



Northern Ireland  
Assembly

Committee for Justice

# OFFICIAL REPORT (Hansard)

Criminal Justice Inspection Northern Ireland

5 March 2020

# NORTHERN IRELAND ASSEMBLY

## Committee for Justice

### Criminal Justice Inspection Northern Ireland

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

Mr Paul Givan (Chairperson)  
Ms Linda Dillon (Deputy Chairperson)  
Mr Gordon Dunne  
Mr Paul Frew  
Mr Patsy McGlone  
Mr Pat Sheehan

**Witnesses:**

Mr James Corrigan	Criminal Justice Inspection Northern Ireland
Ms Jacqui Durkin	Criminal Justice Inspection Northern Ireland

**The Chairperson (Mr Givan):** I welcome Jacqui Durkin, the chief inspector of Criminal Justice Inspection Northern Ireland (CJINI), and James Corrigan, who is the deputy chief inspector. The meeting will be reported by Hansard. I will hand over to Ms Durkin for her briefing, and I am sure that members will then have questions.

**Ms Jacqui Durkin (Criminal Justice Inspection Northern Ireland):** Thank you for the welcome and the invitation to speak to the Committee and for the opportunity to provide an overview of the role and work of Criminal Justice Inspection Northern Ireland. I hope that the Committee found the briefing paper helpful. I will mention a few key points about who we are, what we do and the future inspection programme before James and I respond to questions.

I was appointed chief inspector of Criminal Justice Inspection on 30 November 2019. The office of the chief inspector was established in 2003 as an Executive non-departmental public body under section 45 of the Justice (Northern Ireland) Act 2002. Since then, and with the devolution of justice in Northern Ireland, the inspectorate is now sponsored by the Department of Justice. I am supported by James Corrigan as my deputy, a team of six inspectors and three support staff on a full-time or part-time basis, drawn from a variety of professional backgrounds, including policing, probation, legal and human rights, human resources and business consultancy. The CJI team and I are acutely aware of our independence and impartiality in providing evidence-based inspection reports in individual organisations and agencies, and thematic inspections, reviewing topics and issues across the whole criminal justice system. We have good relationships with and rely on expertise, primarily from Her Majesty's inspectorates in England and Wales to support particular inspections such as police, prisons, probation and prosecution services.

The organisations within our remit to inspect are set out in statute and reach across all aspects of the criminal justice system. They include obvious organisations and agencies such the Police Service, the Prison Service, the Public Prosecution Service, the Probation Board, the Northern Ireland Courts and

Tribunals Service, the Youth Justice Agency and the Office of the Police Ombudsman for Northern Ireland as well as a number of other organisations — for example, Forensic Science Northern Ireland, the Parole Commissioners for Northern Ireland, the State Pathologist's Department and the Legal Services Agency.

As chief inspector, in consultation with a wide range of stakeholders, I am responsible for creating an annual inspection programme for approval by the Justice Minister and may also be requested by the Minister to undertake particular inspections or reviews in addition to planned inspections. I cannot inspect individual cases or the judiciary, but we do inspect governance, strategy, process, systems and services, whether in individual organisations or thematic reviews crossing a number of organisational boundaries.

CJI provides authoritative information and expert opinion to inform the public, political representatives and criminal justice system stakeholders about the work and performance of inspected bodies and the criminal justice system as a whole. We seek to identify key risks and challenges, making recommendations focused on securing improvement, promoting cooperation and actively contributing to delivering a better justice system for all in Northern Ireland. We are committed to reporting our findings accurately, with integrity and objectivity, while maintaining a culture of respect and openness throughout our work. We aim to work collaboratively with inspected organisations to secure support and agree recommendations for implementation and the delivery of better outcomes. CJI reports are laid in the Northern Ireland Assembly and published on our website.

Since taking up my appointment, I have met a wide range of leaders from criminal justice, the community and voluntary sector, other inspectorates and regulatory organisations. I have also met the Minister, Department of Justice officials, the Attorney General, the Lord Chief Justice, a number of political representatives and other key stakeholders. All have been complimentary about the inspection activity reports and professionalism of CJI. Many have emphasised the importance of CJI's contribution in fostering public confidence in our justice system. I intend to build on that reputation and the valuable contribution that an independent and unified inspectorate brings in Northern Ireland. Those discussions have also been timely and provided a useful opportunity to listen to views on potential inspection areas or topics.

We will receive requests for views and consideration as part of next year's inspection programme. If Committee members have any views on the future inspection programme, I will be happy to consider them. Since January 2017, CJI has published 19 reports and made strategic and operational recommendations for improvement, which were all accepted. A significant number of recommendations are operational, arising from, for example, prison inspections that also involve HM Inspectorate of Prisons and the Regulation and Quality Improvement Authority (RQIA).

Key persistent strategic issues have included reducing avoidable delay, the experiences of victims and witnesses, tackling domestic and sexual violence and abuse, and effective cross-departmental and service responses to deliver better outcomes. The challenge in addressing those issues is not underestimated, but progress will require meaningful implementation of accepted inspection recommendations. I was pleased to see specific reference to CJI's work in the 'New Decade, New Approach' document and oversight of report recommendation implementation. It is important that inspection reports and accepted recommendations result in action. The arrangements for oversight and governance for effective implementation of inspection recommendations are issues that I hope to discuss with the Criminal Justice Board in due course. It is disheartening for inspectors to repeat recommendations and see limited evidence of implementation when revisiting organisations. This is not an effective use of resources for CJI or the organisations inspected. More importantly, it does not actively demonstrate real commitment to continuous improvement and a better justice system for all.

A number of inspections are under way, and I know that you will appreciate that I cannot comment on current reviews until they are published. However, the Committee may wish to be briefed on specific reports following publication, and I will be happy to respond to any such requests. I plan to publish a number of reports in the next few months, including a thematic report on child sexual exploitation and another on victims and witnesses, which may be of particular interest to the Committee.

As I said, I am carrying out extensive consultations to inform the development of a new three-year corporate plan and 2020-21 inspection programme. I welcome the views of the Committee as part of that process. The draft corporate plan and inspection programme will be forwarded to the Committee for comment in due course.

I hope that that overview was helpful. James and I are happy to respond to questions.

**The Chairperson (Mr Givan):** Thank you very much, Jacqui. You mentioned the strategic and operational recommendations that have been made over the last couple of years. From 2017, there have been 90 strategic recommendations and 87 operational recommendations. How satisfied are you that, while those have been accepted, they are being implemented? You commented on the frustration when that does not happen. Do you want to elaborate on that?

**Ms Durkin:** One thing that I will be working on with different justice organisations is getting a handle on what the governance arrangements are for progressing implementation. That may vary across criminal justice organisations. I am also mindful that various sources have commented on the number of recommendations. It will be important to establish, as we do through follow-up reviews on particular inspections, what progress there has been against the implementation of recommendations. It is timely, particularly as I am new into office, to discuss with the Criminal Justice Board how it has oversight, particularly of thematic inspections where one organisation may not own the implementation of a recommendation but rather it crosses organisational boundaries and is pointed at the system as a whole.

**The Chairperson (Mr Givan):** Is the Criminal Justice Board an agent and driving force of that across the criminal justice system?

**Ms Durkin:** Part of the conversation that I want to have with the Criminal Justice Board is to find out whether it sees itself in that role. Many organisations are operationally independent and guard that fiercely, as I do. However, it is important that we see how the Criminal Justice Board is operating as a board across the criminal justice system in overseeing progress against those recommendations that are strategic in nature and not down to one organisation to make them happen. It will be worth having such a conversation. I appreciate that not only those organisations but the Department already have monitoring mechanisms for overseeing progress, but those could vary from organisation to organisation. It is worth having a conversation about that.

**The Chairperson (Mr Givan):** It is not something that I had thought about before. Obviously, every report will fall to a particular agency in the criminal justice system, but the board, with its strategic role, could lend a lot of weight to driving through some of the recommendations, which, while not sitting idly, may not get the continual attention or focus that is needed.

**Ms Durkin:** As I said, it is important that there is a discussion with organisations on our recommendations. The intention is that, when you have an agreed recommendation, there is momentum and action behind it. It will be interesting to hear any views that the Criminal Justice Board has about its role in that, how that might be taken forward and how it reassures itself that the criminal justice system is moving forward with those issues that require a combined response, regardless of whether there is operational independence, be it from the police, the Public Prosecution Service or the courts. I am eager to have that conversation.

**The Chairperson (Mr Givan):** That is interesting. Thank you.

**Ms Dillon:** Thank you, Jacqui. I appreciate your briefing paper. I am also very focused on recommendations. I hate to see really good reports with really good recommendations not being followed through and then, a number of years later — I am sure that Paul will have seen this in previous Committees, including the Justice Committee — reports come back recommending the same things because those were not followed through. You are 100% right: there is no value in that for you, for us or for the agency that you are inspecting.

In a previous life, as a member of a Policing Board committee, I asked officials to pull together all the recommendations from all the reports — from CJI or anybody else — so that we could then follow them through. Which ones were accepted by the PSNI? When were they implemented? How will they be implemented? Why were some not accepted? For some, it was down to finances, so you needed to not just say, "These will not be done". You had to chase it up at some stage and say, "Have you put forward a business case? Is this something that you did not have the finance for last year but you might make a priority this year?". If we are asking people to do reports, it is really important to follow up on the recommendations. There should be a way to do that, whether through the Criminal Justice Board, the Committee, the Department or somebody else. There is the opportunity to do that on the Policing Board because different committees can focus on it. Other justice agencies do not necessarily have that same oversight, but it is vital. There is no value in recommendations unless we do that.

I know that you cannot comment on specific reports — I would not ask you to do so — but do you have a timeline for the PSNI disclosure process? That is all that I will ask about that. I will not ask you to comment on that or put you on the spot.

**Ms Durkin:** Yes, I do have a timeline. I am hopeful that I will be in a position to publish that report within the next month to six weeks. As I know that you will appreciate, there is a process of ministerial approval to publish and to go through and finalise it. As I say, I am hopeful of being in a position to publish around Easter or possibly earlier.

**Ms Dillon:** Is the report with the PSNI? I know that you allow agencies to have sight of reports so that they have an opportunity to respond — "Actually, that is not right" — and to challenge. Whether or not you change what is in a report is then entirely up to you.

**Ms Durkin:** There are various stages at which the inspection team engages with an organisation, or organisations if it is a thematic review. There is a discussion at the stage of emerging findings. There is also an opportunity for organisations to provide a factual accuracy check on a report. There was work in hand under the previous chief inspector. As a new chief inspector, if I have made any changes to a report at a final stage, and there has been a delay in publication for whatever reason, I will give those organisations an opportunity to see it and to note that before publication rather than performing another factual accuracy check. So, yes, the PSNI will see the report before publication, as will the Office of the Police Ombudsman.

**Ms Dillon:** Thank you very much, Jacqui.

**Mr Sheehan:** Thanks for coming in. CJI did a report on prisoners some time ago, which informed us that prisoners from a Catholic background are more likely to face disciplinary measures while in prison. When was that report? What report was it? Is there any update? Has there been any follow-up?

I have a couple of related questions. The information that we have from the Justice Minister is that a disproportionate number of prisoners from a Catholic background are in the youth justice system, particularly in youth custody. The second issue concerns the make-up of the workforce in the prison system. Ronnie Armour presented to the Committee a few weeks ago and informed us that only 15% of the workforce comes from a Catholic background. Does CJI have any plans to carry out inquiries into any of the issues that I have raised with you?

**Ms Durkin:** As I am sure you can imagine, there is an extensive library, if you like, of back inspection reports, so I will hand that question over to James, if you are content.

**Mr James Corrigan (Criminal Justice Inspection Northern Ireland):** The issue of differential outcomes for Catholic prisoners has come up in quite a few reports. The prison establishment reports that we have done on Maghaberry and Magilligan addressed that issue, going back over the last seven or eight years, but it also came up in a more recent report, which was published last year, which dealt with equality and diversity across the whole criminal justice system. In that report, we made a recommendation to the Prison Service that it needed to better understand why those differentials were occurring in the service.

To be fair, the Prison Service has taken that recommendation on board and has commissioned research from Queen's University Belfast. A report on that research was provided to the service, and we received a copy of it. The research gives a better understanding of why those differentials are in place. So, in a sense, the service has acted on our recommendation.

The second point that I want to make about the Prison Service — we mentioned this in the report — is that we have been impressed with how the service has proactively tried to understand the reasons for those differentials. In fact, it was probably more proactive than most of the rest of the criminal justice system in accepting that it has a problem but also in trying to understand how to overcome it. That is a positive.

It is a fact that there is a disproportionate number of Catholics in youth custody. You need to look at the numbers of people held in detention and their background. Again, the research that Queen's did for the Prison Service would give an insight as to why a disproportionate number of Catholics, particularly young Catholic men, are being held in detention. That is what we asked the service to do.

We have not put forward a solution in the form of a recommendation. We have asked the Prison Service, the juvenile justice centre and others to better understand why those differentials occur.

**Mr Sheehan:** In a sense, James, I am not blaming the prison system, because it has to take whoever is sent to it. I accept, as you have told us, that research has been commissioned into why that is happening. I am just making it clear that I am not blaming the Prison Service for that one.

**Mr Corrigan:** Of course, as you know, the Prison Service is the end stage of the criminal justice process. In a sense, it receives what is provided to it. The people who enter the prisons go through the justice system, so, in some senses, you need to go back to the beginning of the justice system and look at police investigations and decision-making by the Public Prosecution Service and the Courts Service. However, you need to go back further to understand why there is crime in certain communities, why certain people are vulnerable to crime and why there is a higher number of victims in certain communities. That goes well beyond the criminal justice system.

It is a feature of a lot of our reports that the criminal justice system is looking at and dealing with the consequences of wider societal issues. That is why it is so important that we and others are saying that, if we really want to tackle these problems, we have to think about a cross-departmental approach. That gets us into the Programme for Government and the outcomes-based approach and trying to understand the nature of crime and the early warnings that happen at preschool age and in the schooling system, along with a lack of opportunities. The Queen's research looks at some of that background to try to understand why there are differentials between people in the justice system and why there may also be differential outcomes in some of the decisions that the Prison Service has taken about who is held in prison.

Your final point was about workforce composition. We produced those figures ourselves in our most recent report on equality and diversity. Of course, it is a problem for the Prison Service but also for the wider criminal justice system. The only point that I would make clear is that there was not the investment in reform in the Prison Service in the way that there was in policing, with the Patten report and all the subsequent investment in new recruits. The Prison Service, essentially, did not go through that process. There was never that investment in bringing in new people, and you can partly understand that.

The other factor is, as you said, that the Prison Service has to deal with wider societal issues. As you know, there are lots of reasons why people, particularly from a Catholic background, are not attracted to a career in the Prison Service. That is a reality, and it is very difficult for any one organisation to be able to change that reality.

**Mr Sheehan:** Do you expect, at any time, to do a follow-up on the equality and diversity report?

**Mr Corrigan:** Yes, we will come back to look at those recommendations. We normally do a follow-up review somewhere between one year and two years after the report is published, so we certainly will come back to it.

**Mr Sheehan:** Thanks for that.

**Mr Dunne:** Thanks very much for your presentation. Do you see yourselves as inspectors or auditors in the role that you carry out?

**Ms Durkin:** We are acutely aware that it is an inspection. It is an inspectorate and is in statute as an inspectorate. We are not there to do tick-and-turn audits or financial audits. We are there to do thematic and topic-specific or organisational-specific inspections and deliver a programme. That is certainly what was intended under the legislation. We work very closely and, where we can, collaboratively with different organisations to make sure that what we do adds value to them, that they are aware of what we will do, are clear about the terms of reference and, where possible, can work alongside us. That way, we end up with a report that is credible and provides confidence, not only to the organisation but to the wider public, about what we looked at and what we found and that makes recommendations for real improvement that are capable of being implemented.

**Mr Dunne:** I noticed that you used the term "evidence-based inspections". What do you mean by that?

**Ms Durkin:** The evidence that we gather during an inspection can be wide-ranging, depending on the topic. As I said at the start, where we need to do so, we bring in particular experts in an area such as prisons or probation. It also involves extensive fieldwork, so we go out to the organisation to talk to employees, service users and a wide range of people who interact with the service or organisation and review the case files. That builds up a picture that provides an evidence base on which you can have conversations about where systems, processes, governance or strategy could be made better, ultimately, with the outcome that there are improvements, thereby adding value not only to that organisation but to the wider criminal justice system.

**Mr Dunne:** Do you not find that a lot of the organisations are almost inspected-out, because they are working under so many different bodies and so many different accreditation organisations, and you are the next one through the door? Do you not think that there is a lot of duplication? Perhaps, as part of your inspection, you look for those reports as part of building up confidence in how they manage and do their business.

**Ms Durkin:** I look to the reasons, the background and the history as to why it was felt that Northern Ireland needed — it is the only one in the United Kingdom — a combined Criminal Justice Inspection, and there are particular reasons for that. I fully accept that some organisations might feel like that, but I see my role, and that of the inspectorate, is to shine a light on good practice and on things that need to be acknowledged as being done well, just as much as there are opportunities —.

**Mr Dunne:** So you are looking for compliance and non-compliance?

**Ms Durkin:** I would not put it as "compliance" or "non-compliance". I look at it as doing a thorough review and an evidence-based inspection of when things are working as they should as well as identifying opportunities for improvements.

**Mr Dunne:** Does it come down to identifying risk, then?

**Ms Durkin:** Certainly, I see part of the programme as being risk-based. I know that it has been in the past. I obviously need to continue that because there will always be issues that arise, and there will always be organisations that, because of the nature of what they do and the services that they deliver, will carry more risk than others.

There have been developments in the criminal justice system since the inspectorate was created that mean that there are certain issues and topics that we will be looking at and some of the work that we are doing. I talked earlier about the thematic review of child sexual exploitation. There is another one under way on modern slavery and human trafficking. Those are issues that, even a decade ago, we as a community were not really talking about.

**Mr Dunne:** That is good. You make up your programme based on feedback you have had, on topics that have been brought to your attention and, obviously, on the risks. How do you develop that programme?

**Ms Durkin:** I look at the inspections that we have done previously and where we need to do follow-up work, and also, potentially, at the programme for last year, if there were particular inspections that we did not get to start because we were responding to requests from the Department, as well as my research, reading and learning about topical issues in the criminal justice system. A big part of that is listening very carefully to stakeholders about what the issues are for them or the persistent issues that, again, the Criminal Justice Inspection might have looked at, reviewed and produced a report on five or more years ago and needs to be looked at again. It is a combination of all those factors. I intend to develop a programme and put it out for consultation so the Committee and other stakeholders will have an opportunity to comment on that at a later date.

**Mr Dunne:** The point was made earlier that, like any audit or inspection, it is about follow-up action and the need to stop recurrence. Do you feel that the inspectorate has enough authority to ensure that the issues are addressed and the recommendations are fully implemented? I know that you mentioned it earlier. Do you feel that you have enough authority to wield, maybe not an axe but your influence, to ensure that people follow up with actions?

**Ms Durkin:** What I have been hugely impressed by, since I came into this role, is the credibility and the clout that the Criminal Justice Inspection carries throughout the criminal justice system. I have no

doubt that, when we speak, we are listened to. A number of organisations may be more ready to respond to recommendations than others. Again, the challenges of the criminal justice system working as a system are where it crosses organisational boundaries. As James mentioned, a lot of the issues that we inspect and our findings are not isolated in justice alone; their reach is beyond the justice system. Influencing areas where you do not have a remit to inspect the Department or the judiciary, or where you do not have a remit to go beyond that to other Departments, arm's-length bodies or agencies of other Departments, is certainly a challenge. We need to look to that in the future and ask, "Are we truly going to work in partnership and collaboratively across government and across different agencies?". That is the only way, with some of those issues, that we will ever make a real impact and a real difference.

I wish to pick up on something you said earlier about the number of recommendations. Yes, sometimes there is duplication. We know that there is duplication in some of the findings in our reports, particularly on domestic violence and abuse and sexual violence and abuse. For instance, some of the recommendations in the Gillen review are very similar to our recommendations. We know that there are findings by the Prison Ombudsman that are very similar, if not identical, to some of our recommendations. The challenge is to corral those and say, "Right, if we are taking action, how many of these recommendations will it address?". It may not be about responding in a separate way to every recommendation, but it is about knowing the landscape and the recommendations that will have the most impact and the most likelihood of delivering results and making improvements in the system.

**Mr Frew:** Thank you, Jackie, and thank you for meeting me a couple of weeks ago. It was very informative. I wish you all the best in your role. I am sure that you are building relationships daily. The inspectorate is a non-departmental public body (NDPB) but who inspects the inspectorate?

**Ms Durkin:** Some of it is about self-policing, but I can say that we carry an international accreditation: ISO 9001. James, you will correct me if that is wrong. We are very rigorous and thorough about making sure that the processes that we adopt are subject to external scrutiny. We have recently been re-accredited under the international standard. It is important for us in all our engagement with criminal justice organisations to understand, as we have discussed in the team, that we cannot expect of others what we are not visible as doing and do not demonstrate ourselves.

We are up for being reviewed through the ISO accreditation process, and I can say with all honesty that I do not think that any of our criminal justice organisations would shy away from letting me know very clearly if they had any issues of concern about any of the activity or professionalism of the Criminal Justice Inspectorate. It is down to the professionalism of the inspection team, which I am very grateful for, that it allows me to come into a role and an organisation that carries that level of credibility and reputation in the justice system.

**Mr Frew:** There is no doubt that the body is very well respected and, I might say, feared. You will get a hit in the media for sure, and then you will get at least one Committee scrutinising your report or assessing it and then, obviously, making people accountable, even in this room, on that report. With regards to all of your recommendations, do you ever get real bite back from a Minister or particular part of the Department?

**Ms Durkin:** I think I might pass that one, if I may, to James, because he has more experience than I do on those particular issues. That is if you are prepared to confess them, James. *[Laughter.]*

**Mr Corrigan:** You talked earlier about 90 strategic recommendations and 87 operational recommendations since the beginning of 2017. What I can confess is that every one of those recommendations was accepted by the criminal justice organisations, so there is, essentially, an understanding that they accept the evidence that those inspections are based on but also that those recommendations are ones that they believe can actually deliver the performance improvement. That is an important point to make.

That does not mean that people are comfortable with the recommendations. We operate a risk-based approach to inspection, so we are not necessarily going to be inspecting high-performing areas, because the risk-based approach means that you target the areas that need improvement. I would not say that is fear; I think it is probably a level of concern about issues becoming public that organisations are not comfortable about. As Jacqui said, our reports are published on our website, and they are then scrutinised perhaps by the Justice Committee and other Assembly Committees.

I think that people who work in the organisations have to, I suppose, defend their organisation against those challenges, so that creates a certain amount of concern. I would not say that it is fear, because we work very closely with the organisations. The recommendations are well known before the reports are published, and that gives the organisations an opportunity to develop an action plan and to produce that action plan at the time of the publication. We work in a very collaborative way with the criminal justice organisations, but you are right: we are not there to be a friend of the criminal justice system. We are there, essentially, to challenge the justice system and to point out areas that need change and need performance improvement. If that means that there is tension, I am happy with that because I think that there needs to be a certain element of tension between an organisation that is inspected and an organisation that does the inspection.

**Mr Frew:** I am trying to trawl through my memory. Is there ever a time when a Department or part of a Department has said that you are wrong?

**Mr Corrigan:** No, I do not think that they would say that we are wrong. They ask us to verify the evidence on occasion. Sometimes they have a different perspective on our judgements. However, generally speaking, it is not a case of right or wrong but a case of saying, "That is the view of the inspectorate, but we would take a slightly different approach". That does not mean that they have rejected the report. It certainly does not mean that they have rejected the recommendations, because they have accepted the recommendations —.

**Mr Frew:** You can accept the recommendation and still think that it is wrong, if you know what I mean.

**Mr Corrigan:** If organisations do not believe the foundation on which the recommendation is based, it would be more honest of them to say that they do not accept the recommendation. We would prefer them to say that.

**Mr Frew:** In our job as scrutinising MLAs, especially in Committee, we come up against a lot of challenge regarding transparency, even in questions to Ministers. It is even happening now, when we are back; we are getting answers that are non-answers. What challenges do you face regarding transparency and people — to say that they are trying to hide stuff is too strong, of course — just not giving you the information that you require? It is very hard to know something that you do not know; it is an unknown unknown-type scenario. How do you actually delve down? I am going to challenge you here: when it comes to building relationships, who is the worst at it?

**Mr Corrigan:** I will let Jacqui think about who is the worst. *[Laughter.]* I will answer the first part of the question, which is about gathering evidence and making sure that it is the correct information. There is a process for gathering evidence, and that is through interviews and gathering data. In the past number of years, we have placed a stronger focus on what we call case-file reviews. For the police and the Public Prosecution Service in particular, we examine the case files. We did that for sexual violence and for domestic violence, and we are currently doing it for child sexual exploitation. When we look at the raw material of cases and at how decisions were taken, that gives us hard evidence on which to base our conclusions. That represents quite a significant intensification of our data-gathering exercises in recent years.

**Mr Frew:** Do you inform organisations of your inspections?

**Mr Corrigan:** Yes.

**Mr Frew:** Does that not make you think that there is a broom cupboard somewhere where all the skeletons are being placed?

**Mr Corrigan:** We know the system well enough to find those broom cupboards at this stage.

**Mr Dunne:** You know the risks.

**Mr Corrigan:** We know the risks. The only organisations that we do not prewarn are prisons and other places of detention. For example, we do unannounced inspections of prisons, of the juvenile justice centre, and sometimes of police custody suites and other detention facilities. Other than that, we work to a policy of transparency, which you mentioned. We publish our programme, so an organisation will know well in advance that we are coming in to do an inspection. We will share the timeline with it. We

demonstrate openness, and we expect openness in return. In our relationships, that probably works fairly well.

**Mr Frew:** Jacqui, who is the least good at transparency?

**Ms Durkin:** I am not going to name an organisation, because, if anything, it is much too soon to be doing that, even if I were minded to do so. What I can say is that it is not about catching out organisations. It is about creating a culture in which organisations are visibly and tangibly committed to continuous improvement. Really, they should not need an inspectorate coming in to shine a light on some of the issues that they may know about themselves but have not had the space, strategic thinking or resources to do something about.

What I will say is that, even at this stage, it is interesting for us, and for me personally, as I believe that you can fiercely guard and protect your independence without that meaning that you are not accountable. Some organisations perhaps adopt an approach through our factual accuracy check regime and process where they will spend much too long on a lot of micro-detail and try to influence a report's intonation or how something is said. Rather than wasting energy on that, they should be focusing on the higher-level recommendations and on the outcome and recommendation that we are trying to achieve.

As I said, it is a bit early to name and shame, and I am not entirely sure that I will ever be minded to do that, but, because of the level of change that we have all been through, we are fortunate that we have the justice system that we have, and that is down to the organisations involved and the leadership shown in those organisations. Yes, there are plenty of opportunities and plenty of inspectorate activity that needs to be done, but there is a real sense of a lot of people wanting the system to be better than it is.

**Mr Frew:** Good answer. Thanks.

**Mr McGlone:** Good to see you again. Thanks for meeting me previously. I was looking through some of the highlights of the document that you provided to the Committee. First, I notice that you list in appendix 1 organisations with a regulatory/prosecutorial role inspected by CJI that interface with the criminal justice system. They include various Departments, and I saw when I moved on to appendix 2 that you have inspected the likes of what is now DAERA's fraud investigations. I presume that you have inspected other Departments. I see that when you do an unannounced visit to Maghaberry, for example, there is a report consequentially. Are there any reports available from those visits or from inspections of public bodies to determine how they are performing? Inevitably, a light will be shone on the Department for the Economy during the next week. Where are the conclusions of your investigations of other public agencies to be found, if they are to be found?

Secondly, procedurally, who follows that up to make sure that voids, gaps, inefficiencies and perhaps ineptitude are attended to? I have spent time on the Public Accounts Committee. What tic-tac do you use with the likes of that Committee, where similar work is going on, albeit it is different procedurally and conducted much more publicly and openly?

Two parallel investigations/inspections/oversight processes could be going on at the one time and drawing more or less the same conclusions, because similarly skilled eyes would be looking at both. The same work would be being done, so I wonder at what point convergence or overlap takes place and both organisations to realise. Take, for example, the report from the 2 August 2017: 'An inspection of the Department of Agriculture and Rural Development (DARD) fraud investigations and enforcement activities'. Would you ask the Audit Office beforehand, "Are you guys over this stuff? It might save us a lot of time and effort"? Although the work of the Audit Office is in full public glare — openness and transparency abound — where does your stuff go, and how is it dealt with?

**Ms Durkin:** All our reports are published. Any report that CJI has done is on our website and is available to the public.

**Mr McGlone:** Sorry, Jacqui, you may be missing my point. My point is that there was an inspection done of DARD fraud investigations and enforcement activities. Although I see reports about Maghaberry, for example, on the website, I do not see that one in the list. Are you saying that the report is available?

**Ms Durkin:** I am not sure. I will pass the specifics of that to James, because, as I said previously, there is a wide range of reports over a long period, and, at this stage, I am not aware of all of them. What I can say about some of the smaller organisations that may take prosecutions through the criminal courts is that, if a thematic inspection involved a number of different Departments, there may not be an individual inspection report for a particular organisation; rather, the report may look at a particular type of crime that is prosecuted through the courts.

I have met Kieran Donnelly and Neil Gray from the Northern Ireland Audit Office since I have come into post, and I have mentioned to them, and we have discussed, the sequencing. They have set out their three-year plan for reviews, be they on value for money or other issues. I have said to them that I would welcome better choreography or sequencing around when they are going to do a review and when we are going to do a review. If there were opportunities for collaboration on a joint review, I would certainly be interested. Kieran Donnelly has agreed that he and his team are interested in discussing how that might be done, in order to avoid the type of duplication that you are talking about.

I am hopeful that, in the next programme and in the period of our three-year corporate plan, there will be opportunities to do that, because there are opportunities for us to learn from the Audit Office and for it to learn from us. It frequently references our reports in some of its work. I am acutely aware that its report on delay in the criminal justice system heavily references work that Criminal Justice Inspection did over a long period. The reference point and where it takes its information from is drawn from a lot of the work that was done by CJI in the past.

You asked about a specific organisation. James, are you in a position to answer?

**Mr Corrigan:** The particular report that you mention is on fraud investigations in what at the time was called DARD. It was published on 2 August 2017. We publish all our reports, and you are right that we have a remit to inspect outside the criminal justice system. That remit extends to bodies that interface with the system. We did the DARD investigation. We also did a number of inspections of the old Department of the Environment, particularly on waste and environmental crime. We did two inspections of the old Department of the Environment that related to environmental crime. I remember appearing before the Environment Committee to present the report.

I do not think that we have been before the Public Accounts Committee, but we did three direct reports on avoidable delay, in 2006, 2010 and 2012. Many of our recent reports have looked at avoidable delay, so we have a lot of information on the consequences of delay for the criminal justice system. A lot of that information is also in the recent Audit Office report. Therefore, there is certainly an opportunity for government to take a more coordinated approach to how recommendations are dealt with. To answer your question, however, all reports are published on our website.

**Mr McGlone:** My other point was about the mechanism for lifting the issues from reports and ensuring that they are followed through on. What is the mechanism between your report and the accountability bit and the likes of Committees?

**Mr Corrigan:** It is essentially the same approach as we would take with an inspection in the criminal justice system. We would do a follow-up review of reports and assess progress made against the recommendations. We published those reports and are happy to go to whichever Committee is particularly interested in a report, and we have done so in the past.

**Mr McGlone:** Not that you should need to, but if you were to go back to an organisation and find similar failings to a similar extent, what would you do then?

**Mr Corrigan:** That gets to the critical question that we have been talking about: how do you encourage or persuade organisations to deliver our recommendations? The responsibility for that lies with Criminal Justice Inspection, but others have responsibility, including the organisations themselves, to decide what they are going to do about a problem that they have recognised and accepted. It is about Committees such as the Justice Committee holding them to account, but it is also sometimes about the public holding organisations to account. Our reports on sexual violence and domestic violence, for example, demonstrated the failings of the justice system for victims. As well as formalised Committees and bodies such as ours, the public hold organisations to account.

**Mr McGlone:** Thank you. With your forbearance, Chair, there were a couple or three debates in the Assembly at the start of the week on which I presume that you have taken a view. The thematic issue of the treatment of victims and witnesses cropped up again and again, as did how the outcomes for

older people in particular are not as successful as those for other age groups. That might be something that you will want to look at, too.

**Ms Durkin:** We have a report on victims and witnesses at draft stage. I intend to publish it within the next two to three months. It covers a wide range of issues, as James mentioned previously, around outcomes for victims and their experience of the justice system, whether or not a prosecution was proceeded with. I imagine that there will be a lot of interest in that. As I said previously, if the Committee wants a briefing on that particular report, I am happy to facilitate one.

**Mr McGlone:** That would be very helpful. Some of the research provided to us from the Commissioner for Older People helped elucidate the situation.

**Ms Durkin:** The commissioner, Mr Lynch, has written to me on the issue.

**Mr McGlone:** You are dealing with a wide range of issues. We raised the issue of human trafficking and modern slavery with representatives from the PSNI in Committee. The PSNI is involved because organised crime is a big issue. This is just an observation, but it is one that we came up with. The circumstances are that organised crime gangs are multinational enterprises, with some of them emanating from eastern Europe and further afield. We are moving away from the EU, so there will be a gap in the exchange of information and detail. The obverse of that is the protection of rights, which has been flagged as a bigger issue in today's negotiations in Brussels. I ask that you respect that aspect as well. We have had some very sad news stories, particularly the case in Essex but here as well. Unfortunately, some of the people who are alleged to have been involved in the Essex case are from Ireland. I ask that you keep an eye on that as well, please.

**Ms Durkin:** There will be an inspection report. In the coming months, we will hopefully be in a position to publish that. It will certainly be published within the next three months or so. The Committee may be interested in that report.

**Mr Dunne:** You go round a lot of organisations. I take it that a lot of them are accredited. You mentioned that you have the ISO 9001 accreditation. Do you see evidence of continuous improvement in organisations? That should be the case if they are accredited. If there is continuous improvement, does that give you some sort of an assurance that their management is committed to improvement? Do you derive a bit of comfort if you feel that an organisation is in the business of continuously improving its processes and procedures? Do you see much evidence of that in government agencies, which are, in many ways, heavily into processes and procedures? As you know, they follow quality management systems and so on. Do you see benefits?

**Ms Durkin:** I have advised the Committee, and you have noted, that part of my introduction to the role is to meet leaders of key organisations. I have to say that I am hugely impressed by the leadership and by the commitment shown to improvement and change, but that is not to say that there are not areas in particular organisations or across the criminal justice system that need to be improved. We know that there are lots of opportunities to do that, but there is an energy and a focus to do just that in many of the organisations and among the leaders to whom I have been speaking. James, based on past work, do you wish to add anything?

**Mr Corrigan:** I have been inspecting the criminal justice agencies for 15 years, so I can reflect on what types of organisations I was looking at 15 years ago. As Jacqui said, even though there are areas for improvement and some critical areas of failure, at the same time, we have to recognise that the justice system has in many respects been transformed over the past 15 years. We have to give it credit for that.

We discussed transparency, and it is important to note that the public have a far better understanding of how the justice system operates now than they did 15 years ago. Organisations are much more willing to engage with the public. We talk about victims and witnesses' frustrations, but, at the same time, there have been a lot of positive developments made in recent years on transparency and on the support available to people who, unfortunately, are part of the criminal justice system.

We know from more recent reports that, in the Prison Service, particularly in Maghaberry but also in Ash House and the young men's prison, some significant improvements are happening, and we are beginning to document those in our reports. Policing has gone through a whole process of reform. The types of organisations that I was looking at 15 years ago are very different now. In most respects,

change has been very positive. As we have discussed, the greatest challenge lies in the collaborative aspects. Organisations have managed to improve their internal processes, but they have not really been able to grapple successfully with taking a more joined-up approach.

**Mr Dunne:** Working with other organisations.

**Mr Corrigan:** Working with others, either in the justice system or outside it.

**Mr Dunne:** That is a problem.

**Mr Corrigan:** That is the challenge, because they have not really moved on in the way in which we would have expected them to have done.

**Mr Dunne:** That is interesting. That is an issue for continuous improvement there. As you know, the whole benefit was in empowering people to take more responsibility and for them to be seen to be doing that instead of having you just do an inspection. The purpose was to empower people to take on responsibility. You probably get where I am coming from: the principles of quality and so on. I have a bit of a background in quality from my time in engineering.

In many ways, empowerment has transformed things. It is refreshing to realise that that is happening in organisations. Most organisations have good people in them and are doing a reasonably good job, but there are parameters. Those might be financial or involve management, but, fortunately, in Northern Ireland, even in the government agencies that you are looking at, there are, as you have said, a lot of good people. There are loads of reasons that they cannot deliver what they have planned to deliver.

**The Chairperson (Mr Givan):** That was more of a comment, so you do not need to respond.

I thank you both very much for coming to the Committee. I am sure that we will want to pick up on themes from your inspection reports. There are a number of them that members will be particularly interested in. Previously, we had sessions on specific reports, and I am sure that, if you are happy to do so, members will want to have those in the future. I appreciate that today has been about giving the Committee a general overview. Thank you very much.