



Northern Ireland  
Assembly

Committee for Justice

# OFFICIAL REPORT (Hansard)

COVID-19 Response and Recovery  
Planning: Department of Justice

4 June 2020

# NORTHERN IRELAND ASSEMBLY

## Committee for Justice

COVID-19 Response and Recovery Planning: Department of Justice

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

Mr Paul Givan (Chairperson)  
Ms Linda Dillon (Deputy Chairperson)  
Mr Doug Beattie  
Ms Sinéad Bradley  
Mr Gordon Dunne  
Mr Paul Frew  
Miss Rachel Woods

**Witnesses:**

Ms Deborah Brown	Department of Justice
Mr Glyn Capper	Department of Justice
Mr Stephen Martin	Department of Justice

**The Chairperson (Mr Givan):** Deborah Brown remains with us. I welcome to the meeting Glyn Capper, the acting director of access to justice in the Department of Justice, and Stephen Martin, the deputy director of the Department's COVID-19 operations centre. Deborah, you are first going to provide an update.

**Ms Deborah Brown (Department of Justice):** Thank you, Chair. I welcome the opportunity to provide the Committee with an update on where we are at with our response to COVID-19 and specifically with our recovery planning.

First, I pay tribute to and thank all our staff across the Department, who, under very difficult circumstances, have continued to deliver our vital services and business during the crisis. I have to admire the professionalism and dedication of all our staff. They have very quickly adapted to the new ways of working and of working from home without having the normal support of the office environment and the benefit of working in teams. Colleagues have done all that they can to keep in touch and support one another, but that cannot replace the benefit of face-to-face contact and the support that we can get from one another. We should not underestimate the challenges of the current environment, in which our staff are working from home while providing support to their family, providing day care and home schooling, and managing their concerns about the crisis and how it will impact on them and their family. Quite a number of our staff are also shielding, as they are in that vulnerable group. They have all continued to deliver for the justice system, and it is a testament to their resilience and to the good business-continuity planning that we have continued to deliver throughout the crisis.

When the Minister was here on 3 April, she spoke in some detail about how the Department had responded to COVID-19. She also referenced the early work on recovery planning and offered a

briefing from her officials as that work developed. Last week, the Committee heard about their response and recovery work from our two biggest agencies, the Northern Ireland Prison Service and the Northern Ireland Courts and Tribunals Service. Our intention today is to provide the Committee with a broader context of the Department's developing work on recovery. I hope that you found the written briefing helpful.

In our opening remarks, we hope to cover two issues. Stephen Martin is leading recovery planning in the Department and will focus particularly on the people aspect of our rolling recovery plan. Glyn Capper will then hone in on the work that he is leading, which is on the recovery across the criminal justice system. I will hand over to Stephen.

**Mr Stephen Martin (Department of Justice):** Thank you, Deborah, and thank you, Chair, for inviting us today. At this early stage of our recovery, the key focus is on keeping those staff who are physically in the workplace safe and on preparing the workplace for the return of more staff when the time is right. The first of the three key themes in our recovery plan is people. Health and safety is a very significant part of that. Earlier this week, we published clear guidance for our staff on working safely during COVID-19. That covers a whole range of issues, such as new working arrangements, ways to move safely around our buildings and protecting our well-being, as well as those core issues of regular hand-washing, respiratory health and social distancing. Most business areas across the Department are conducting risk assessments of all our premises to identify any additional measures that need to be taken to keep returning staff safe. Importantly, those risk assessments will be consulted on with trade union representatives. I have already had two meetings with colleagues from NIPSA, and other meetings are happening across the Department.

Given the need for social distancing, it is likely that the use of rotas and some level of remote working will be required for months to come. Good communication remains vital. As part of our response, Deborah has established two regular forums that have played a key role in our response to COVID-19 and in our recovery planning. The first is a meeting with our agencies and larger arm's-length bodies, such as the PSNI and probation. The Public Prosecution Service also joins that regular call. The second is a business continuity managers' forum, which brings together the business continuity leads from each directorate and agency in the Department. Those two meetings have played a really important role in identifying issues early and finding resolutions on recovery. They also provide a way to share good practice and lessons learned. Communication with our staff is vital. We have invested considerable time in identifying issues of concern and addressing them in weekly messages from the permanent secretary, which complement our wider range of communication activity. As I said earlier, regular communication with trade union colleagues is a key feature of our work.

Glyn is going to round off our opening remarks with some comments on the wider recovery of the criminal justice system.

**Mr Glyn Capper (Department of Justice):** Thank you, Stephen. Morning, folks. As you know, each organisation that makes up the justice system has implemented, and continues to implement, a range of measures in response to the impacts of COVID-19. Decisions taken in one area of the justice system impact on other organisations and, as a result, on the overall performance of the system and the experience of defendants, victims, witnesses and staff. It is important that the system recovers in a coordinated way that takes into account the resilience of each organisation and retains the benefits of new practices that we have implemented. To help to facilitate that, the Department is leading a project to develop and deliver a coordinated approach to recovering the justice system.

A number of work streams are under way, including exploring alternative options to deal with cases. For example, following work across a range of justice bodies over the past few weeks, the PSNI has begun using telephone statements instead of written statements, and we are introducing new ways of sharing digital evidence. We are also mapping out the stages and timelines for the system to recover on a phased basis, recognising, for example, the capacity of each organisation. As Deborah has just mentioned, the chief executive of the Courts and Tribunals Service was with you last week, setting out some of the issues and plans in courts.

We have also captured, and continue to capture, positive new ways of working so that we can understand their impact and agree how they can continue to be deployed. Very importantly, we need to ensure that defendants, victims, witnesses and other stakeholders are updated. To do that, we have been engaging regularly with, for example, Victim Support, the Bar Council, the Law Society and Criminal Justice Inspection. All of that work is overseen by the criminal justice board, which is chaired by the Justice Minister and includes the Lord Chief Justice, the Chief Constable, the director of public

prosecutions and the permanent secretary of the Department. The board has been meeting fortnightly to discuss recovery. Beneath that, a series of working groups are taking forward various initiatives.

In summary, I hope that what we have said has given you an insight into recovery plans for the Department and the wider criminal justice system. Of course, we are happy to take any questions that you have.

**The Chairperson (Mr Givan):** Thank you for taking us through that update. Stephen, you mentioned the rota-based system and so on that came from the COVID-19 risk assessment that was carried out. Will you give me a little bit more detail on the findings of the risk assessment and what the workplace environment will look like?

**Mr Martin:** Risk assessments are premises-specific, so each of our premises will have an individual risk assessment. The template that we are using is based on that produced by the Health and Safety Executive for Northern Ireland, and we have added some additional features that we think are important around ventilation. So, for example, in the building that I work in, we have reduced the number of desks that can be used. We have done a spatial analysis, and nobody will be sitting closer than two metres from someone else. There will be fewer staff in the office on a regular basis. We will use rota systems for that. People will work remotely. We are replacing physical meetings with video conferencing or telephone conferencing. Hand sanitisation points are at the entry to that building that I work in, and soap is in the kitchen as well as in the bathroom facilities. The arrangements will change according to each building. For example, for some activities in our building, such as post opening, gloves will be provided for staff who open the post. It is that kind of very practical stuff, but the arrangements will vary from building to building.

**The Chairperson (Mr Givan):** OK. Two metres is the current guidance in that respect. I noted that, in some of the papers, it says that the virtual system in the courts is about 30% slower. As regards efficiency and so on, my and others' experience is that you just cannot conduct business as effectively [*Interruption*] — as you can hear — through current arrangements, but that is the nature of it.

We clearly do not have the capacity to accommodate everybody on site, so what is the engagement with the Department of Health around refining the guidance as, hopefully, the R rate and so on decreases, we can move closer than two metres and, ultimately, the space has to reduce? It will need to go that way if we are ever going to get back to everybody being in their place of work, and you operate virtually where that makes sense.

**Mr Martin:** It is a very good point, Chair. We are obviously working within the Executive's five-stage recovery plan, and, at this stage, it is a two-metre social distance. We are deliberately working on a rolling basis, so, as that public health guidance changes, we will adapt our plans. What we have agreed with our trade union colleagues is that the risk assessments for each building will not be static documents. They will be reviewed regularly, and, as the guidance changes with numbers of staff returning to the workplace, we will revisit those risk assessments to make sure that staff, visitors and customers continue to be safe.

**The Chairperson (Mr Givan):** On the broader impact on customers and citizens who are interfacing with justice, has any data started to be collected as to what way this is impacting on people and their experiences?

**Mr Martin:** We have been engaging with our statistics colleagues to look at ways that we can collect information on our customer experience. At this stage, our efforts have been very much focused on the workplace and on staff safety, but, as the first stage of that work comes to an end, we will start to focus on capturing our customer experience, and we will be relying on our statistics colleagues to assist us with that.

**The Chairperson (Mr Givan):** That is helpful.

**Ms Dillon:** Thank you for the presentation. I just have a quick point. You have probably covered some of my concerns in response to the Chair's questions, but there is one thing that there needs to be a focus on, and it is right throughout the Civil Service — it is not just your Department; it is right throughout the public sector. Some people cannot work remotely, and I accept that, but those in lower-paid jobs tend to be women, and they tend to have caring responsibilities. In the forthcoming period, when schools are going to work in a very different way and childcare facilities are not able to offer the

same kind of facilities, there needs to be a real eye kept on that sort of stuff. We should not have women or men in low-paid jobs, but it tends to be women in those low-paid Civil Service and public-sector jobs, who have to give up their jobs because of childcare issues. There needs to be a focus on that and a conversation with them because there needs to be a fair mix.

I have had this conversation with many people who said, "I don't think I'd want to work from home all the time. I would like a fair mix". There should be a real focus on getting that fair mix. I have had conversations with lower-paid public-sector workers who said that many of their bosses, who are in highly paid positions, did not have caring responsibilities — some of them did — and were able to work remotely, because everything is in place for them to do that, but those workers could not. A focus is needed right across the public sector. That does not apply only to your Department, but we are talking about Justice today, so that is what I am focusing on.

It must be ensured that workers such as PSNI and prison officers — all those types of people — in your Department who cannot work from home are supported. I know that the Chief Constable is focused on work that can be done differently, remotely and technologically, rather than face to face. That was there prior to COVID, so maybe there are some positives. Nobody would want to be in these circumstances, but you outlined that the good things — good learning and practice — that we have learned from this emergency should be carried forward.

In all that, communication is key. If there is no front-facing communication with the public or service users, effective communication must be kept in place to ensure that service users, whether the public or anybody else, are getting the right communication. It is not an easy task, I know, to get that balance, but it is vital.

It is important to work with the unions, but staff must also have some say. Unions are a vital element, but individual staff should be able to say, "Here's what would work for me, and it is workable". There should not be unreasonable requests, but staff often have very good suggestions, and there should be a way for them to have an input to how things work out.

**Ms Brown:** We have really tried to do that. We have encouraged line managers to have individual conversations with people to see what would work for them. When the crisis hit, we were able to respond very quickly in getting as many laptops as possible out to people to enable them to work from home. As I said in my opening remarks, there are challenges — absolutely — for individuals who are not only working from home but doing childcare, home schooling etc. While that situation might be sustainable for a short period, we must be mindful of the impact on our staff who are still at home. When the messaging changes and we are able to start to bring people back into the workplace, we will focus on those who have been unable to work from home. We also need to find solutions for those who still have caring responsibilities. Those issues are live, and we have engaged with NICS HR to push some of the policies to see what we can do to help our staff.

**Mr Martin:** May I add one point about staff ideas? I chair the Department's internal communications forum. We have been meeting almost weekly, and the forum is getting a lot of ideas on how things could be done. Next week, our senior team will be hosting a question-and-answer videoconference session with all our staff. Discussion with trade union colleagues is really important, as is getting ideas from our staff. We have those couple of mechanisms and are doing our best to continue that conversation.

**Mr Dunne:** Thanks very much for your presentation. We welcome the initiative that has been taken. Well done to all those involved. We talk about "people first", and we should push for that. We really do recognise the work that has been done. It is important to bring your staff with you.

How many non-service staff — the "civilians" who do not work within the service — are we talking about?

**Ms Brown:** About 85% of our staff are working or working remotely. Stephen has a few more statistics.

**Mr Martin:** Leaving aside uniformed colleagues in the Prison Service, we have just over 2,000 staff. About 40% of those are working remotely, regularly, and about another third are working on site, regularly. I am one of those. About 15% are on our team rota. They are not in every day, but they are coming in. We have very few staff who can work remotely but do not have access to IT. We are down

into single figures, so there has been a massive deployment from our IT colleagues who have done an amazing job.

**Mr Dunne:** Very good. What about those who are off ill with a COVID-related illness? What support is there for those people?

**Mr Martin:** COVID-related illness is not taken into account for any of the managing attendance procedures. Line managers are encouraged to keep in touch with those staff. Approximately eight of our people have tested positive for COVID, which is, thankfully, a very low number, and about 100 non-uniformed people are out on special leave due to COVID. Most of those people have to shield and their role cannot be performed remotely. That number was at almost 400 at the start of the pandemic, and we are down to about 100.

**Mr Dunne:** Very good. Some courts are sitting, albeit in a limited way. Constituents have raised the issue of family courts. Are there plans to move forward on that? I appreciate that it is difficult and that a lot of factors have to be taken into account, but have you put thought into that?

**Mr Capper:** Peter Luney from the Courts and Tribunals Service was with you last week and maybe went into more detail. I will give you an update on family business. Judicially-led reviews are under way of family care centre cases that are listed for the week commencing 8 June. Part of that process is encouraging parties to lodge reports and documentation electronically and trying to reduce reliance on hard copy files. It is intended that pilot family proceedings courts will be held in Lisburn and Ards. That will allow us to test capacity to manage full family court lists. They will be carried out through a blend of judicial direction and virtual hearings. We are working through how we can reinstate business, as are those involved in the rest of court business. We are at those early pilot stages and hoping to ramp business up.

**Mr Dunne:** The impact of COVID on the family courts is significant, and the efficiency of the court system is difficult to measure, but it is obviously slower and takes a lot longer.

**Mr Capper:** It does, and, as has been mentioned, virtual business takes longer. More breaks are required, for example. A big part of getting court business up and running relies on staff and other stakeholders being there, physically. That said, a lot of work is going on. The court service is reviewing its courtroom estate and, through specialist advice and mapping out, is working out how court facilities could be used in a socially distanced way. That work is under way, and we hope to get a report on that shortly.

**Mr Dunne:** You mentioned telephone statements. I assume that they will be recorded statements.

**Mr Capper:** I do not have the detail on that, but, yes, they will be recorded statements to allow people to make statements, rather than turning up, physically, and making a written statement.

**Mr Dunne:** Thanks, Chair.

**Mr Beattie:** Thank you for the presentation. It is difficult. Going into the regime that we are in with COVID is like going into uncharted waters, but coming out of it is exactly the same. Something that you say today might change in a week's time or two weeks' time. I will not hold you to any of this, because things change. I accept that, and I thank you for the information that you give.

Stephen, I am a bit concerned at the use of "uniformed" and "non-uniformed". The reality is that all of the 3,200 staff in the Department of Justice are under the same Civil Service rules and rule book. I am not keen that we use those terms. The reality is that a third of your workforce are under immense stress. We cannot say that we will do one thing for the "uniformed" staff but another for the "non-uniformed". The fundamental problem, and you have said it, is that the impact of COVID on people will be long-term. People may come back to work, but, as they come back, the anxiety and stress will affect them in the long term. If a prison officer or anybody else comes back to work and, within months, develops anxiety and stress, will they be open to the same rules that gives them warnings or deals with the sickness absence under the Northern Ireland Civil Service? Or is there a blanket that, if there is a link to COVID-19, that will not be the case in the future?

**Mr Martin:** I am not an expert on the Prison Service, as most of my work is focused on the non-Prison Service part of the Department, so I cannot really comment in detail.

**Mr Beattie:** That is for everybody. The staff is 3,200. If I am a typist, and I come back, and I have anxiety and stress because I am back in the environment that I work in, and I go off sick because of the anxiety, which is based on COVID-19, will I fall under the absence management of the Northern Ireland Civil Service and be open to receiving a written warning due to my absence?

**Mr Martin:** I think that any reason for absence is always taken on the basis of the Civil Service's managing attendance policy. As line managers, we have a certain amount of discretion to respond to individual circumstances and to use the support services and so on that are available. If there are particular circumstances when somebody comes back, you have a discussion with them. If you are unsure, we reach to our HR colleagues for more specialist information. Any good manager will always apply the policy in a way that is appropriate to the individual who is before them, while trying to maintain consistency, obviously. It is always a very difficult balancing act because, ultimately, if somebody is not in the workplace, there is a cost to the public purse. You are trying to balance a lot of things, but, yes, any good manager will always try to apply the policy in a flexible way, as it relates to the individual circumstances that are before them.

**Mr Beattie:** Therefore, it is important that the Department of Justice and the Minister engage with the Department of Finance, which controls the Northern Ireland Civil Service human resources, to get that point across.

**Mr Martin:** Yes, and we have those discussions. As Deborah alluded to, we have regular discussions with HR colleagues. In fact, one of the meetings that I mentioned earlier was that of the business continuity managers, and a senior HR business partner from the Department of Finance sits as part of that group. Therefore, we are having dialogue about how the policy perhaps needs to flex in particular circumstances and so on. These are uncharted waters for us all, so, to some extent, we are feeling our way through this, and it is really important that we have those lines of communication open with our HR policy colleagues.

**Mr Beattie:** You said something really important there, Stephen, about the need to have that flex to change as the circumstances change. Yet your Minister wrote back to me and said, "We have no plans to engage with the Department of Finance in relation to sickness absence policy". Therefore, you are telling me one thing, which is that there needs to be a degree of flex, and I am getting an answer from the Minister that says that there is no reason to engage in regards to sickness absence in the Prison Service. That concerns me, and it goes back to that point: is it because they are uniformed and the rest are not? Or is it a single workforce of civil servants under the Department of Justice and a single Minister? That concerns me, Stephen, and you do not have to answer that, but I am just making that point.

People do have to return to the workplace, eventually. Some of them will have had a long time off, for very good reasons, with some of them shielding. Some of them just cannot come back because they are remote working. Will they all receive a back-to-work interview when they come back? Is there a set work induction programme for staff who are returning to work? Linda said something really important, and you also said it. It is about communication: communication, communication, communication. I have underlined it three times. I have it with a star. It is really important. However, in reality, when the person comes back to work, is there an induction programme for that person that says, "Here is the new regime that you are working to"?

**Mr Martin:** What is happening is that we are keeping in contact with our staff, anyway. In the division that I normally lead, my colleague, who is acting for me, is having weekly teleconferences with all the staff, and that is happening across the Department. So, it is not a question of our not being in touch with people. We are in touch with people on a really regular basis, and, obviously, we will be talking to them as they come back.

**Miss Woods:** Thank you for your presentation. A number of my questions have been asked already, so I will not keep you for too long. I have two questions, the first of which comes off the back of Doug's questions about mental health. You addressed that, and you mentioned the support services that are already available to line managers. Can you outline what support services there are for staff across the DOJ? Are those the same support services that are available for the Department's arm's-length bodies or do they have their own support services? Will you be looking to increase the availability of support services for people as we, I suppose, get out of this?

**Ms Brown:** We have a number of vehicles for staff. There is Inspire, and we have our staff support services etc. The week before last was a mental health week, and we issued some guidance to staff

and encouraged them to use that. The point around mental health is really important, and we are very alive to it. We know that, when you are working from home and a little bit isolated, there are different issues here. There are things that we maybe have never encountered before.

As Stephen said, regular contact with staff is very important. Regular engagement is another aspect of it, as is regular communication. Peter will normally write every week or every other week to make sure that people are being kept up to date, and mental health is a feature of that correspondence. We encourage line managers to make sure that they are talking to their staff all the time. Going back to Linda's point about staff who are at home and are not even able to work from home, when we can, we will try to bring them back into the workplace as quickly as possible and provide them with the support once they are back in that environment.

We have forums in the Department, including the staff engagement forum, that we will use. As Stephen said, there is the internal communications forum, which gives us regular feedback about how people are feeling and what we can do. We are putting on the event next week with the senior team on Webex, and staff will be able to ask us questions. I think that we know that a lot of this stuff will come up as well, and it goes back to listening to what people are saying and listening to the ideas that they have and then looking at how we can try to address those and help them back into the workplace and support them while they are still at home. We do have a suite of things, and we have issued some guidance on that. We are happy to share what we have given to staff to date, if you would find it helpful.

**Miss Woods:** Yes, that would be very handy and of interest. Lots of conversations are happening society-wide about the unknown impacts that COVID will have, and I foresee that this will be an ongoing issue for some years. I hope that consideration will be given to the Civil Service staff, who we are talking about today, across the board so that access to mental health services and whatever other services increases rather than being sine die and that funding is ring-fenced for that, because this is going to be an ongoing issue.

If staff are being brought back to work in the premises and are uncomfortable with something, for example if the risk assessment has not identified something that they do, is there a mechanism for them to report that on in a manner where they feel safe and secure in doing so and do not feel that their job is at risk? I know from different sectors of society that, throughout this, people have been reporting that they felt that they could not report issues. So, if issues are identified, what are the processes for staff to be able to identify that with, say, line managers or people above?

**Mr Martin:** The first step will be with their line manager, and, if they are in the trade union, they can raise it through their trade union representative. Really importantly, there is a provision in health and safety law that, if somebody justifiably feels unsafe in their workplace, they can refuse their labour, and there are safeguards and so on there. I do not think that it will need to come to that, because we have those other channels available.

**Ms S Bradley:** Following up on that point, I really do appreciate what has been recorded here, but I do think that we have come to a point in time where there should be a standardisation across all Civil Service jobs, so that there is a very clear understanding of what is reasonable and could be expected but also so that employees feel empowered to speak up. You are absolutely right to say that there are people who are fearful, in this new climate, of losing their job, and they are very reluctant to step forward. Is there an anonymous route that they can take to raise a concern?

Apologies for earlier. I thought that I was talking to you all.

**The Chairperson (Mr Givan):** You are OK. The question was about having an anonymous way to raise issues.

**Ms Brown:** We —.

**Mr Martin:** Sorry, Deborah. Do you —?

**Ms Brown:** No, you go ahead.

**Mr Martin:** We do not have one, because we feel that we have really good, open communication in the Department. Last week, for example, a member of staff from the Courts and Tribunals Service had

a concern. They went to the Health and Safety Executive, and we dealt with it in that way. That is also a route that is open. The representatives of the Health and Safety Executive said to us afterwards that we have good, open channels of communication and ways of dealing with it, and we were a bit disappointed that the individual felt that they had to take that route. Part of it is about reminding people of the routes that we have, but there is always the route to the Health and Safety Executive, and we speak with its representatives on a fairly regular basis.

**The Chairperson (Mr Givan):** OK. Sinéad, do you want to come back on that?

**Ms S Bradley:** Yes. We are in uncharted waters, and people are very anxious, perhaps more than ever. In the circumstances, it might be worth considering having an anonymous route, even if only on a temporary basis. I think that an anonymous route is worthy of consideration.

**The Chairperson (Mr Givan):** OK. Thank you, Sinéad.

Consistency is a broader point that members touched on. I know that that applies across the Civil Service and, in some environments, that is very challenging. It is about having flexibility and being able to outline how, for example, a two-metre distancing rule for prison officers will never work. It is the same in schools: that will never work.

What I hear from people is that others are getting two metres distancing and all the other protections but they are not. That creates tension in any organisation, and you get that in the private sector, too. It is about being aware of that. I know that you are aware of it and that you have to do the best that you can for everyone in their circumstances. As you develop the policy, how does it reflect the fact that, in some of those environments, two metres of social distancing is just not possible?

**Mr Martin:** In that case, we look at how to mitigate the risk. For example, we are conscious that, in our reception areas, two-metre distancing is not always easy, so we are putting up Perspex screens. In certain parts of the organisation, we may need to have two drivers for short journeys, and they might be provided with personal protective equipment. It is about looking at alternative ways of mitigating the risk for individuals who have to be in closer quarters for longer periods to fulfil their roles.

**The Chairperson (Mr Givan):** OK. No members have any further questions. I thank Glyn, Deborah and Stephen for being here. It is good to see some "old faces". That is not the right way to phrase it; you are all very young looking. *[Laughter.]* It is good to see you again.

**Ms Dillon:** Familiar. *[Laughter.]*

**The Chairperson (Mr Givan):** Familiar. Yes. OK, thank you.

**Ms Brown:** Thank you.