on that and offers support in the work that the Department is doing with the Home Office to maintain cooperation across borders would be hugely welcome.

Mr McGlone: I want to move on to an issue that was raised during the week in the newspapers. It is a sensitive issue as we are coming to the anniversary of the death of three teenagers at the Greenvale Hotel in Cookstown. Perhaps you could give us insight into where the Department is on the request for a meeting with some of the relatives.

Mrs Long: Like everyone else, we extend our sympathy to the families. What they have been going through over the past year is unimaginable. It is an incredibly difficult and sensitive time for all of them.

As you will be aware, there is an ongoing investigation involving the Police Ombudsman and the police. It is therefore not appropriate for me to comment on the investigation at this time, because both have to have operational independence, and I want them to be allowed to bring their respective investigations to a conclusion.

I have received a letter from one of the families requesting a meeting. I have responded to say that I am not able to meet them at the moment, while there is a live investigation. However, when the investigation is complete, I am more than happy to sit down with all the families to talk to them about their experience. It is important to listen to those who go through the justice system talk about their experience and to try to respond in order to ensure that we improve our performance on every occasion. It is also important that, where things are done well, we continue to do them well and build on good practice.

I do not think that it would be appropriate for me to meet the families at this time, but I am keen to meet them once the investigations have concluded. Then is probably the most appropriate time for me to have a conversation with them, in order to ensure that there is no perception or reality of my having any kind of influence on the outcome of the investigations.

Mr McGlone: Thanks very much for that, Minister.

The Chairperson (Mr Givan): Before I bring in Gordon, Linda wants to pick up on that point.

Ms Dillon: This is just a quick point on what you said about speaking to the families. Even given the massive breadth of the investigation, there might still be wider learning to be done. It is probably worth looking at how everything was handled. There are obviously Police Ombudsman and PSNI investigations into what happened, and we will see what comes out of them, but we have to learn how

we can do things better and what things were done well. There might therefore be a bit of wider work to be done in the aftermath, when everything is completed.

Mrs Long: I am happy to work with Committee members. I know that some of you have a constituency interest in the case, but everyone has an interest, in the sense that we have compassion for the families involved. The loss of those young people was really difficult, particularly for the community. It was a very difficult experience all round. I will be more than happy to engage with you after we get the result of the investigations.

Mr Dunne: Thanks, Minister and Peter, for coming along this afternoon. I wish you well in your post. You will be aware of the strong cross-community concerns raised about the drastic changes to abortion legislation in Northern Ireland. Can you tell us what engagement you have had with the Northern Ireland Office on the new regulatory framework on abortion that is due at the end of March?

Mrs Long: I have had no direct engagement on the regulatory framework, because it is a matter for the Department of Health. Abortion is no longer a criminal matter, so the issue is for the Department of Health to take forward. Justice does not have a role.

I have had a briefing from the Northern Ireland Office on its plans for the framework that it intends to bring forward. Robin Walker briefed me earlier this week. My particular interest in the framework is in whether it is his intention to create, as was indicated, exclusion zones around clinics and places offering services, whether that be advice and guidance or termination services. I engaged with him on that because there would be a justice element in their implementation. At this stage, no final decision has been made. Guidance, however, is a matter for the Department of Health and the Health Minister.

Mr Dunne: Are you aware of when the Northern Ireland Office response document to the consultation will be released?

Mrs Long: I am not. My understanding is that the guidance is due to be brought forward shortly. I am not sure whether the consultation document has been published, but I do know that the consultation has been completed and that the NIO is now at quite an advanced stage of developing proposals for regulations. The next stage will be for those regulations to be brought forward, but that will be done, I think, in consultation with the Department of Health, which will then have to provide guidance for clinicians and so on that complies with the regulations put in place by the NIO.

Mr Dunne: Is it your understanding that the Assembly has full responsibility for the law and policy on abortion? Would you welcome a possible open and frank debate on any changes to the legislation?

Mrs Long: It is not a matter for me as Justice Minister to do that. It is a matter for the Health Minister, because abortion is no longer a criminal issue. It therefore does not impinge on the Department of Justice at all. It is a matter that you will need to raise with the Health Minister if you want to have a debate on regulation and future changes. Obviously, however, all those matters, through the Department of Health, are within the purview of the Assembly to debate, but abortion is not an issue for the Department of Justice.

Mr Dunne: It is not an issue. Right. OK.

In today's Bangor edition of the 'County Down Spectator', there is a story that is obviously in the public domain about a very concerned dad. His son was attacked, and the case went to court. His son was bottled and left with a serious injury, which resulted in his receiving 15 stitches to his face. He almost lost an eye as a result. The bottom line is that his dad feels that the punishment should fit the crime. It is important to point out that the attacker had a record of 106 prior convictions. He was given 100 hours of community service and three years' probation for this attack. Do you feel that that is justice and that the punishment fits the crime?

Mrs Long: The first thing to say is that I do not know the details of the specific case to which you refer. Secondly, even if I did, it would not be appropriate for me as Justice Minister to comment on individual sentencing decisions.

Mr Dunne: It is public knowledge.

Mrs Long: I know. You said that it is in the 'County Down Spectator', but I have not read this week's.

Mr Dunne: I appreciate that.

Mrs Long: With respect, even if I did know the case, it would not be appropriate for me to comment on a specific case. It is a matter for the judiciary to sentence within the guidelines that are provided for it, and it has independence from the Department of Justice and from political influence. Therefore, as I said, it would not be appropriate for me to comment on a specific sentence.

As you know, a review of sentencing has just concluded, so people had an opportunity to feed their concerns over sentencing into the review. It is not a matter on which I can comment as Justice Minister.

Mr Dunne: It is an issue of concern in the community, however. There is a perception in many cases that the justice being delivered is not right and not properly measured. That dad is calling for the punishment to fit the crime in such cases, and in the case involving his son, it does not fit the crime.

Mrs Long: As I said, I cannot comment on whether it does or does not, because I also do not have at my disposal all the information that a judge will have taken into account when setting a sentence. I did not sit through the trial and have the background information and everything else that the judge will have taken into account.

On the wider point of how sentencing works and whether people feel confidence in the justice system, I agree that it is important that people recognise and understand that sentencing reflects the seriousness of the incident and that it reflects the seriousness of the crime. There is also need for those of us involved in politics, particularly those of us who have an interest in justice, to understand how sentences are constructed and how sentencing works. There is often a perception outside that is based on a false notion of how the sentencing system works. It is important for us to communicate how sentences are arrived at in more general terms, as opposed to in specific cases.

Although the judiciary is free and independent and able to make its own decisions, as it should be, and although it is not for me, as Justice Minister, to intervene in individual cases, there is nothing to preclude MLAs from writing to the Lord Chief Justice or the Director of Public Prosecutions, if they have a concern about a specific sentence, to seek an explanation so that they can better understand why a sentence was arrived at and how it was calculated. It is something that I, as an MLA, did occasionally so that I could have a better understanding of why a sentence was deemed to be appropriate. Sometimes I was satisfied with the answer and sometimes I was not, but it is a useful exercise in understanding that, in some cases, complex issues are being considered that may not necessarily be in the public domain.

Mr Dunne: Finally, I raised with you the issue about the introduction of a places-of-worship security scheme. Thank you for the prompt answer on that. It is an important issue. We understand that such a scheme operates in England and Wales. Will you give us an assurance that you will make it a priority to try to bring forward a scheme?

Mrs Long: We are currently reviewing the situation to determine what the body of evidence is on that. England and Wales have a system in place already, partly because of specific vulnerabilities at some places of worship where there had been targeted attacks. I believe that Scotland is due to introduce a similar scheme. We are looking at whether a scheme is required in Northern Ireland. There is no protection scheme in the Republic of Ireland, but we are going to look at the issue. It is also important to say, to provide reassurance, that the number of attacks on places of worship remains quite low in Northern Ireland, and I hope that that number will reduce.

I share your concern. I understand that places of worship are not just buildings but places that matter to people and communities. People, understandably, are very upset when they see things that are sacred to them being destroyed by people, whether it is vandalism, a hate crime or whatever. It is a very unnerving, upsetting and intimidating experience for those involved.

I am not in any way diminishing the seriousness of such attacks, but they remain at a low level. We will certainly look at the evidence base to see whether a scheme, in the way in which there is a scheme in England and Wales, would be useful in the Northern Ireland context. I hope also that we, as communities, try to educate those who would often be engaged in vandalism of and antisocial behaviour around places of worship of the value that such places have in the community, the impact that they can have in the wider community, and the contribution that they make to the wider community. It is not only people who regularly attend church on a Sunday who benefit from that place

of worship but often the organisations and so on that use the church during the week. It can have a really detrimental and disruptive impact, particularly on smaller congregations when a place of worship is attacked in the way in which you suggest. The situation is something that we are reviewing, and we will look at a scheme. I will get back to you once we have made a decision.

Mr Dunne: Great. Thanks, Minister.

The Chairperson (Mr Givan): For completeness, Minister, I will tidy up some of the questions that Mr Dunne raised. I note that you engaged with Robin Walker this week. Have your officials been engaging with the NIO on the regulations since Westminster passed them? I appreciate that that covers a period that was not on your watch.

Mrs Long: I will have to check, but I see no reason that the Department would have needed to, other than to seek clarification on any kind of pre-existing issues or read-across. The matter has now transferred to the NIO to make the regulations. It will then become a matter for the Department of Health to take forward. There will still be elements that are subject to criminal law. For example, those who breach the regulations can still be charged with actual bodily harm and other offences. The specific issue of the termination of pregnancy will not, however, fall under the criminal law system.

The Chairperson (Mr Givan): We are waiting to see what the regulations are, and we will then know what happens if someone goes outside the regulations. Clearly, there will still be an interface with the criminal law. What it is remains to be seen.

Mrs Long: To be clear, I have not seen the regulations. I met the Minister, and we had a discussion. He talked through what he was likely to include and not include, but it was more from the perspective of whether he would take forward certain elements that have been included in the original instruction in Parliament.

The Chairperson (Mr Givan): As far as you are aware, there has been no formal consultation with the Department or the Executive on whatever package of regulations is coming forward.

Mrs Long: I am not aware of any consultation with the Executive, but, in any case, that consultation would have been brought through the Department of Health and not the Department of Justice. I have not been consulted at the Executive Committee and I have not received papers about a consultation from the Executive. As to any formal consultation with the Department, no one has written to me to ask for an opinion or a view. That is the space that we are in at the moment. It is an NIO responsibility.

I can certainly check whether there had been any consultation with the Department before I arrived, and Peter may know. As I said, however, I am not aware of any ongoing consultation with the Department, other than on the issues that interface with the justice system.

Mr May: I am not aware of the detail. I would not be surprised if there has been some contact, but we have been working with the Department of Health to make sure that we all have a common understanding of what the issues are. The Minister is right: there will not have been any formal consultation, because no one has seen any of the proposals.

The Chairperson (Mr Givan): Is the legislative process that Westminster followed to make that type of change be a model that you would wish to take forward, Minister? Would you recommend that the Assembly should take a similar approach?

Mrs Long: I do not follow.

The Chairperson (Mr Givan): There was no consultation with the public on the legislative change; it was attached to the Third Reading of what is now the Northern Ireland Executive (Formation etc) Act 2019 through an amendment; and such a fundamental issue got 17 minutes of debate. Would you support a Member of the Assembly following the same kind of process with legislation here as was used at Westminster?

Mrs Long: I said at the time that I did not believe that that was the best way in which to resolve the issue, because I do not believe that it was the best way in which to resolve it. However, it may have been the only way in which to resolve it at that time. Notwithstanding that, it is not the best way in which to make legislation, and I think that I have made that clear by deciding to introduce a domestic

violence and abuse Bill in the Northern Ireland Assembly rather than see here legislated for at Westminster through its Domestic Abuse Bill.

Whether we agree or disagree, proper consultation and engagement are crucial for shaping legislation. From my perspective, I am committed to ensuring that the Committee and the Assembly get their full say when it comes to any legislation that comes forward from my Department. It is important that people have the right to debate, scrutinise, give input or, indeed, table amendments. As you know, I have raised with you the issue of amendments to some of the legislation that will come forward. It would obviously be helpful from the Department's point of view if it did not receive a huge number of amendments, because that will cause a delay to the delivery of the Bill's main objectives. However, it is the right of the Committee and individual MLAs to table whatever amendments they choose.

The best way in which to make changes to legislation is through a well-developed policy framework that has been properly stress-tested and consulted on publicly before the legislation is brought forward. In fairness, although the amendments to the Westminster legislation specifically were not able to be consulted on, the issues had been consulted on many times, and, indeed, the previous Assembly had looked at and scrutinised a Bill. Although that Bill would not have had the same effect — it would have brought in much more minimal change — the issues were certainly aired and consulted on at length before the decision was taken in Westminster. That was neither within my control nor something that is part of my role as Minister of Justice.

The Chairperson (Mr Givan): OK. Thank you.

Mr Sheehan: Thanks, Minister, for coming in today. I briefly want to go back to the discussion that took place earlier on 50:50 recruitment. You talked about the need for evidence to inform any future discussion. However, the evidence is that, since 50:50 recruitment was stopped, the number of recruits from a Catholic background, and the actual number of Catholics in the Police Service, has remained stubbornly static.

However, I do not want to talk about that issue. I want to ask about an even worse one, and that is the situation in the Prison Service. Ronnie Armour was in a couple of weeks ago, and he told us that only 15% of the workforce in the Prison Service comes from a Catholic background. That is no reflection on Ronnie.

Mrs Long: I understand.

Mr Sheehan: He is doing a good job, and I have a high opinion of him. However, I am very disappointed at his plans to rectify the situation. What are you, and the Department, going to do to bring about change and ensure that the Prison Service workforce is representative of the community?

Mrs Long: The first thing that I will say is that not all of society's problems are ones that I can resolve as Justice Minister. There is a challenge also for the Committee, for you as elected representatives and for your parties to change the culture and perception of some of the roles that people play in society. A massive piece of work can be done on that, and one thing that I want to do is talk about what the role of a prison officer looks like in a modern prison service. The idea of prison officers as jailers, who simply lock people up and there ends their role, does not make the job particularly attractive to many people, and not just those from a Catholic background. There is a need to look at the opportunities in the service for people to be able to progress their career and for people who are interested in rehabilitation and reform.

There also needs to be political support. Members will be aware of the threats that were issued against those who supported the police in its recruitment campaign. Less acknowledged, however, is the level of threat under which some prison officers have to live as a result of the work that they do with some very difficult prisoners.

A piece of work needs to be done, not just by me as Justice Minister, although I am happy to lead on it, but by wider society to recognise the value of the work that prison officers do and the importance of the role that they play in creating a safer community and rehabilitating prisoners. Moreover, people should be encouraged to consider a career as a prison officer as a valid career choice. By creating safer communities, whereby people are able to make those choices, we make it easier for people to come forward. It is something that Ronnie and I have discussed. As with any other line of work, we

want to reach a point at which we have a reflective Prison Service, in the same way in which we have a reflective Police Service. That is what we want. It is our ambition.

Mr Sheehan: Let me ask you about one point, Minister. Do you make a distinction between "representative" and "reflective"?

Mrs Long: I do not. I suppose that there is a technical distinction, but I do not make it in the language that I used. It is important that the Police Service, the Prison Service and, indeed, society at large in Northern Ireland be reflective of wider society. Will it always be 100% representative? No, because there will be natural fluctuations. At times, there are fewer women or more women on Committees, for example. If there is a problem of persistent underrepresentation — I think that that is what you are talking about — it should be identified and addressed. From my perspective, it is important that we tackle the situation. I have no objection to working with others and listening to suggestions, but the agenda will be driven by society as much it will be driven by the Prison Service. The work that Ronnie is planning aims to promote and encourage people not just from a Catholic background but from more diverse backgrounds generally to consider the Prison Service as an option for a future career. Any assistance and guidance that members can offer us in how we do that and do it effectively would be very welcome.

Mr Sheehan: I understand all the challenges in recruiting people from some backgrounds into the Prison Service. However, if the police, which is considered to be a much more dangerous occupation than the Prison Service, can get their numbers up to over 30%, why is the Prison Service statistic still sitting at 15%?

Mrs Long: I will say a couple of things. The Chairman mentioned that the Prison Service can sometimes be a bit of a Cinderella service, whereby people forget or do not fully understand its value or what it does. Unfortunately, when people are in prison, they become a population that is forgotten by society. People are not conscious of or thinking about what is going on within the prison walls. They are interested in why people end up there and what happens when they come out. In the interim, people often just see it as a black box and do not take an active interest. That should change. People need to be actively engaged in what happens in prison and understand the complex work of prison officers. There are challenges in getting people to understand that there is room for innovation and change in the Prison Service. I see some fantastic young prison officers who are new to the job — I met them in Maghaberry — and making a real difference. If we were in a position where we were better able to showcase the kind of work that they do, it would definitely attract more interest from people wanting to apply. Peter, you have been dealing with this issue with Ronnie since before I came into office. I am happy for you to pick that up.

Mr May: I want to emphasise that the Prison Service, Ronnie and his colleagues are making huge efforts to try to secure a more representative workforce. The Prison Service's outreach in the last two or three years is well beyond anything that has ever happened before. Each time that there is a recruitment programme, efforts are made to try to secure as big and as wide a base of applications as possible. I agree with the Minister that we are always open to suggestions about things that we are not doing that we should think about doing. If you or your party have those, Ronnie and I would be happy to meet you to discuss what those might be. I just want to emphasise the level of effort that has already been made.

Mr Sheehan: The bottom line is that it is unacceptable in this day and age that only 15% of any workforce, and least of all in the public sector, comes from a Catholic background. Something needs to be done about it and, as Minister, the buck stops with you. It is up to you to ensure that that changes. There are other problems in the prisons as well.

Mrs Long: I disagree that the buck stops with me in the sense that, if there are societal issues, those require a constructive political response from all of us. As Minister of Justice, I can do something on leadership, but I cannot remove all the societal barriers to people wanting to join the Prison Service and serve as prison officers. I can set the tone for that and support Ronnie and his colleagues in what they are doing in outreach to encourage people to come forward but, if there are societal barriers to people coming forward, I need the cooperation of others, including you, your colleagues and others around the table, to tackle those societal issues.

I am the Minister of Justice, but I do not have a magic wand to completely change society. We can put in place the right mechanisms, but, again, there is no point in approaching this from a mechanistic point of view unless we know the reasons why the percentages are low. Is it low application, or is it

low success at appointment? If it is low levels of application, we need to look at why people do not apply to be prison officers. What is stopping people coming forward? Is it that they feel that the job is high risk? Is it that they feel that the job is not fulfilling? Is it that they feel that the job is not appropriate or would not be respected where they live? We need to look at that and have an evidence base to make the decisions.

Mr Sheehan: Minister, surely it is past the time of when an analysis of that type of information should have been done.

Mrs Long: In fairness, I cannot answer for anything before six weeks ago.

Mr May: There is plenty of evidence about application levels and so on that we can provide to the Committee.

Mr Sheehan: There are other problems in the prisons. A relatively recent CJI report stated that a disproportionate number of Catholic prisoners were facing disciplinary sanctions in the prison. I am not suggesting that that is the result of imbalance in the workforce, but it certainly should be investigated. If there are problems with an imbalance in the workforce, that in itself might be an obstacle to people from certain backgrounds joining the Prison Service.

Mrs Long: It would not be appropriate for me to comment on the operational issue, but CJI reports are taken seriously and will be looked at by the Prison Service and the Department to determine any changes or assessments that need to be made. I am glad that you are not jumping to the conclusion that the reason for that disparity is either discrimination or an imbalance in the workforce. That would be a bit of a leap in the dark and not necessarily based on the evidence.

Mr Sheehan: That is why I am not doing it.

Mrs Long: Exactly.

Mr Sheehan: However, you certainly cannot rule out unconscious bias in a situation like that.

Mr May: I will add a piece of information for the benefit of the Committee. Ronnie Armour commissioned work to look into that very issue. A report was completed that drew out a range of quite complex issues that go well beyond the simplistic headline that you referred to. We are happy to provide the Committee with a copy of that report. You can explore that and, if necessary, hear in more detail from Ronnie and his colleagues about the work that they have been doing.

Mr Sheehan: Thanks for that.

The Chairperson (Mr Givan): Minister, two more people have indicated that they wish to speak. I am conscious that you have been here for coming on three hours. I do not quite have the bladder of former House of Commons Speaker Bercow, who has a record of 13 hours without leaving, but I am in your hands in the sense that I am happy to take a comfort break for five minutes, or we can push on if you want. There are two more members to speak and hopefully that will complete the session.

Mrs Long: I would appreciate it if we could push on because I have another engagement straight after the Committee, but I do not want to cause any discomfort to the Chair in case you hold it against me later.

The Chairperson (Mr Givan): No, it is OK. I can push through.

Mr Beattie: Minister, thank you for your very fulsome answers so far; and thank you for having a steel bladder so that we can get this done.

I am really glad that we are talking about the Prison Service. It does a fantastic job, and it is sometimes a forgotten service. That is not because of your Department; it is just the nature of the job that it does. It does a fantastic job, but there are real issues in the Prison Service. I know that you and your Department take mental health and well-being very seriously. I was reading your well-being programme this week and would not have minded attending some of that myself. However, I was absolutely aghast to find out that no records are kept of those who leave the service through post-

traumatic stress disorder or mental ill health. That really concerned me, to the point that I did a bit of digging. I found out that TMR Health Professionals, the body that deals with the Prison Service, has stated that 80% of the people whom they see either have PTSD or are showing signs of PTSD. That is not only members who have left the service but ones who are still serving. I have raised that issue, and many officers have inundated me with examples of some of the things that are going on. I am happy to pass that information on to you afterwards, Minister. One officer went off sick with mental health issues, was diagnosed with PTSD and, when they came back to work a number of months later, received an official warning. Yet another guy who broke his ankle and went off for the same time came back and did not receive an official warning. There is a fundamental issue in how the service deals with mental health issues and PTSD. Even its tool for reporting sickness does not give the option, "I have PTSD".

There are two parts to this question. First, will you extend your urgent review to reviewing the welfare system for those still serving and not those who have left, so that we look at the issues that I just raised? Secondly, will you delve into the issue of prison officers who have been diagnosed with PTSD being given formal warnings for being absent because of that?

Mrs Long: Mental health is every bit as serious as physical health. The stigma often attached to mental health issues is not helped if there is seen to be any differential in the treatment of those who have mental health issues and those who have physical health issues.

Serving prison officers do have access to the Police Rehabilitation and Retraining Trust (PRRT) system, although I think that the uptake is small. When I was in Maghaberry, I spoke to prison officers about what support was available. I was interested to know, given the context in which they work and the pressures they face. A number were clear that they had good support in Carecall, which they had used, regarding things that they had seen or issues that had arisen when they felt that they needed to talk to someone independent. Generally, they also felt comfortable talking to other officers. They felt that there was good peer support. I will certainly look at the landscape for supporting prison officers.

I want to get the review done quickly. If I widen its scope, it becomes a bit of a curate's egg, with bits going in different directions. There is then a risk of losing focus and it not being done on time. I am keen to keep it focused but am happy to have the conversation again alongside it. I have already had a conversation with Ronnie Armour about the need to ensure that prison officers are properly supported.

On the day that I visited Maghaberry, the people to whom I spoke seemed highly motivated and believed that there was good support. However, I am more than happy to sit down with you, and if you have cases or concerns, we can take those up and pass them on to Ronnie, and deal with them.

It is important that people who face challenging circumstances working with difficult groups of people, some of whom have serious mental health and substance abuse issues when they arrive in the prison system, and others who may be threatening and intimidating officers, are protected and get the right support. I am happy for you to bring any issues to me. We can look into them and try to get you an answer.

Mr Beattie: Thanks, Minister. I understand why you cannot expand the review.

Mrs Long: Sure.

Mr Beattie: I guess the problem is that you cannot differentiate between a psychological injury and a physical injury, so that question has to arise. If it is a deep-rooted issue that somebody who comes back from sick leave with a mental health injury gets a written warning, and somebody who comes back with a physical injury does not, there is a fundamental problem. I will provide you with the information if I can.

I am jumping around a little. I hope that you do not mind. I raised this issue with you previously, but I am going to raise it again. I have real concerns about legal aid. I have real concerns about the cost of legal aid. We need to have legal aid. It needs to be targeted at the right people.

Up to 2016, legal aid was running at about £100 million a year. The Public Accounts Committee brought forward recommendations. There was a reduction in legal aid in 2018 to about £65 million, and last year, it was £84 million. However, every single time, the accounts are qualified, and they are qualified through fraud and error. When somebody says to me, "Fraud", I think, "Illegality". Is that

illegality from the person who receives the service or from the person providing the service? Regardless of that, how many years of reports do we have to have that point to fraud before we say, "Enough is enough. It is time that the police looked at this fraud"?

Mrs Long: There are a few things that I want to say. I agree that legal aid reform is important. The work that has been undertaken on legal aid reform has reduced the bill but, hopefully, we are still fulfilling the requirement on ensuring access to justice, because that is absolutely crucial. We have already done quite a bit of work and are looking for new opportunities to continue that reform — for example, standardisation of legal fees in a number of areas is one way forward. There is also the introduction of the computerised legal aid management system (LAMS), which should deal with some of the issues that you raise.

Where error, mistakes or fraud are suspected or determined, full investigations will be undertaken. Those things are not taken lightly; it is public money, and it has to be accounted for. There can be genuine errors, and it is important that we do not conflate those, but LAMS should help. The more standardisation there is, the simpler the system should become — in theory, anyway — and that should drive error down. The report was published prior to my time as Minister, so I will let Peter respond on the specific issue of the accounts. I know that the PAC has been very active on the issue, and we have received a number of questions about how we are fulfilling our requirements on foot of the PAC's recommendations and in ensuring good value for money and clear and accountable reports on resource.

Mr May: You are absolutely right that the accounts, first, of the Department of Justice and, more recently, of the Legal Services Agency have been qualified for a number of years on the basis of fraud and error. We have been undertaking a sustained programme of work with the Northern Ireland Audit Office and others to make sure that there is full transparency to try to reduce that level of fraud and error. The reason that the Department's accounts are no longer qualified and only the agency's accounts are qualified is that we are making some progress along that route.

We engaged a team from the Department for Communities, which deals with the same set of issues with fraud and error with benefits payments, to apply the same rigour of approach to legal aid. One of the significant problems and reasons that the numbers for fraud and error look so large in the accounts is because the Audit Office is telling us that it cannot verify whether everything has been done correctly to its satisfaction. It is not that the Audit Office is identifying and proving fraud to the scale that it is putting into the accounts every year; it is that it cannot disprove that there is fraud. We need to go through a process to try to disprove the fraud. You will understand that that is a much more difficult thing to do than it is when you have identified fraud and need to act on it.

I cannot, with honesty, say that it is likely that that qualification on the agency's accounts will be lifted this year, but there is a very substantial programme of work in place. We can write to the Committee to set out the steps that are being taken to address fraud and error. It is a high priority in the Department, and my senior colleagues and I spend a lot of time looking at those issues to try to make sure that we are doing all that we can to make progress.

Mr Beattie: Thanks, Peter. I know that you are working on it. I have asked the Minister these questions before, and you have been very open about it. However, I have to say that, as long as that word is still there and as long as people hear a Department saying that there is fraud — remember, it says fraud and error.

Mr May: To be clear, the Audit Office is not saying that there is fraud. It is saying that it cannot disprove that there is not fraud.

Mr Beattie: Yes, exactly: it is not saying that it is fraud, but it is not saying that it is not. The problem is: when do we draw the line? I get that, this year, it will probably say the same thing, but what happens if it is saying the same thing next year?

Mr May: The judgement on the qualification of the accounts will be made by the Audit Office.

Mr Beattie: We will have to address it somewhere along the line.

Mr May: It is being addressed: that is the point that I am making. Each year, we are getting better at it.

Mr Beattie: Were this to appear time and time again in any other Department, Peter, it would be held to account.

Mr May: I am happy to be held to account.

Mr Beattie: All that I am doing is setting that marker down, because we need to do that.

I want to move on, please, to victims' commissioners, which, again, is a really important issue to me. I am thinking about victims of crime throughout Northern Ireland. Right now, we have a Victims' Commissioner who deals with Troubles-related crime. I know that victims of historical institutional abuse may, quite rightly, want and get their own commissioner, and they may be lobbying for that. You may find that those affected by domestic abuse may be looking for their own commissioner as well. Is it not time that we got in line with what England and Wales have by having a victims' commissioner who covers all victims, past, present and future? If we do not do so, we are differentiating between victims from our past and victims from our present.

Mrs Long: I want to address a couple of things before I answer the specific question. In England and Wales, they do have a domestic violence commissioner, so there are bespoke commissioners for different things. It is not a route that I am minded to go down at this point. I met Women's Aid recently, and we had a conversation about trying to identify the gap that it sees a commissioner filling. We know that part of the reason why, for example, there is a victims' commissioner in England and Wales is that a large number of police services have to cooperate with one another, despite the boundaries between them, there are different area of justice and different arms of the justice system, and other services are provided at district council level and so on. We have more unitary authorities here, with the result that there is a less strong argument, if you like, for having a victims' commissioner per se. No final decision has been taken about having an overall victims' commissioner.

I intend to meet a number of victims who have raised the issue of the potential usefulness of a victims' commissioner for wider groups of crime. Again, the question that I would ask, as I did, about the need for a commissioner for domestic violence is: what is the perceived gap that needs to be filled, and is that the best use of money? In the case of the domestic violence situation, for example, the model used in England and Wales could cost up to £1 million a year in the Northern Ireland context. The question then is: is that money better invested in other services? Is there a different way of doing it by having a champion who keeps the issue alive, or perhaps the money is better invested elsewhere? We will have to look at a number of issues to see whether we need that locally, given the size and the structural support.

We fund Victim Support NI to provide a range of services for all victims of crime, and part of its remit includes representing and advocating on behalf of the interests of victims of crime and shaping policy decisions through the different policy forums. It is not that nothing is being done, nor should we assume that the presence of a victims' commissioner in England and Wales necessarily produces better outcomes than the mechanisms that we have here, but if you have particular representations or issues, I am happy to consider those. As I say, I want to come to it from the perspective of saying, "What is the current gap that needs to be filled? What is it that victims going through the system are not able to access that having a commissioner would make more accessible? Is it good value for money in the sense that, if we had that money, would it be better invested directly in services and in provision through, for example, Victim Support NI, or would it be better to establish a victims' commissioner?". That is the challenge in trying to work out what this is.

On the wider issue about a victims' commissioner for historical issues, obviously, that is not within my remit, so I cannot comment on it.

Mr Beattie: I was not being particular on that one either, and I was not saying that we should not have others. I was thinking more that there could be one commissioner for all, and that would save money, which could then be given to another service. Thank you for that. Could I ask a very quick question? Did the 2.5% that went to PSNI officers for their pay rise also go to other staff in the PSNI, or was it just for PSNI officers?

Mr May: No. The police staff remit will be dealt with separately. It will be subject to a separate pay remit.

Mr Beattie: Will that come through the Civil Service?

Mr May: It will come through from the PSNI; it will put the pay remit through for police staff.

Mr Beattie: Let me get this absolutely right: the 2.5% went to uniformed police officers only, not to any of their support staff?

Mr May: That is right.

Mrs Long: Correct.

Mr Beattie: I would like to ask another quick-fire one, if I can, please. Peter, we talked about this during our dry period when we had no Executive, and that was the possibility of the Probation Board handing politically motivated offenders (PMOs) back to the PSNI. Is that still on the cards? Is it still a discussion, or has that been put to bed?

Mr May: That is terrorist-related offenders and —.

Mrs Long: Yes. A new assessment tool is being developed for the management and assessment of terrorist offenders. That is something that we are looking at in the Department. It is being developed in England and Wales through the Ministry of Justice. We think that it might be useful in assessing how best to manage terrorist offenders. Obviously, there are challenges in how that should be done and in getting consistency in it.

Where the current management is concerned, there is a structure in place to ensure that people are properly managed, but it is fair to say that the new tool does not necessarily lend itself to use by the Probation Board. It may be that a new structure is required to implement its use; it would look at terrorist offenders through a different lens because there are challenges in how effective rehabilitation and other things can be in some of those cases. It is still under consideration, but we will come back to the Committee, probably reasonably soon, with a bit more information.

Miss Woods: Thank you, Minister, for attending today. A number of my questions have already been brought up, so I have only three. I will get you away quickly. Do you have any update on the review of antisocial behaviour legislation and if there is any intention to have movement on it, particularly with regard to public space protection orders, fixed penalties and seizure powers?

Mrs Long: I got a briefing on that yesterday, specifically in the context of upcoming anticipated difficulties in some places during St Patrick's Day — I will say "festivities", for want of a better description. I am aware that some consideration has been given to that. As you know, the original legislation that allowed, for example, for the seizure of open containers of alcohol and so on has not been commenced, and legal advice suggests that, if it were, it would not give the police the powers that were hoped for. We are working to look at alternative mechanisms of doing that through council by-laws as opposed to going down the legislative route. When David Ford was Minister, he introduced the fixed penalty scheme that allowed people to get fixed penalty fines for those issues.

I cannot recall the numbers off the top of my head, but very few anti-social behaviour orders are used in Northern Ireland because the level of activity that is viewed as antisocial behaviour here tends to fall below the threshold required for an anti-social behaviour order to be issued or sought by the police. The trend of antisocial behaviour has been downwards. The main issues that the majority of the respondents to the survey identified as antisocial behaviour actually fell into nuisance behaviour, like littering and noise and things that would not have been antisocial in the sense of reaching the criminal threshold. I can write to you about that in a bit more detail because it is something that I just read through quickly yesterday. It was reasonably clear with the alcohol approach that we have been taken. We have been working alongside councils on by-laws, and the penalty notices are there. I do not think that anti-social behaviour orders in Northern Ireland have had a significant impact, let us put it that way, given the numbers that have been sought. It was in single digits, if even that, in some years. It is more about trying to work to reduce what used to be unfairly referred to as "youths causing annoyance", but it is not that simple. Some of it is just people hanging around, and they are not doing anything other than hanging around. I think that some of those issues are more for youth diversion.

We are conscious, through the Youth Justice Agency and others, of making early interventions where those groups of young people are hanging around not doing anything wrong but perhaps are having negative experiences of interfacing with the police, the community or whatever it might be. It is important to try to engage with them positively so that they are diverted away from any negative

engagements with the justice system. They can often be vulnerable to coercive behaviour by people in the community or to those who would seek to get them involved in drugs, paramilitary activity or other criminality. It is important that people engage constructively with them, and youth services generally need to engage positively with young people to create a sense of place.

It seems to be a decreasing rather than an increasing problem, and I think that that is because young people now are more entertained by their phones and by being at home than they are by hanging around the streets than they were in the past. I think that the culture has, perhaps, changed as well. As I said, the largest number of people who were complaining about issues that they viewed as antisocial were antisocial in the sense most used in common parlance, with things like litter and noise, as opposed to antisocial behaviour in the criminal sense.

Miss Woods: Thank you. I appreciate that, and I would certainly welcome working with you on the youth focus. For me, antisocial behaviour is not young people.

Mrs Long: Correct.

Miss Woods: We see more antisocial behaviour falling out of the pubs at the weekend than we do with our young people in our communities, and I think that there needs to be a wider conversation —

Mrs Long: Agreed.

Miss Woods: — about how we view young people and their behaviour. They are not doing anything wrong. It might be somebody else's perception that needs to be worked on rather than the focus being on the young persons.

We obviously have a growing health problem with addiction and illegal and illicit drugs. We do, as we have been saying, need more joined-up working on policies and projects to deal with that at all levels of society, both local and overarching. Have there been any conversations, or are you minded to have any, with the Department of Health and the Minister there about exploring options on safe consumption rooms and drug decriminalisation?

Mrs Long: Decriminalisation is a reserved matter, so that is a decision that Westminster has to take. I have not spoken to the Health Minister directly about things like safe consumption rooms and so on, but I am aware that a high-level drugs meeting is taking place in Glasgow. He and I had intended to be at that, but there was, unfortunately, a diary clash. He is still attending, and we are sending an official from Justice to that meeting, which will look at some of those issues.

I am aware, as everybody else is, about the kind of drugs issues that there are, and I have had conversations with the police and others in Belfast on things like needle exchanges and so on. By and large, I think that it requires the police to deal with, if you like, the increase in acquisitive crime that tends to happen around those centres, because people obviously still need to make money to get their drugs, particularly illegal drugs. There are challenges in that, and, if you have safe injecting spaces and things like that, you need to bring in the policing and other mechanisms to make sure that it is a safe place. I have sought briefings on some of the other developments that I am aware of, and I have not been briefed on them yet, but I hope to be shortly. They are things like the use of Naloxone that first responders can administer to people who are overdosing. Now that it is available as a nasal spray rather than an injectable, it is more likely to be used by first responders who are not medically qualified. There are pilot schemes in Glasgow and, I think, in Cardiff, where police officers can deal with and deliver it.

The increase in drugs deaths should, obviously, be of concern to everybody. We need to be cautious, however, because it is not necessarily that the drugs taken are different. Polydrug use, often when mixed with alcohol, has led to the increase in deaths. There are things we need to do. I have spoken to the Health Minister specifically about early intervention. If we can look at young people who are at risk of ending up on drugs or lured or groomed by people selling drugs, we can try to deal with whatever issues are going on in those communities and resolve them to divert those young people away from drugs. That is much easier to do and much more effective than treating the problem once it has occurred. The Health Minister and I agree on the importance of early intervention in mental health and drug misuse and abuse.

Whilst there is an intensity of focus on illicit drugs, there are also issues about the misuse of prescription medication and alcohol, which is the most prevalently abused drug in society. It has long-

term consequences that have knock-on effects in things like domestic violence and domestic abuse. Some 90% of people who are arrested will say that drugs or alcohol played some role in the crime that they are accused of committing.

There are real challenges with tackling drug abuse and misuse early and with the sometimes complex interface with mental health and domestic violence. We must do that as early as possible, because the tragedy is that people end up in the justice system as a result of serious mental health issues that have led to drug abuse and misuse, then to criminal behaviour that, in turn, leads them to be in custody rather than early treatment, which can divert them from that experience. All of us, as a society, have failed if the first time people get the treatment and support they need is when they find themselves in custody.

I hope that is something that we are able to develop. From a practical point of view, on keeping people safe, it really matters in people's sense of safety and security in their community. Also from a very pragmatic point of view, it makes sense financially, because it costs an awful lot more to have people either in hospital, on the streets in a bad situation or in our prisons being taken care of in the prison system. It costs a lot more to do that than to make the early intervention that can let them get on and lead a more productive life.

To reiterate, you are correct: it is not a young persons' issue. That is why I said I hate the phrase, "Youths causing annoyance". It was always being used. This is not a young person's problem either. Often people are groomed when they are younger to start on drugs. However, it is often when they are much older that that journey starts to have a real impact on their health, mental well-being or offending behaviour.

Miss Woods: I have one more question, which I will ask briefly. Do you have any assessment of the current age of criminal responsibility?

Mrs Long: I do not. I imagine that this would fall into the category that we discussed of issues that are controversial and therefore a matter for which we would require agreement around the Executive table. I suspect that my own views on this may not necessarily chime with those of all my colleagues around the Executive table or, indeed, around the table today. I am concerned that the age of criminal responsibility, which has been a live debate for many years, is still quite low at the moment, but we also need to take account of the evidence in other places about how that impacts on how people are handled in the justice system.

Crucially, what happens to someone when they come into contact with the justice system is what really matters. For example, when people end up in our care as teenagers or as young people, every opportunity should be taken to rehabilitate them regardless of the issues around criminal responsibility and whether they are old enough to understand fully the implications of their crime. I think that most people would recognise that any young person who finds themselves in that situation needs the support, encouragement and challenge to be able to turn their life around. They have their whole life ahead of them and still have the opportunity, I believe, to lead productive lives and make a contribution to society.

We know that some of the groups that are most at risk of offending include people who are, for example, excluded from school. Again, that is not something that we in the Department of Justice can tackle on our own. We need to work cross-departmentally with Education and Health, and that is one of the areas that I am looking at, as I said in my presentation when I mentioned Lakewood and so on. It is important that we look at how we care for vulnerable young people. Young people who are offending are vulnerable too, as are those who are victims of those crimes. We need to look at this through that lens to see how we can turn their life around so that they can be productive members of the community.

The Chairperson (Mr Givan): Thank you. Last but not least, Linda wants to ask a final supplementary question.

Ms Dillon: I just want to have the final say. There is a theme that passes through every question today from Pat's right through to Doug's and Rachel's. When you are talking about young people and what needs to be done, whether it concerns Health, Justice or Education, the point I want to make — I said it last week, and I will sound like a broken record, but I do not care, because I will keep saying it — is about youth services. The people who are most qualified to engage with young people, whether it is in the prisons or outside them, are workers in the youth services. They should be used by the PSNI,

the Prison Service and organisations at every level that deal with and engage with young people. Obviously, they already do a lot of that work, but we cannot put enough emphasis on the requirement for that.

I do not think that anyone else engages with young people in the same way. You talked about the groups that are most vulnerable — it is young people who are in care, or looked-after children, who are probably the most vulnerable. Youth services are definitely needed to engage with them, because they do not have a relationship with anybody.

Mrs Long: That is probably a good place to end the discussion today. At the end of the day, we need to get early intervention right and keep young people away from offending behaviour. More than that, we need to work together on a cross-departmental basis to tackle some of the root causes of offending, which often come from the slightly chaotic lifestyles that people are engaged in. It can be very difficult for young children who grow up in homes where there is domestic abuse or where there might be substance abuse or other things. They do not get the best start in life. If we can see where those adverse childhood experiences are happening and find ways to get early interventions in place, we can reduce offending. By reducing offending, we reduce the number of victims, and that is what we want to do.

We want people to feel safe in our community, and we want to reduce offending. The best way to do that, from my point of view, is to try to deflect people away from the justice system so that they are living productive lives. Young people are a classic example, because their life is not completely formed. It is never too late to make a change, but particularly when you are talking about young people of 14, 15 or 16 who have their whole lives ahead of them. I think most of us are completely different people from what we were when we were teenagers. I know that I certainly am, and I would say that a lot of people are glad of that. I have mellowed, believe it or not, with age. *[Laughter.]* Not everybody sees that side, but there you go.

Mr Dunne: No *[Laughter.]*

Mrs Long: You should have known me when I was 14.

The truth is that we have to find ways to support and encourage young people and get the best out of them. That is good for society, it is good for the community and it is good for them, but it also reflects what kind of a society we want to be. It is crucial that we engage with young people in particular. There is an opportunity there to change people's lives in a meaningful way, intergenerationally as well, because then they go on to be more stable parents, and so it goes on. If we can break that cycle of instability, it can make a massive difference in communities.

We have ended at a good place, Chair, if you do not mind me saying. Thank you. You have been very patient; I know that it has been a long session, but, hopefully, it has been an informative one.

The Chairperson (Mr Givan): Thank you. Three hours and 20 minutes later. You have been very generous with your time, Minister.

Mrs Long: The Committee has also been very generous, so thank you for that; I appreciate it. I look forward to working with you. Maybe, next time we come, it will be slightly shorter *[Laughter.]*

The Chairperson (Mr Givan): Thank you.