



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Tackling Paramilitary Activity, Criminality and
Organised Crime Programme

26 November 2020

NORTHERN IRELAND ASSEMBLY

Committee for Justice

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Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Ms Linda Dillon (Deputy Chairperson)
Ms Sinéad Bradley
Mr Paul Frew
Ms Emma Rogan
Miss Rachel Woods

Witnesses:

Ms Adele Brown	Tackling Paramilitary Activity, Criminality and Organised Crime Programme
Mr Christopher Farrington	Tackling Paramilitary Activity, Criminality and Organised Crime Programme
Ms Mary Lemon	Tackling Paramilitary Activity, Criminality and Organised Crime Programme

The Chairperson (Mr Givan): Departmental officials are attending via StarLeaf to provide an update on the tackling paramilitary activity, criminality and organised crime programme. The relevant papers are in your meeting pack. I welcome the team from the castle. It should be Adele Brown, the programme director, and Christopher Farrington and Mary Lemon from the tackling paramilitary activity, criminality and organised crime programme team. They are all from the Department of Justice. The session will be recorded by Hansard, and a transcript will be published on the Committee web page in due course. I will hand over to Ms Brown. She will provide us with an overview, after which Committee members will ask questions.

Ms Adele Brown (Tackling Paramilitary Activity, Criminality and Organised Crime Programme):

Good evening, Chair, and thank you very much for having us. We have been watching proceedings, so I know that you have had a very busy day. We therefore appreciate your taking the time to talk to us a little bit more about the programme.

I will begin by making a few remarks to set the context. At the outset, it may be helpful to clarify a few points. First, although the programme team is hosted by DOJ, we are not DOJ representatives. We are policy leads. We will try our best to answer questions on DOJ issues, but, for some of the detail, we may need to refer to colleagues or seek additional information.

Secondly, the programme is much wider than just justice, vital though that is. As you will be aware, the programme is cross-Executive in nature and relies on close partnership working with the wider public, community and voluntary sectors. If the Committee feels that it would be helpful, we will happily return at some stage with some of those non-justice delivery leads for a deeper dive into specific issues.

The main role of the programme team is to oversee and coordinate the activity across the 38 commitments in the Executive action plan. The programme has taken a programmatic approach to delivery. We have a senior responsible owner (SRO) from the Department of Justice but a cross-departmental programme board. We do not carry out much delivery. That sits with other Departments and agencies. At the last count, there were seven Departments, 22 statutory agencies and 50 other partners involved. That reflects the very complex nature of the problem that we are dealing with in the programme but also where the levers and expertise sit to address it.

Phase 1 of the programme had four key areas that we focused on. The first was long-term prevention, for which the focus was on things such as youth work, probation and public awareness. The second was strategies and powers, for which the focus was on the Paramilitary Crime Task Force and various legislative initiatives. The third was confidence in the justice system, for which the focus was on a number of procedural reforms and policing with the community. The final one was capacity to support transition, which encompassed a number of different initiatives at an individual and community level.

The action plan has been delivered largely by officials over the past four years. The team had to work hard to find sensitive ways in which to discuss some quite tricky issues with partners, in the absence of the Assembly and Ministers being in post. We think that good progress has been made in many areas. Some of those areas are listed in the written briefing that we provided and have also been referred to in the annual report of the Independent Reporting Commission (IRC), which was published last week. It notes that just under half of the actions in the original plan are now complete, with the rest well under way.

Sadly, as members will be acutely aware, paramilitary coercion and harm is still a daily feature in some communities in Northern Ireland. That is a matter of considerable regret for those of us in the programme. From our perspective, it is a strong reason to redouble our efforts to extend the work of the programme into a second phase.

In the past year, our delivery, like everybody else's, has been affected by COVID, but we have seen some real creativity and commitment, personal and professional, by delivery leads and agencies to make sure that vulnerable people, particularly young people, are supported. That has very much been a need, because paramilitary activity has continued, and we and others are very concerned about criminals exploiting the hardships and vulnerabilities of others in that context, whether those be mental health issues, addiction, debt, trauma, family breakdown, violence or abuse.

COVID has also affected our planning horizons and our delivery plans for phase 2. Our funding for that phase of the programme ends in March 2021. Our plans for a three-year extension of the programme, based on an extensive review earlier this year — we have provided you with a copy of that for reference — were endorsed by the Executive in July. That endorsement came with an Executive funding commitment of £8 million a year but was subject to confirmation of match funding from the UK Government.

Our plan, taking account of all the learning that we did during phase 1, was to continue some projects, amend others and introduce new approaches, where that was appropriate, to address gaps. We planned to have two work streams: one that focused on reducing harm in the here and now and on making sure that we are supporting victims; and one that focused on early intervention, which was very much designed to break the cycle of recruitment and coercion.

In all the projects that we are hoping to support, we want to see a really strong focus on additionality. We want to be adding value, not duplicating effort of work that is done by other Departments or agencies. We also want to make sure that our work links to wider initiatives across government, so we are very conscious of wider Programme for Government aims and objectives, and we want to be able to dovetail with those. We also want to make sure that we are supporting projects that have an enduring impact beyond the lifetime of the programme.

We had very much hoped to come here this evening to discuss with you more of the detail of what the shape of the phase 2 programme will look like and to take your mind on it. We are still waiting on funding details, however, so we do not yet have the quantum of overall funding that we will receive. That is important, because the funding that we receive will determine the shape of what we can deliver, as will the fact that we will now be receiving a one-year settlement rather than a three-year one. We are also mindful that any work that the programme supports in phase 2 will need to be done in a context in which COVID is present. That will bring its own challenges.

If we secure funding, we want to continue to break down what is a really large, complex problem into smaller, more manageable issues that can be dealt with at a local level, with local expertise, and then scaled back up through good practice and joint working. We hope that, from the delivery reports and the view that we have provided to you, along with some of the stats and outcomes, which we can talk to you about in more detail, you will see that there is a good story here to tell about progress. We know that there is more to do, and, to do it, we think that we need to extend the programme. We are conscious that the programme is not a panacea, but, in our view, it provides a conscious and effective effort to make sure that the focus remains on tackling what is a difficult, knotty and long-term problem.

The Chairperson (Mr Givan): Thank you. I have a couple of questions. I attach the caveat that I have more of questions that I want to ask, but I suspect that, in the spring, once we have a bit more clarity on the second phase of the programme, we will want to engage further with you on that.

You mentioned the importance of getting clarity on funding. From where are you waiting for that clarity to be given? Is it from the Department of Justice or the Northern Ireland Office, and what is the time frame for getting a definitive answer on whether you are going to get the funding needed?

Ms Brown: We are currently awaiting confirmation of the match funding. We have not had that yet from the UK Government. It is being negotiated on our behalf by the NIO, so that is what we are waiting on. Once we have some indication, we can start to move forward with our plans. My understanding is that the NIO is moving to get us some clarity on that. We had very much hoped that we would have had it by the time that we came to the Committee. We hope that the Chancellor's announcement yesterday about the settlement will move things along and that we will get some clarity in the next few days or weeks.

We are just over four months away from the end of our funding period, and we are conscious that, in many cases, that is presenting challenges for delivery leads and those organisations in the community and voluntary sector for which we are currently supporting projects. Although some of the bigger agencies might be able to absorb those challenges financially, it is to the smaller groups and organisations that we are particularly keen to give clarity.

We are also keen to get a sense of the shape of the quantum of funding so that we can have some more political engagement. We very much appreciate now having the opportunity, with the Assembly and Ministers back, to have a bit more discussion about and political direction on the programme. The sooner therefore that we get clarity on that, the sooner that we can start the engagement and give some certainty to people about what we are going to be supporting in the next phase.

Ms Dillon: The Chair is right: we will want more engagement when we see what phase 2 looks like. I apologise if I ask questions or make points about anything that you have already said, because my hearing is not brilliant, and I am struggling to hear on StarLeaf this evening.

Communities have shown, and not only during the pandemic, what they can do and what they can deliver. In shaping phase 2, how are you including communities or basing the work that is going to be done in the community setting? The reality is that you will be able to engage people better with people with whom they identify. It does not matter what you are talking about: that is the case in any sphere. It is much easier to engage people if they can identify with you as somebody whom they see as being on their side or speaking up for them.

I note that it is planned that the Communities in Transition (CIT) project will get £12 million over a three-year period, whereas it got £12 million over a 12- to 15-month period previously. I have some concern about that, because it is a reduction in funding of almost two thirds. Communities in Transition started two to three years behind everyone else, so there needs to be some recognition given to that. Reducing its funding might not be the best way to address it.

The last thing, then, is that the third Independent Reporting Commission (IRC) report recommended the establishment of the transition process for paramilitary groups, as distinct from individual members making that transition. Theme 3 in the proposed activity for phase 2 seems largely focused on individuals. Will that recommendation be included in phase 2 of the programme?

Apologies; I know that there is a lot in that.

Ms Brown: I will try to work through those in turn, and maybe bring in some colleagues as well. I hope that you can hear us OK. The first question was about the extent to which we make sure that we are

listening to communities in the development of proposals. We recognise that that is absolutely the case. We also recognise that, in many cases, there is a lack of trust in statutory agencies, and we need to overcome that. Some of the work that we have done in the phase has started in some cases — not all cases — to address that. You mentioned Communities in Transition, and that is an absolutely critical part of this programme to make sure that people at a community level are engaging, are engaged with and are listened to. There are a series of initiatives under the Communities in Transition part of the programme which allow people to do that. Over its duration, Communities in Transition has been very clearly speaking to communities and taking back their feedback. It has very much built its proposals for phase 2 around that. I hope that that provides some reassurance on that point.

I will ask Christopher to come in on the funding for Communities in Transition. Just to be clear, no funding decisions have been taken at all about what should be done in phase 2. Christopher can give you some more detail on what has been allocated to Communities in Transition over the various different periods within phase 1.

Mr Christopher Farrington (Tackling Paramilitary Activity, Criminality and Organised Crime Programme): You will be aware that, partly due to the suspension of the Assembly and the lack of Ministers, and also due to the consultation process that Communities in Transition and Executive Office undertook, it was slower to get off the ground. That meant that its funding profile over the 15 to 18 months that it has been going was not what we or the Executive Office would have liked. We have always been keen to make sure that, in relation to that project — and most projects — we have a stable profile so that we do not end up with spikes and so forth. It was not ever the intention that we would deliver the volume of funding through Communities in Transition this year that we are at the moment. About £3 million or £4 million a year was what was profiled at the very start of the programme. Given Adele's caveats that no decision has been taken on any kind of funding across the programme, that profile is in line with what we were expecting throughout the course of phase 1.

Ms Dillon: May I just make one point about engagement with the community? I am talking about a step further than what you are talking about around engaging with the community to shape the programme. What I mean is that the voluntary and community sector within communities could deliver some of this stuff. I am not saying "instead of" some of the statutory agencies but "in conjunction with". The truth of it is that, when you work with voluntary and community organisations, you generally get more bang for your buck. You talked about additionality there, and that is where you get it, because they tend to have less of an eye to the clock and to overtime. They are getting what they are getting, and that is it. They have a very vested interest, because it is their community; they live in it and they care about it. That is not to say that there are not very, very good people in the statutory agencies and other organisations who are delivering those programmes; there certainly are, but we need the mix. That is important, because that is where you will get the real engagement, where people identify with those who are delivering the programmes to them. I am certainly not saying "instead of" but "in conjunction with and alongside".

Ms Brown: That is very much in line with the ethos of the programme and what we are seeking to build. One of the principles that I did not mention and which we are very keen to build on for phase 2 is a locality-based approach to developing initiatives. That recognises that local communities know best about what they need and how they can deliver that. They have the expertise, and we would be incredibly foolish not to take account of that and to listen to that and to draw on it. We do have a number of projects that we are currently supporting which I think demonstrate that we are committed to doing that and that we are committed to building on it. Christopher can maybe give a few examples.

Mr Farrington: To reassure you on that point, of the programme funding that has gone out so far, about £18 million has gone directly to the voluntary and community sector, and most of the bigger projects that are supported through the programme are collaborations between statutory and voluntary and community sector organisations. Some of the really, really good practice that we have seen has come from those collaborations. The Aspire project, which is run by the Probation Board, is run in conjunction with voluntary and community sector partners on the ground on roughly a fifty-fifty split in terms of service provision and financing. For example, it won a social work award last year, and fantastic evaluation has been done externally on that. That is statutory agencies working hand in hand on a local basis with voluntary and community sector partners.

The START (Steer Teenagers Away from Recurrent Trouble) project, with the Education Authority, is another really good example. Very little of that is delivered by statutory provision. There were a few areas where we could not get voluntary and community sector partners, but the majority of that is

delivered by voluntary and community sector partners on the ground and is overseen by the Education Authority. I want to reassure you that that is the approach that the majority of the programme takes, and it is the kind of approach that we have begun to see really, really good partnerships and results coming from.

Ms Dillon: I appreciate that. I do accept also that there are communities that have stronger infrastructure than others, and you do need the mix and the balance.

Ms Brown: You asked a question about group transition as well. Would you like me to follow up on that?

Ms Dillon: Sorry; yes.

Ms Brown: I think that it is probably quite important to revert back and think about what the original Executive action plan asked us to do on transition specifically. The focus of the Executive action plan has been on individual personal and community transition, and that is where a lot of efforts have gone. Individual transition has very much been about trying to identify vulnerabilities that make people susceptible to paramilitary criminality and coercion and control. On a community basis, it is very much about the sorts of things that you mentioned around building community capacity from within communities and providing them with a little more resilience.

The original plan did not talk in any detail about group transition, and I know that the IRC is very focused on that. We have had a number of discussions with it, and no doubt we will continue to do that. Looking at this in phase 2 will be quite a significant departure from the original action plan, and we certainly want to consider that carefully. I am sure that the Minister of Justice will also want to consider that with her Executive colleagues because, as the Independent Reporting Commission has acknowledged, this is quite a controversial topic and not necessarily one that everybody will have a uniform response to. We have done a fair bit of talking to people. I will maybe bring in Mary here because she leads on our stakeholder engagement. As far as I am aware, Mary, I do not think that the issue of group transition has come up in some of the discussions that we have been having.

Ms Mary Lemon (Tackling Paramilitary Activity, Criminality and Organised Crime Programme): No. Before COVID, we did have quite a lot of engagement with community leaders, other people in the community and statutory agencies delivering work in the community around the whole issue of personal transition. I think that it is fair to say that the kinds of issues that they were bringing up in those focused conversations were around how we could help to build community resilience in looking at this work, about how we could help people to feel safe and about providing support to individuals. The kinds of issues that were coming up, rather than around group transition, were things about trying to support individuals through issues like education and training, employment, health and addressing addictions. Those were the kinds of issues that were coming up in discussion at that point. We had been hoping to embark on an extended range of engagement around that issue. However, obviously, with COVID striking then it became a bit of a problem for us, because these are obviously the kinds of discussions that you would like to have in person; it is difficult to do this kind of thing using Zoom.

We recognise that there is a need for a much wider engagement on this. Going into phase two, we are really keen to expand the scope of our engagement and to hear from a much wider range of voices, including on the issue of group transition, since that has arisen as an issue. Therefore, I think that it would definitely benefit, and we are keen to do much further engagement at a political level on it. Also, we would really like to expand that range; we would love to talk to some younger people about it and to bring some new voices into this space. If the Committee has any suggestions or thoughts around that then we will be really keen to hear about that, because it would be really good to get some new voices to speak to about this. Over the next wee while, we will be engaging with delivery leads on it while looking to expand that range of engagement.

Ms Dillon: Thank you.

Miss Woods: Thank you for your presentation and the hefty agenda pack that we have. I have a couple of practical questions. First, it says that the programme board is headed up by the head of the Civil Service. Is that currently not meeting because we do not have one?

Ms Brown: No, the programme board is continuing to meet. However, because of the delay in any announcement about funding, we have not actually scheduled anything during the time when there

has not been somebody in post. As soon as we get some clarity about funding, we will schedule a programme board meeting. That will go ahead even if there is not somebody in the head of the Civil Service post. We have a senior responsible officer who can oversee proceedings, so we are keen to go ahead with that in any event.

Miss Woods: It is good to know that there is not going to be any sort of delay on anything because there is no head of the Civil Service in place.

Another question is on the cross-party political advisory group. Can you give me some more details on who sits on that, what their terms of reference are and what parties they are from?

Ms Brown: The political advisory group, as I understand it — my colleagues will keep me right here — was used during the period when there was no Assembly and Ministers as a great way of having a conduit for some sort of political engagement about the programme. At that time, it reflected the Executive parties, and that has been resurrected in the same sort of form. We can provide you with some specific terms of reference, if that is helpful to you. It is basically the parties which are in the Executive.

Miss Woods: OK. I would certainly welcome that, not being from an Executive party and having little, and probably zero, engagement as —. I do not think that that reflects all political issues, especially whenever it is to do with problem-solving around challenges or emerging issues. I think that, if you are going to be looking at different voices, then it might be advisable to extend the remit. If it is an advisory group then other voices might need to be heard, otherwise you will get the same thing over and over again.

With regard to funding allocations if this does not come through, will there be a gap in service provision between March and April or May or June, or whenever tenders are appointed?

Ms Brown: We hope that there will not be, and that is very much what we are working to. However, as I have said, we are very much reliant on getting a decision on this from the UK Government, so we are pushing on a daily basis to get that. I know that they are keen to provide us with that clarity, as well.

On the political advisory group, I am very happy to take away that suggestion and to make some recommendations about that. Rachel, you will know from talking to me before that we are very keen to reach out and to speak to any elected representatives about the issues or the programme. Part of our very conscious focus in phase two will be about increasing that political engagement and awareness around what is happening in different constituencies. We really want to hear from elected representatives in an unfiltered sense about what they think that the issues are in their areas, so I am very happy to come back and talk to you separately, Rachel, if you have any particular ideas about what you think might be useful.

Miss Woods: I am not suggesting myself. I am just saying that, if you want different voices, it might be good to speak to other people who are not the same people who you have been speaking to for the last couple of years.

We are working on the premise that funding will come in. Are you planning on tendering soon? If the money comes in at the last minute, how will tenders be appointed without there being a gap in service?

Mr Farrington: It depends a little bit on the arrangements that each individual agency or Department has in place. We expect that there may be the opportunity to extend some of the existing contracts or funding arrangements for projects that are rolling over. If we get further on and do not have clarity, we will have to start having those conversations to see where the flexibilities are, what is possible and what is being delivered. You are right: if a contract comes to an end and we cannot provide funding and tenders cannot go out, there will be a gap. We have not done an exercise to find out exactly where those gaps are, but our expectation is that we should be able to extend some of the contracts across the programme. At the minute, we are not anticipating that that will be an issue.

Ms Brown: The other point to note is that we are dealing with quite a different context to that which we have been dealing with in previous years. One of the things that we will have to look at as part of a one-year settlement and a one-year programme, assuming that we get one year's funding, is the context that COVID is making delivery really quite difficult. We need to make sure that the projects that

we are supporting are actually capable of being delivered within that context. That is another factor that we will want to look at closely as regards the shape of the overall programme.

Miss Woods: OK. I appreciate that there will be a sort of bridge or flexibility in extending contracts. However, if the community and voluntary organisations and small-scale groups that are doing this work are asked to be flexible and carry it on for a month or two, does that mean that they will get the contract for the next year? Can they be that flexible? Have you had any communications with the current service providers about that, or is that something that you would do later on, towards the end of the financial year?

Ms Brown: We are in a very difficult position, because we do not want to give anybody certainty where it does not exist. We have been very upfront with all our delivery leads, who in turn have been upfront and very clear with everybody else, that, until we have some certainty about the funding, we cannot give more than that. As I said at the outset, we fully acknowledge that that is really tricky for a lot of people. That is why all our efforts are going into making sure that we try to get some clarity around this as quickly as possible. It would be difficult to allow some flexibility around tendering arrangements. We have to work within the confines of the rules that are given to us. We fully appreciate the challenges that this is causing, or could cause if it is delayed any further.

Miss Woods: Yes; thank you. I appreciate the difficult position that you are in. A lot of the groups are operating services with vulnerable communities. If they were to leave suddenly, that would not paint a very good picture or give a good impression of the providers. It would be as if the service had just been taken away, but I appreciate that that is completely out of your control as you wait for funding.

I have many questions, but my last one is on the centre of restorative excellence. It says in the review report that a working group has been set up. Who sits on that working group? Is there any update on the restorative justice strategy and the centre of restorative excellence?

Ms Brown: Christopher may be able to give you a wee bit more detail on membership. As I understand it, the departmental working group was established in January 2009, and I think that it has representatives from the community-based restorative justice organisations that are accredited. I know that the Minister of Justice is keen to take forward work in this area, and it is a key priority for the Department. Officials have begun to finalise design proposals, which also involves working with the Executive Office to ensure that a fund is established to support the centre. Christopher, can you offer any more detail?

Mr Farrington: Adele is right that the working group is the accredited restorative justice organisations plus statutory organisations that have a particular interest, which includes the Department for Communities, housing associations and the PSNI. I apologise that I do not have the list in front of me, but those are the kinds of names. We can certainly provide more detail if you want. On your second question, if you want more detail on the link with the restorative justice strategy, we would have to go and ask DOJ officials who are leading on that.

Miss Woods: Thank you very much.

The Chairperson (Mr Givan): I am a member of that political group, Rachel, and I would love you to be there.

Miss Woods: No, no, you would not. *[Laughter.]*

The Chairperson (Mr Givan): I will be getting another briefing on all of this in due course but, listen, the Justice Committee has its place. That is why the Department has come here, and quite rightly so. This is the forum for it to engage with all the parties.

Thank you for joining us via StarLeaf. We will want to pick this up once there is a bit more clarity around the funding. At that stage, we will want to get into a bit more discussion around some of the schemes and so on associated with it. I thank you all for joining us this evening.

Ms Brown: Thank you very much for your time. We are very happy to provide any further information if members are interested.

The Chairperson (Mr Givan): Thanks, Adele.