



Northern Ireland  
Assembly

Committee for Justice

# OFFICIAL REPORT (Hansard)

Programme for Government 2020-21  
Outcome 7: Department of Justice

12 March 2020



plan (ODP). The ODP built on the outcomes-based approach developed by the former Executive and enabled Departments to take forward outcomes-based working. There have been two editions of the ODP. The first plan was published in June 2018, with progress reports in December 2018 and September 2019. In December 2019, a new plan was produced with the intention of it being a live document so that actions could be amended or added to as priorities and initiatives changed.

The 'New Decade, New Approach' deal outlines a two-stage approach to establishing a new strategic-level Programme for Government. That allows progress to be made on immediate priorities, as well as giving Ministers an opportunity to engage with citizens and stakeholders in preparation for the co-design of a new PFG. The Executive have agreed that, first, an immediate PFG will be prepared in April and based on an enhanced version of the outcomes delivery plan. That will be updated to reflect the Executive's immediate priorities and actions for next year, informed by a targeted engagement process. Secondly, a new strategic PFG will be delivered in April 2021, reflecting agreed longer-term priorities. That will be informed by citizen and community engagement and co-design. It will be aligned to a multi-year Budget and legislative programme.

Work on developing the PFG for 2020-21 is under way. Outcome owners have been asked to identify and put forward new actions to reflect ministerial priorities. The outcome 7 chapter is being prepared. We are available to engage further with the Committee when that work is complete and the text of a draft has been agreed by the Executive.

The briefing paper that you have received outlines the key strategic areas that are intended to be included in the 2020-21 outcome 7 chapter. I will not list them all again, as they are in your papers, but it is worth noting that a common theme is partnership working. None of the key activities can be achieved by the Department of Justice alone: they require close working across government and with other sectors.

In line with the outcomes-based accountability approach, it is important that we measure the impact of what we do in three ways: first, "How much are we doing?"; secondly, "How well are we doing?"; and, thirdly, "Is anyone is better off?". Five indicators are used to quantify progress against outcome 7. We measure the percentage of the population who were victims of a crime via the Northern Ireland crime survey. We have a respect index. We measure the percentage of the population who believe that their cultural identity is respected by society. We measure the average time taken to complete criminal cases. The final indicator is the reoffending rate.

Those indicators are underpinned by a range of supporting performance measures that are regularly reviewed. That, together with formal evaluation, is key to ensuring that what we do has the desired impact. The 2020-21 PFG will be a live document and, therefore, subject to ongoing review and updates throughout the year. It is also a precursor to the strategic multi-year PFG. As I said, there will be significant engagement to inform what that will look like. The affordability of the proposed outcome 7 actions will be subject to next year's Budget considerations. In the meantime, work is ongoing to cost the actions. That work will be finalised once the PFG and the 2020-21 Budget have been agreed. However, it is worth noting that, in the past, the Department has consistently sought to prioritise funding to ensure that outcome delivery plans were fully funded. It will continue to seek to do that, subject to affordability.

I hope that that was a helpful overview. As I mentioned, we are happy to engage with the Committee as the process continues and happy to take any questions that you have today.

**The Deputy Chairperson (Ms Dillon):** Thank you very much, Glyn. I appreciate you coming to the Committee and giving that overview. Members have an opportunity to raise any questions now, and we will have more questions when the draft comes forward. At that point, members might have more to scrutinise.

I have a couple of issues. For the crime survey, do you also use the police's recorded crime levels to measure outcome 7 progress? If not, why not?

**Mr Capper:** By way of background, when the Programme for Government outcomes were set up, there was a lot of engagement between Departments and the Northern Ireland Statistics and Research Agency (NISRA) to ensure that the indicators had really robust measures underneath them. Through that engagement with NISRA, the five indicators for outcome 7 that I mentioned were the five that were agreed. Formally, they are the ones that we report against when measuring outcome 7, but, for example, the survey that you mentioned is considered by officials in the Department as we look at how we take forward the actions that underpin all that we do. Yes, we take account of all those pieces

of information, but the formal indicators in the Programme for Government, which were signed off by NISRA and so on, are the five official ones that you will see in the document.

**The Deputy Chairperson (Ms Dillon):** Are those indicators likely to change in the updated draft?

**Mr Capper:** They will probably stay the same in the 2020-21 draft in April.

**The Deputy Chairperson (Ms Dillon):** They will probably not change.

**Mr Capper:** As we look at a longer-term Programme for Government — a multi-year one — I have no doubt that as we go through that engagement process and see what is in the new Programme for Government, people will want to reflect on whether we are measuring the right things. There may well be an opportunity to reopen the indicators in that.

**The Deputy Chairperson (Ms Dillon):** It is really the next draft, the strategic one, that the Committee will need to look at and suggest other indicators that could be added. When it is only a draft, the opportunity to change the indicators is probably minimal or non-existent.

**Mr Capper:** For the short term, the opportunity to change the five indicators in next year's PFG will be relatively small. The work needed to set up a new indicator and verify the baseline data is a pretty fundamental bit of work. There will, no doubt, be an opportunity to change some of the actions and so on in the short-term PFG. Certainly, for the longer-term one, there will be more opportunity to put in more fundamental changes.

**The Deputy Chairperson (Ms Dillon):** I was going to suggest that, when we get the draft PFG, that is the point at which we could probably have some influence on the actions. Members might have a view on not being able to change the indicators now, but it gives us an opportunity to prepare as a Committee or as individuals, should we want to put additional or different indicators into it to reflect the strategic view. Do any members want to questions about that?

**Mr Frew:** I will continue the same line of questioning as the Deputy Chairperson. The five indicators are the same five as those in the previous draft Programme for Government. Whilst I see that as being a consistent trend, there is no reason why, if there are decent indicators out there, we could not add to them.

I like the style and shape of the Programme for Government, with its high-level, far-reaching and panoramic outcomes. Linda gave an example of other statistics and other measuring tools. Why are they not included? What standard do we need to meet for something to become an indicator in a Programme for Government?

**Mr Capper:** I might well have to refer to my NISRA colleagues in the Department of Finance to give the technical answer to that. I was slightly involved in the preparation of the previous PFG, and a lot of statistical, technical rigour is given to working out how the indicators best reflect the actions and then building up an indicator. I do not think that it is as easy as saying, "There is a particular survey that we would like to put in there". Going back to the Chair's point, I think that those are the sorts of questions that we will consider as we develop the multi-year PFG for April 2021.

**Mr Frew:** OK. Justice seems to have ownership — maybe "responsibility" is a better word — of outcome 7:

*"We have a safe community where we respect the law, and each other."*

Surely there are overreaches and connections with other outcomes. How actively do you assess other outcomes that may have a Justice element?

**Mr Capper:** There are a couple of angles to that. It works two ways. As you rightly say, we lead on outcome 7, but absolutely inherent in delivering outcome 7 is partnership working with lots of other areas. We are actively involved with the Department of Health and the Department for Communities, to name but two. That also extends to the voluntary and community sector. It is fair to say that most if not all the actions that you will hopefully see in the outcomes delivery plan that rolled into this year involve partnership working. This is not just about Justice delivering outcome 7.

Equally, as I mentioned in my opening comments, we work actively with the other outcome owners, and there are networks and mechanisms to have that engagement — for example, we feed into outcome 10. There are structures and mechanisms for that partnership working across government and with other sectors.

**Mr Frew:** Do any of those discussions and communications concern budget and how a budget can overlay the Programme for Government?

**Mr Capper:** Yes. That is one of those really complicated things that we need to do more of and keep trying to do in a better way. Within the confines of outcome 7 and the Department of Justice bit in outcome 7, we continue to work to try to make sure that our budget aligns with the outcome 7 actions. We did that as we developed the outcomes delivery plan, and, as the budget is set for next year, we will continue to make sure that we mirror and match the budget to the PFG and vice versa.

You asked an interesting question about work across Departments. The best way that we are trying to do that is through working on individual actions. For some problem-solving justice initiatives, around those project tables are the different Departments, and, where possible, we seek to try to find ways to co-fund those things.

**Mr Frew:** Have any other Departments offered up or justified your spend on outcome 7 and the fact that you have ownership of outcome 7: "You need more money, and we are prepared to discuss that with you"? Are Departments having those discussions?

**Mr Capper:** We are having the discussions. I will struggle to give you an example off the top of my head of where money has changed hands, but as we look at some of the problem-solving justice initiatives, there is that recognition from all Departments, not just the Department of Justice, that, to do this in the best way and to have the most impact across society, we need to explore those conversations. The short answer to your question is that the conversations are happening.

**Mr Frew:** There is hope there, I suppose.

**Mr Capper:** There is hope.

**Mr Frew:** The five indicators are laid out in boxes in pyramid style: "Negative Change", "Positive Change" and "No Change". Who decides the thresholds and the tolerance levels for "No Change"? There are movements.

**Mr Capper:** Again, that is a statistical question.

**Mr Frew:** Is that NISRA?

**Mr Capper:** Yes.

**Mr Frew:** You could lose a whole percentage point with positive or negative change, yet that would be classed as "No Change".

**Mr Capper:** We look to our statistical colleagues. On the one hand, there is a percentage point, but they will assess, in the wider context of the population, that that change is based on whether or not it is negligible.

**Mr Frew:** My last question, Chair. With regard to the — no, I have lost it. Move on. Thanks.

**The Deputy Chairperson (Ms Dillon):** If you remember, Paul, we will come back to you.

**Miss Woods:** Like Linda and Paul, I have a few issues with the indicators that are being looked at and the glaring omissions that are not. I look forward to discussing other relevant indicators.

You mentioned the robust data collection with NISRA. How were the indicators arrived at and decided on in your processes with NISRA?

**Mr Capper:** How were they —? Sorry, I missed the middle bit.

**Miss Woods:** How were the five indicators decided on?

**Mr Capper:** I will turn to Jane, who was more involved at the time, to give you more detail. Essentially, we looked at the actions, initiatives, objectives and outcomes through consultation with NISRA. I suppose that some of this is based on the available information, because, in order to show change and outcomes changing, we need a backlog of data to see movement. On the basis of the available information and the robustness of the data, conversations took place to come up with the indicators. For the average time taken to complete criminal cases, for example, we built a new data set to have that indicator.

Do you want to add anything to that, Jane?

**Ms Jane Holmes (Department of Justice):** The indicators are set at population level, so they are underpinned by the performance measurements that you mentioned, such as police recorded crimes. They do not sit in isolation. The desire at the time — it was a number of years ago — was to have fewer indicators that are more representative rather than to have a raft of indicators. NISRA was very much involved in that, and I believe that special advisers were involved at the time. A robust discussion was had not only with NISRA but with the Department.

**Miss Woods:** What kind of data points are used for the compilation of the respect index?

**Mr Capper:** That indicator mainly sits with the Executive Office. If you are content, I will go back to the Executive Office to get more details because the information is provided from that side.

**Ms Holmes:** That one was part of the data development exercise. It did not exist in 2016 and has been developed since.

**Miss Woods:** I appreciate the amount of work that goes into building an index; I had to do that in a previous life. I am interested in a respect index, especially for outcome 7, and how that could, if it were used by other Departments, feed into different aspects of life in Northern Ireland. I welcome any information you have on what that is and what has been fed into it.

**Mr Capper:** If you are content, we will write to you with more details on that.

**Mr Sheehan:** Thanks for coming in. Am I right in saying that there will not be any consultation on this draft?

**Mr Capper:** Given the timescales involved, the Executive and the Executive Office have agreed that there will be targeted consultation, in theory with officials coming to Committees and so on. This will be up and running in April, so it is targeted engagement with a plan for much more detailed consultation and engagement. The term "co-design" is being used for the April 2021 Programme for Government.

**Mr Sheehan:** Thanks for that. There has not been any considerable positive progress against population indicators; in fact, there is a significant negative change on the average time taken to complete criminal cases. Does that call into question the delivery plan and its suitability to address problems in the justice system?

**Mr Capper:** I do not think so. If we look at the existing outcomes delivery plan, we see that there is a broad suite of ambitious actions that seek to tackle the key strategic priorities. I will specifically pick out the average time to complete criminal cases, because, with another hat on, I look after that. At the last formal measure of 31 March 2019, that indicator had gone in the wrong direction. Over the last 12 months, on the basis of provisional management information that will eventually turn into published statistical information, we have seen quite significant progress. That progress has been underpinned by the actions that were in the outcomes delivery plan. If I use that one as an example, we are seeing those actions that are in the plan starting to bear fruit and, using that example again, we are turning the curve on the time taken to complete criminal cases.

**Mr Sheehan:** What about the other indicators?

**Mr Capper:** There is a similar story behind the other indicators. Where there has been a reduction in performance, we have recognised that and put actions in place in the outcomes delivery plan. We will continue to put actions in place in the PFG that we think will help to improve performance on those.

**Mr Sheehan:** OK. Are you telling us, then, that this information is really quite outdated?

**Mr Capper:** The last update — on the previous year's outcomes delivery plan — was formally struck at 31 March 2019. Come the end of March this year, there will be performance updates against the last 12 months.

**The Deputy Chairperson (Ms Dillon):** Did you want to come back in on this point, Paul?

**Mr Frew:** No, carry on; I will come in at the end. I have found my question again; it was lurking at the back of my head [*Laughter.*]

**The Deputy Chairperson (Ms Dillon):** Just for my information, I want to check that the draft will come to the Committee before it is not a draft any more, I assume.

**Mr Capper:** We will talk to our Executive Office colleagues because they are working to a timetable. We will talk to them about the right time to share the draft with you.

**The Deputy Chairperson (Ms Dillon):** Given some of the questions that Pat just asked, it is important for the Committee to delve into the figures before we see that draft so that we know what we are looking for and what we might want to suggest go in as actions. If we are not going to be able to change the indicators, we need to be able to have some influence on the actions.

**Mr Beattie:** Thank you for that, Glyn and Jane. I am interested in the respect index. In 2016, when Paul was the Chair of the Committee, we had quite a discussion about the index because nobody knew how to create one. The index that you have there is just the Northern Ireland life and times survey; that is all that it is. If you look that up, the figures are exactly the same. Likewise, if you look at the percentage of the population who believe that their cultural identity is respected by society, you see that that figure has also been pulled from the survey.

Those two indicators could be combined as a statistic, but that statistic has been taken from the life and times survey. It has not been taken through any mechanics in the Department of Justice to say, "This is what we want to look at. This is what we needed to look at. These are the things that are important to us". We have basically just got the Northern Ireland life and times survey to say, "We do a survey, and this is what we find". It does not match with me.

Maybe I am being unfair and maybe I am just making a comment, but those indicators need to be looked at again to see whether they should be combined. However, we or the Department of Justice should set the parameters around what we want to gain from that as opposed to me googling — very briefly, when you started to talk — the Northern Ireland life and times survey from which those figures were taken.

**Mr Capper:** For fear of repeating myself, I would say that, as we look to the longer-term PFG, there is an opportunity over the next 12 months to shape the actions and, potentially, the indicators. We will take that away and, no doubt, work on it with the Committee as we develop it.

**Mr Beattie:** We should do that. While the Committee scrutinises Justice and wants to see what the attitudes are around a respect index and improve outcomes, the parameters for that need to be set by the Department of Justice — not just to go to some survey and pluck figures out. That does not match.

**Mr Capper:** Again, for fear of repeating myself, I will caveat that by saying that it is sometimes difficult to build the right indicator, and it is a case of trying to work with the information that we can get. In that context, we will continue to do that.

**Mr Beattie:** Here is the reason why I raise that. The survey involved 1,200 face-to-face interviews with adults aged 18 years and over: what about those who were 18 years and under? To me, it just does not match what we should have as an indicator.

**Mr Capper:** We will absolutely take that comment away.

**Mr Beattie:** That is all. Thanks.

**The Deputy Chairperson (Ms Dillon):** It might be worthwhile for the Committee to look at whether there is anything on best practice on how to do this. We will let Rachel take the lead on that. She has done that in a former life.

**Miss Woods:** Build a new index *[Laughter.]*

**The Deputy Chairperson (Ms Dillon):** It is important. I know, from my time on the Policing Board, that we had similar issues with the surveys and how difficult it is to get the right information, rather than just information. I accept that it is really difficult, so I am not saying, "You need to go away and get that right." We all have our part to play in it. Probably, that is what Doug alludes to. If there is a way for the Committee to look at best practice, I suggest that the Department might look at it. I am sure you have done.

**Mr Capper:** We would welcome that, yes. Equally, we would be happy to engage in separate conversations about the more detailed stuff, outside the Committee, if it is helpful.

**The Deputy Chairperson (Ms Dillon):** It is important that we consider ideas. Whilst I said that in jest, if there are people who have experience or some knowledge that would be helpful to the Committee, it is important that that is brought forward. We will certainly impart whatever we get out of Rachel to the Department *[Laughter.]*

**Mr Dunne:** Most of my points have been covered. The speeding up justice indicator has already been mentioned. Since I have been on this Committee, just since the Assembly restarted, the speeding up of justice has been talked about a lot. It was not something I was overly aware of. I have not been involved in it previously in this Committee. Do you expect any improvement in performance on that issue, in the next few years?

**Mr Capper:** Yes. As I mentioned, over the past 12 months, we have seen improvement in that area. We have internal management information so, although the figure for the average time was 167 days at the end of last year, we know that that has improved over the last number of months.

**Mr Dunne:** That is one of the recent ones, here, up to 2019.

**Mr Capper:** We will be publishing the figure to the end of March 2020, but NISRA will publish it over the summer. However, we know from internal management information that we have had our fourth, or maybe fifth, quarter of improvement since then, so that one is moving in the right direction. I firmly expect that the March 2020 figure will be significantly better than 167.

**Mr Dunne:** Are there good ways of measuring performance in relation to speeding up justice?

**Mr Capper:** Yes. We put a lot of work into developing that indicator. We have developed a new data set that measures the average speed of the system, from the point of arrest through to the point of court disposal, and breaks it into a number of stages. That really helps us focus on the problem areas and has really helped us improve that indicator. We know that, although the overall indicator is improving, there are particular areas, like summons cases, for example, where we need to work to further improve performance.

**Mr Dunne:** As you know, the public perception of the speed of justice is not good. That really needs to be challenged and driven forward.

Points were made by Doug about respect. How do you measure the respect indicator? How does it actually work? We are all very aware of all these initiatives, Together: Building a United Community (T:BUC), the Community Relations Council and Peace IV. Millions of pounds have been spent. Have you looked at the evaluation of those programmes; is that a factor?

**Mr Capper:** That certainly underpins what actions are going to be taken forward in future. Those programmes specifically sit on The Executive Office side, and I know, from speaking with Executive

Office colleagues, that they look at those programmes and evaluations to inform their actions. That comes back to the point your colleague made. Trying to get one overarching indicator, for all those multifaceted, complex things, is difficult and it is something we continue to work on.

**Mr Dunne:** Another objective is tackling paramilitarism, criminality and organised crime. Obviously, the feedback from the police is important, including their figures on outcomes. Have those been looked at, as part of this, or will they be?

**Mr Capper:** Those are very much key actions in the 'Outcomes Delivery Plan' and for the Programme for Government for next year that we are drafting.

**Mr Dunne:** OK, thank you.

**Mr Frew:** Thank you very much for allowing me to come in. The question might not even be yours, but why are the baseline years different?

**Mr Capper:** I am going to take the easy answer and say that that was a NISRA thing and that it no doubt goes back to the availability and robustness of data at particular points in time.

**Mr Frew:** You can understand why cynical people in the Committee might think that you are just gearing the measurements up, so you are giving us a baseline year of '16, whereas you really do have the data for '15 and that gives you a really bad score. Do you understand how a question like that could be posed?

**Mr Capper:** I can understand how a question like that would be posed. My response to that question, to give you comfort, would be that NISRA sits as an independent body across all Departments. The Departments were not able to say, "We want to pick that number for that one, and that number for the other one". NISRA independently sat and said, "Here are the figures we are using". I think, for one of them, NISRA actually changed the year, which made it worse for the Department. I can assure you that that is totally independently done.

**Mr Frew:** You can see that, whilst that may be independently done, us not having the full, panoramic view will skew measurements. As we continue the journey, will that baseline year always be on record and always be seen? As the years go on, there will be in-between years that we will want to measure so that we can see spikes and dips. We can then ask questions about why we had the spike or the dip. Having all the years in a data set will paint a fuller picture.

**Mr Capper:** We will, subject to NISRA, keep pointing back to those baseline years. If we want to see specific patterns across specific years, that information will absolutely be available.

**Mr Frew:** The Programme for Government, whilst it is high level and there are outcomes that are aspirations for any Department, has the indicators, which are the measurement tools; but you still have to see the doing and the plans that will make things better and fulfil the aspirations. We want to get to a position where we can see a budget line along the Programme for Government. We also want to see an action plan along the Programme for Government, so that you are justifying policies along the Programme for Government.

**Mr Capper:** Touching on that, for each action, we are tasked with publishing an action report card. That report card addresses the three questions that I touched on in my opening comments: "How much are we doing?", "How well are we doing?" and, I suppose, the most important question: "Is anyone better off?".

**Mr Frew:** OK. Thank you.

**Ms Dillon:** Do any other members have any comments? I want to thank you for your presentation. As members, we all have work to do before you come back in front of us to make sure that we have all the information that we need.

Thank you for your presentation and answering the questions, and hopefully we will see you again with the draft.