



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Criminal Justice System:
Criminal Justice Inspection Northern Ireland

22 February 2024

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Ms Joanne Bunting (Chairperson)
Miss Deirdre Hargey (Deputy Chairperson)
Mr Doug Beattie
Mr Maurice Bradley
Mr Stewart Dickson
Mr Alex Easton
Mrs Sinéad Ennis
Mrs Ciara Ferguson
Mr Justin McNulty

Witnesses:

Mr James Corrigan	Criminal Justice Inspection Northern Ireland
Ms Maureen Erne	Criminal Justice Inspection Northern Ireland

The Chairperson (Ms Bunting): Officials from the Criminal Justice Inspection Northern Ireland (CJINI) are in attendance, and I invite them to come forward. They will provide us with an overview of their work and discuss issues in the criminal justice system. We welcome, from CJINI, James Corrigan, the deputy chief inspector and chief executive; and Maureen Erne, an inspector. Folks, you are very welcome to the meeting. We are glad to have you with us, and we look forward to everything that you have to say. Hansard will transcribe the meeting, and you are being broadcast. I presume that you are happy enough with that. On that basis, I hand over to you to provide us with an overview of your work. Thank you very much.

Mr James Corrigan (Criminal Justice Inspection Northern Ireland): Chair, thank you for the welcome and the invitation to speak to the Committee and provide an overview of the role and work of the Criminal Justice Inspection Northern Ireland. The Chief Inspector, Jacqui Durkin, has asked me to convey that she is sorry that she is not available to attend the meeting today as she is out of the country. She looks forward to engaging with the Committee in the near future. I hope that the Committee found the briefing paper helpful. I would like to mention a few key points about who we are, what we do and the future inspection programme, before Maureen and I respond to any questions that members may have.

CJI was established in 2003 and commenced inspection in 2004, making this year our 20th anniversary. It is a non-departmental public body under section 45 of the Justice (Northern Ireland) Act 2002 and has been sponsored by the Department of Justice since the devolution of justice. A review of the Criminal Justice Inspection, commissioned by the Department of Justice, was completed in 2023, with recommendations made to CJI and the Department of Justice. Jacqui Durkin and I are

supported by a team of six inspectors and three support staff on a full- or part-time basis. Maureen is our lead inspector for prison inspections.

We are acutely aware of our independence and impartiality in providing evidence-based inspection reports on individual organisations, as well as thematic inspections across the whole criminal justice system. We have good relationships with and rely on the expertise of, mainly, His Majesty's Inspectorates in England and Wales to support particular inspections of organisations such as police, prison, probation and prosecution services.

The organisations within our remit to inspect are set out in statute and reach across all aspects of the criminal justice system. They include the Police Service of Northern Ireland, the Northern Ireland Prison Service, the Public Prosecution Service for Northern Ireland (PPS), the Probation Board for Northern Ireland, the Northern Ireland Courts and Tribunals Service, the Youth Justice Agency and the Office of the Police Ombudsman for Northern Ireland. Our remit extends to other organisations, including Forensic Science Northern Ireland, the Parole Commissioners for Northern Ireland, the State Pathologist's Department, the Legal Services Agency and the Environment Agency.

In essence, we inspect all organisations that engage with the criminal justice system and have investigatory responsibilities. The chief inspector may also be requested by the Minister to undertake particular inspections or reviews in addition to our planned inspections, and we have undertaken around one such review each year since we were formed back in 2003.

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

CJI reports are laid in the Northern Ireland Assembly and published on our website. Since March 2022, CJI has published 10 inspection reports, with 17 strategic and 34 operational recommendations for improvement. Most of our recommendations are fully accepted. Working alongside HM Inspectorate of Prisons, we have moved away from making a large number of operational recommendations to focus on priority and key concerns. Priority concerns require immediate attention. I will highlight some persistent strategic issues facing the justice system that have arisen from our inspection work. They include reducing avoidable delay, improving the experience of victims and witnesses and making better use of information and data to inform service provision. The challenge in addressing those issues is not underestimated. Progress will require meaningful implementation of accepted inspection recommendations.

CJI is one of four organisations in Northern Ireland that has been designated as part of the UK's national preventative mechanism to meet its obligations as a signatory state of the United Nations Optional Protocol to the Convention Against Torture (OPCAT), which covers human rights obligations and the treatment of those held in detention in prisons, the juvenile justice centre, police custody and court cells.

Without sufficient funding, CJI will be unable to fulfil its statutory obligation to have a prison inspection programme that reflects the inspection arrangements in England and Wales. A number of inspections are under way, and I cannot comment on current inspections and reviews until they are published. However, the Committee may wish to be briefed on specific reports following their publication, and we are happy to respond to any such requests. In the next few months, we will publish reports on community safety and local policing arrangements; a review of the effectiveness of Part 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021; forensic services; Youth Justice Agency youth interventions; and criminal courts administration.

CJI welcomes further engagement with the Committee on developing our inspection programme and on supporting the Committee's scrutiny and the accountability of the criminal justice system. I hope that that overview was helpful. Maureen and I are happy to respond to any of your questions.

The Chairperson (Ms Bunting): Thank you very much, James. Members, do you have any questions?

Miss Hargey: This will, hopefully, be the first of many engagements that we, as a Committee, have with you. The backdated correspondence that we got last week, which covered the period when the Assembly was down, referred to a couple of reports and statistics on the work that you are doing.

I have been looking at your work programme, and there is concern about the investigations and reviews that you are doing, and, for me, about the big areas such as the powers of oversight that you have over implementation if the funding is squeezed. We can see that problem, for example, with the Police Ombudsman and other oversight bodies, particularly from a human rights angle and making sure that we adhere to the rights agenda. Given financial constraints, what area of work are you concerned about or do you foresee being lost?

I am keen to look at bail and remand. The statistics are shocking in some ways, showing that 36% of our prison population are unsentenced. We will look at sentencing when we meet the Lady Chief Justice and others, and the Minister is keen to introduce updated legislation on sentencing. I am keen to shape that to ensure that it is the best possible so that we can have the outcomes, as you said, that we want to achieve in the system.

What are your views on the reports? Some recommendations have been done, but others have not, and, in some areas, not much progress has been made. It is about oversight. The Committee will play a role in that, but what more could be done? Are there missing pieces of that accountability piece, even for you, that could be looked at? Do you have an idea of when the Youth Justice Agency report will come out? I am keen to look at that area of work as well.

I probably have a load of questions, but that would keep you here all day. We will have a follow-up meeting or a further engagement.

Mr Corrigan: Thank you. I will try to take each point in turn. I will start with your first point, which you followed up at the end with the powers of implementation and how we ensure that our recommendations are delivered. That has been a challenge for us going back 20 years, since we were established. We are not a regulator, so we do not have powers of enforcement. Our strength is based on evidence-led inspections. It is also based on persuasion and working in partnership with the inspected organisations to deliver improvements. It is very rare that our recommendations are not accepted. The challenge is obviously to try to get them delivered. I agree with your point: there is work that the Committee can do in helping to deliver those recommendations around your scrutiny role and holding the organisations to account for what they have already agreed to in the recommendations. As I said, we would really welcome engagement with the Committee about that scrutiny.

You heard from the permanent secretary last week about the funding challenges that face the justice system as a whole, and the same applies to Criminal Justice Inspection. We are a small organisation; our overall budget is £1.1 million. Ten years ago, our budget was £1.2 million, so our budget has gone down by almost 10% in 10 years while the budgets of most other parts of the justice system have increased. That impacts on what we can do. We have moved away from being an organisation with, essentially, all full-time employees. Now, half of our workforce is working part time, including our inspectors. That impacts on the number of inspections that we can do in a particular year. It also impacts on the running of the organisation and publicising the work that we do. That is an ongoing challenge. My big concern at the moment is about the funding that we usually set aside for prison inspections. As things stand, there is discretionary funding in our budget to bring in HM Inspectorate of Prisons to do those prison inspections. At present, we can fund a prison inspection in this coming year. After that, if the budget remains similar to what it is at the moment, we will not be able to do a prison inspection in 2025. That has big implications for human rights issues, which you mentioned, and also when it comes to benchmarking the performance of the Prison Service with England and Wales. Maureen can go into more detail about how we do prison inspections.

We published a report on the issue of bail and remand just over a year ago. You are right: the percentage of prisoners who are on remand is 36%. I think that it was 38% when we did the inspection. If you look at comparable figures in other jurisdictions at the time at which we did the inspection, you will see that, in England and Wales, 16% of the prison population was on remand. In the Republic of Ireland, 22% was on remand. Scotland was getting very concerned: when we did the inspection, its figure was 29%. It thought that that was a terrible indictment of its criminal justice system, and yet we were sitting at 38%. We have one of the highest percentages across the whole of Europe, the consequences of which are enormous. We know about the consequences when it comes to defendants being held unsentenced. In Maghaberry prison, for example, half of the prison population is unsentenced. There are also huge implications for victims. The unknown part is about whether somebody is on remand or on bail. Could they be released un-sentenced, for example? In

addition, there is the huge cost of having such a large prison population who are unsentenced. There is then the indirect cost that you heard about last week from the permanent secretary: unsentenced prisoners are not engaging with rehabilitation or reducing reoffending programmes, so, when they are released, very often those issues have not been dealt with. That restricts what the Prison Service and probation can do.

I hope that that covered all the main issues that you mentioned. Maureen, do you want to say anything more? We can come back to prisons if anybody has more specific questions about them.

Ms Maureen Erne (Criminal Justice Inspection Northern Ireland): The other point to add around how we encourage implementation is through our process of inspections. We do full inspections and then come back within a period to do a follow-up review that specifically looks at the progress that has been made against the recommendations. That was a new thing for us this year when looking at the independent reviews of progress on the prisons. We conducted full inspections of Magilligan and Maghaberry prisons relatively recently. Rather than waiting until we did another full, unannounced inspection, we came back much sooner to see what progress they were making. That was done with a view to encouraging and supporting the progress that the prisons were making in cases in which that progress had been good and reasonable but also with a view to giving them the opportunity to refocus on areas that had not been addressed. It is therefore about working with the inspected organisations to support their journey of continuous improvement.

Mr Corrigan: Your last question was about when the Youth Justice Agency report will be published. I expect that it will be published in the next two months, so quite soon.

The Chairperson (Ms Bunting): Deirdre, have you finished?

Miss Hargey: I will follow up on that, because I think that there is something for the Committee to do there. I do not know whether the Committee has ever done a joint visit with you to the prisons. I would be keen to get into the prisons and look at some of the information around, for example, drugs, health and well-being, and prisoners' rights. There are concerning statistics, although I know that some positive work is being done on the women's element. I would therefore be keen to go into the prisons to see that work and to engage with you. I do not know whether it would be possible, or even appropriate, to do a joint visit with you, but it would be useful for making sure that we are picking up on oversight and scrutiny issues.

The Chairperson (Ms Bunting): It may be helpful to note that the head of the Prison Service had arranged visits to prisons for the justice spokespersons as were. The one to Maghaberry is scheduled for 22 March. I am sure that we could circulate that information to other members. If Committee members want to attend, we can get that information, although I appreciate that that still leaves Magilligan and Hydebank Wood.

Mr Dickson: Thank you for your presentation on the work of Criminal Justice Inspection. I had the opportunity to meet your Chief Inspector, Jacqui, a couple of months ago. We went through many of the issues that you have brought to us today. One issue was highlighted late on in my conversation with her. It is potentially a rather niche area for Northern Ireland, but it is at the top of the public agenda at this time, and it is Royal Mail.

For those who have criminal activity investigatory powers in Royal Mail, you have inspection powers. I appreciate that your resource is small and that Royal Mail does not figure large in the work that you do in Northern Ireland, but nevertheless, and given the current scandal, you have a very clear responsibility to inspect the work that has been done. The media have reported that, with some sub-postmasters' cases in Northern Ireland, there are very serious concerns about the way in which their life, business and mental health have been affected. What I need to know is this: how aware were you as an organisation of what was going on across the UK? Why did it not ring alarm bells for you to undertake a report, as you have a legal right to do in Northern Ireland? When will your next report be done?

Mr Corrigan: To answer your question about how aware CJI was, we, like a lot of other people, were not aware of what was happening in Royal Mail. Our jurisdiction covers only Royal Mail in Northern Ireland. More to the point, Royal Mail was never raised with us as an issue. Jacqui Durkin always does an annual consultation with stakeholder organisations, as did previous Chief Inspectors, at the end of the year or at the beginning of the new year to set a new business plan and programme of inspections for the forthcoming year. From my recollection, and I have been with CJI for a long time, Royal Mail

has never come up as an issue in any of those consultations, which are with political parties, criminal justice organisations and other stakeholder organisations.

That having been said, we all know that it is a very topical issue, and you are right that it is part of our remit, as is to inspect lots of other, smaller organisations that we have not inspected. Available resources and lots of other reasons mean that we cannot inspect every organisation. We are, however, doing an inspection at the moment, which was in our plan last year, looking at all the organisations that, like Royal Mail, have investigatory powers that are separate from those of the police. We are doing that inspection at the moment. It is a cross-cutting inspection that includes Royal Mail, airport police, the Environment Agency and lots of Departments that have investigatory responsibilities. We are doing that at the moment and are looking at common issues across those organisations.

We are still at the fieldwork stage of that report. On that basis, there may be particular issues on which we will want to follow up by doing a more detailed piece of work, but I emphasise that the consultation that Jacqui Durkin is doing is ongoing. We still welcome input from members, and from the Committee in general, to that, because if people feel that an issue is very important and should be part of our programme, we will certainly consider it as part of either this year's inspection programme or next year's, with the caveat that a small number of inspectors can do only a certain number of inspections. We are, however, very happy to take views in that respect.

Mr Dickson: Given what is now public knowledge, it is not unsurprising that Royal Mail did not alert you to the fact that a very serious issue was going on inside that organisation with Horizon. Had you any contact with sub-postmasters or others who were affected by the scandal? Indeed, to what extent do you inform people who are employed by organisations such as Royal Mail that, in fact, you have a role to play? If I were to go out on to the street and ask the public, or if I were to go into a post office and ask the staff, "Did you know that the enforcement side of Royal Mail can be inspected by Criminal Justice Inspection Northern Ireland?", my suspicion is that the number of people with that knowledge would be tiny, perhaps even zero.

Mr Corrigan: That is probably a fair enough conclusion, because, sometimes when we approach organisations and tell them that we are going to do an inspection, that is met with some surprise, because those organisations may not necessarily understand that they are part of our remit, which goes back to the establishment of CJI 20 years ago.

We do our best to advertise it. In every annual report, we outline our remit and the organisations within that remit. In our business plan, we outline our remit. We communicate our remit as best we can, but the reality is that most of our efforts in past years have been focused on the big criminal justice organisations, and particularly on issues that cut across organisations. Last week, the permanent secretary told the Committee that the big challenges for the justice system are not necessarily within organisations but often at the boundary between them. That is one of our findings going back over 20 years: the biggest challenges and problems that still exist are at the boundary between organisations rather than within them.

The Chairperson (Ms Bunting): I am conscious that it is a significant issue, but it was a massive, national issue that did not relate just to Northern Ireland.

Mr Dickson: I will follow up very briefly. If people in Northern Ireland have been affected by the scandal and were unaware until today that CJI has an inspection role, can they come forward and speak to you about their concerns, particularly if you are now going to undertake a further review?

Mr Corrigan: Of course they can come and speak to us. Under the legislation, we do not deal with individual complaints. There are ombudsmen to deal with individual complaints, but, for broader, systemic issues, yes, we welcome hearing from anybody who is willing to speak to us and our inspectors.

Mr Dickson: My final question veers away from that topic and towards the broad issue of criminal justice inspection. You referred to the fact that — you suggested this to Deirdre as well — once you produce a report, it is broadly and very generally accepted, but how quickly do the actions from it follow?

Mr Corrigan: When we complete an inspection report, we ask the organisation to prepare an action plan. If it is a good action plan, we publish it on our website at the time of the report's publication. That

action plan will include timelines. We attempt to come back and do a follow-up review. Generally, follow-up reviews happen 18 or 24 months after the publication of a report, and we will hold organisations to account for what they have promised and agreed to in their action plan. Sometimes, delivery can slip, however, and there are lots of reasons for that. Broadly speaking, however, we expect organisations to deliver what they accepted and agreed to. The follow-up inspection reports and reviews are the opportunity for us to do that.

We have another opportunity now, with the Committee, to hold organisations accountable for their action plans. When you meet individual organisations, it would be worthwhile, I think, to ask for their action plans in response to our recommendations.

Mr Easton: Thank you for your presentation, in which you mentioned that an awful lot more people are on remand here than in the rest of the UK. You went on to mention the possibility of a bail Act. What discussions have you had with the Justice Minister about bringing forward a bail Act to try to reduce the number of people who are on remand?

Mr Corrigan: A bail Act was one of the recommendations in the report of our inspection on bail and remand. We did not have a discussion with the Minister about that, because the Assembly was not sitting when that report was published. However, we had discussions with officials. It is a strategic recommendation in our report, but, to be honest, there is a bit of reluctance to move towards a bail Act in Northern Ireland, not just among officials but in the wider criminal justice system. That is why we made the recommendation.

You may know that other jurisdictions have had bail Acts going back many years. England and Wales have had a bail Act since 1976, and the Republic of Ireland has had a bail Act since 1997. The Law Commission recommended a bail Act in Northern Ireland over a decade ago, and we repeated that recommendation in our report. The reason that a bail Act is important, from our perspective, is that our bail legislation is quite fragmented, and some of it is outdated. A bail Act would be an opportunity to consolidate it, but, probably more importantly, if you had a public consultation on a bail Act, it would open up the discussion and debate around how bail and remand operates in Northern Ireland. From our point of view, there is not enough debate around the consequences of bail when it does not work properly. In my view, there is also an acceptance of the status quo, insofar as operational issues are dealt with rather than dealing with some of the big legislation issues.

I welcome the Minister's commitment to a bail Act for children, which is a positive development. I think, however, that there is an opportunity to go beyond that and think about a bail Act for all individuals in Northern Ireland. It is a recommendation, and I hope that, with a new Executive and Justice Committee now in place, there might be more focus on following that recommendation from the report.

Mr Easton: You mentioned some resistance to the idea. Can you explain the resistance that you are encountering?

Mr Corrigan: At that stage, the main problem was the number of competing legislative commitments and requirements. That was the reality. There was a long waiting list of required legislation. When Criminal Justice Inspection came along with another request, it was felt that there were other areas that could be progressed before a bail Act. They did not rule out a bail Act; they just said that it would be difficult in the current Assembly mandate. Instead of our recommending that you implement a bail Act, we felt that, where the recommendation was concerned, the Department of Justice should start a consultation on a bail Act. That is what came out of those discussions. Now that the Assembly is back and a Minister is in place, a public consultation on a bail Act should be seriously considered and progressed.

Ms Ferguson: I have questions about three areas. With regards to Royal Mail, and, specifically, that huge post office scandal, a constituency issue of mine is that parents are very concerned about illicit substances being sent in the postal service. Would part of an inspection be on how Royal Mail tries to reduce that number or tracks or traces it? I definitely have a concern about that.

Secondly, I raised last week the use of body scanners in the Prison Service. Has that already been inspected in order to ensure that their use is human rights-compliant? I have had parents and solicitors raise concerns about individuals who are constantly subjected to the use of body scanners and who are not informed or engaged with about exactly what has been found. They are then put into isolation for weeks on end with no explanation and then released. Is that area part of an inspection?

Thirdly, I am gravely concerned about one recommendation in the report regarding Maghaberry prison. Of the 14 recommendations, seven had not been achieved, and there was weak oversight of prisoners who are at risk. That is a grave concern for me. Of all the recommendations, that should be to the fore and dealt with and resourced. Do you prioritise your recommendations in relation to what organisations should be looking at and where the resources should go? That should not be an outstanding recommendation. Maybe you could discuss that.

Mr Corrigan: I will deal with your first question on Royal Mail, and Maureen will follow up on the prison issues.

We consider the scope of a potential inspection when we draft the terms of reference. If we were to do an inspection of Royal Mail in Northern Ireland, and it was, essentially, a single inspection, the scope would be very broad. That is because our inspections look at strategy, governance and policy. We look at how an organisation delivers against its objectives and policies as well as at outcomes in terms of whether they make a difference.

Those types of inspections are broad-ranging. We would develop terms of reference and share them before inspections with not only the inspected organisation but the Committee, if it wished to see them. If we were to do such an inspection, we would follow the evidence. If risks were highlighted, we would ensure that they were included in an inspection.

If, for whatever reason — there are lots of reasons for this — we were not able to put, say, a Royal Mail inspection into a new or future programme, the Minister would have the opportunity to request that we do a review on any part of the criminal justice system. We dealt with ministerial reviews and reviews from the permanent secretary when the Assembly was not sitting. We have dealt with, on average, one review each year over the past 20 years. That is another mechanism by which to request that CJINI do an inspection or review.

Maureen, you might like to follow up on prisons.

Ms Erne: I will start with supporting people who are at risk. In the general context, we have changed how we report findings in prison inspection reports in line with changes that were made by His Majesty's Inspectorate of Prisons in England and Wales. Previously, you would have seen 30 to 35 recommendations in reports. The change has been to bring the number of concerns back to no more than 15, of which a number are priority concerns. Those are the things that, in our minds, require immediate and urgent attention to correct.

When we did the full inspection of Maghaberry in 2022, there were concerns about the safeguarding of people who were at risk of suicide and self-harm. We followed that up in the most recent independent review of progress, and we found that the prison had made reasonable progress against that priority concern. It had appointed a lead, there was better engagement between staff on caring for and supporting people, there was a clearer rationale for people being placed on supporting prisoner at risk procedures, and better intervention and support were being provided. There was also much better use of data to examine and interrogate what was happening in the prison. There was still work to do, but we were assured that the prison was making reasonable progress against that priority concern.

Ms Ferguson: With regard to the individual's mental health and well-being, what is the relationship and what information sharing is there between the Department of Health and the Prison Service?

Ms Erne: Prison healthcare services are provided by the South Eastern Health and Social Care Trust. At an operational level, we tend to find that the relationship is good between prison staff and nursing staff, whether in primary healthcare, mental health or another discipline in the prison. There can be issues around information sharing, which have been highlighted in reports, and we would like to see better information sharing to safeguard people and a better understanding of that. We see some tensions in the relationships, particularly at a strategic level in certain areas, and we highlighted those in our report on adult safeguarding procedures, for example, and in our work on the development of the drug and alcohol strategy. There can be tensions at times, and we urge the two organisations to work collaboratively and more closely together in the interests of improving outcomes for prisoners.

Ms Ferguson: Has the likes of trauma-informed practice been rolled out in the Prison Service?

Ms Erne: Some staff have certainly been involved in training on trauma-informed practice, and the Prison Service will be able to provide more information on that in due course. From my experience, a

lot of work has been impacted by the pandemic, with high prisoner numbers and the efforts to recover the regime in custody, but trauma-informed care and approaches to supporting people in custody are the direction of travel.

In the most recent inspections, body scanners had been in operation for about a year. We found that they reduced the amount of illicit substances that came into the prison, but, yes, we acknowledge that increasing numbers of people have been held in care and supervision units. As you know, we previously did an inspection of the operation of care and supervision units and, subsequently, a follow-up review. When we did that work, we did not see that level of use, because, when we did our inspection, the use of care and supervision units and the average time spent in segregation were reducing, but we have not been back to inspect that area in light of the roll-out of the body scanners. It is an area that is always looked at in prison inspections.

The Chairperson (Ms Bunting): Maurice, I will bring you in next, but, just before I do, Ciara has touched on an issue that I want to raise. Your report on the inspection of Maghaberry states:

"Despite being an identified risk, the prison's response to the supply and demand for drugs was not robust. In our survey, 41% of prisoners indicated that it was easy to get illicit drugs at the prison and 28% said that they had developed a drug problem while there. The prison did not have a sufficient strategy to address this."

What struck me about that was that a lot of it is beyond the prison's control. For example, it says that body scanners have significantly reduced the amount of classed drugs coming into the prison, but the significant problem is prescription drugs. As far as I understand it, because of patient confidentiality, some prisoners are in control of their medication, particularly over holiday periods when the trust cannot provide staff. More than that, again because of patient confidentiality, the prison is not permitted to know what the baseline is for prisoners, so it does not know what and how much medication they have. Therefore, how is it supposed to tackle the problem when it does not know how much is in circulation in the prison? How is it supposed to develop a plan? Has that been borne in mind?

Ms Erne: Those are very serious issues that were raised in the Maghaberry inspection report. Similar issues were identified at Magilligan during previous inspections. While body scanners have reduced the amount of illicit substances coming in, the main problem at the minute is prescription medication. There is some discussion and debate around the source of that prescription medication and whether all of it has been prescribed by the trust provider. That is the problem at the moment. There have been efforts by the trust to reduce the availability of medicines that are at high risk of being abused and traded, but there has not been sufficient collaborative working, in our minds, on how you deal with the impact of withdrawal amongst the population and on the efforts to look at medicine spot checks and responses to the trading of medication. That is an area where we would like to see much more collaborative working between the trust and the Prison Service.

The Chairperson (Ms Bunting): In those circumstances, what the prison can do is extremely limited. Even if it were to test people, it would not know whether what a person had in their system was their prescription drugs or somebody else's, because it has no baseline. Plus, drugs can lead to antisocial behaviour and all those issues that arise, because they are currency and, in prison, are worth four times the normal value. Thank you.

Maurice, I apologise for that. I will bring you in now.

Mr Bradley: All right, Chair.

The high number of prisoners still on remand was mentioned at the start of the meeting. How big an impact has the failure, I think, of the legal aid system had on that number? I notice that you made recommendations to procure a new contract in December. Has that contract been awarded? If so, has it made any difference to the overall number, or is the legal aid system holding people on remand as opposed to trying to get them through the courts and sentenced or released?

Mr Corrigan: In our report on bail and remand, you will see that there are a lot of different reasons why remand is so high. I know that the Department and the criminal justice organisations have a working group to try to understand the reasons for it and to come up with solutions. As for whether legal aid is responsible, for our inspection report, we spoke to solicitors and barristers. Obviously, they spoke about the rates of legal aid, but I am not sure that they made a direct connection between legal

aid and prisoners being kept on remand. Essentially, they said that it was difficult to deal with the numbers that they have and the rates of pay that they get. I suppose that if defendants and suspects have difficulty getting solicitors or legal aid, yes, that would create problems. However, there are some other, bigger reasons behind the high remand rate.

Our bail system is not as effective as it could be. We talked about the need for a bail Act. We know about the number of people on bail who, essentially, breach their bail conditions and are then remanded into custody. Sometimes, it is about housing, a lack of other accommodation, or substance abuse. There are bigger issues.

There is a need for an alternative to remand: for example, some form of electronic tagging system that is more advanced. You get that in other jurisdictions. We have been looking at possible solutions for years without being able to come up with an electronic monitoring system that would keep people out of prison and possibly reduce the number who are on remand. By far the biggest cause of remand and high remand is the delays in the system. That is the primary reason why remand figures are so high: people are waiting so long for their cases to progress and court cases to actually happen.

That problem of delay has been endemic in the system since CJI was established in 2003. We did our first inspection on delay in 2006. At that stage, we produced lots of figures and data that showed that Northern Ireland had the slowest cases. Certainly, in 2006, our cases were significantly slower than cases in our closest comparator jurisdiction, England and Wales. In 2010, we came back and did another inspection. We did a follow-up review in 2012. When we did not see much progress in that follow-up review, we recommended that there be statutory time limits. We did not say that these should be across the system but that they should start in the youth courts and prioritise young people. We did further inspections. For example, as you will see in your pack, we did an inspection on file quality and disclosure. The report was published around a year ago. Again, poor files and inadequate disclosure are leading to delays in the system.

At the moment, a lot of the problems in the justice system sit at the door of the slowness of the system. In 20 years, we have not got to grips with the causes. We know the causes. Lots of reports by Criminal Justice Inspection, the Audit Office and others have explained the causes, but we have not got to grips with the solution. There have been various initiatives such as committal reform, pilots in various areas to speed up justice and attempts to divert more people from the criminal justice system, but none of that has made enough impact to really change the figures. The reality is that some people are waiting over two years for a case to progress through the system. That is just unacceptable. We are far slower than any neighbouring jurisdiction. A lot of the problems that come up in other inspection reports that you will deal with go back to that slowness of the justice system.

Mr Bradley: Thanks for that. I have just one other wee question, about Community Restorative Justice. You highlighted that there are governance issues and financial irregularities. Can you elaborate a wee bit on what you mean by that? I have concerns about that issue as well.

Mr Corrigan: You are right: before we were asked to do the review by the Department of Justice, concerns were raised around governance and other issues in Community Restorative Justice Ireland, which is the restorative justice group that is based in republican and nationalist areas. We were asked to come in and review that organisation. We published a report that was broadly positive, in the sense that we found that, at that stage, Community Restorative Justice Ireland was putting in place solutions to deal with the governance challenges that it was facing. Obviously, we made recommendations for improvement, but, broadly speaking, a lot of the concerns that you referred to were being resolved, or have been resolved since we published our report. Community Restorative Justice Ireland is an organisation that comes within our remit. Previously, we had a role in accreditation. That role is moving beyond Criminal Justice Inspection — there is another independent mechanism for accreditation of those schemes — but we still have a remit to inspect, essentially, the broader restorative justice schemes in Northern Ireland. You mentioned a couple of issues, but one of the positive aspects that came out of that report was the good relationships between restorative justice practitioners in communities and the police. There was a lot of work happening to prevent crime and a lot of engagement with community police officers; that was one of the positive aspects. You will also note from our briefing paper that we have just completed an inspection of community policing. That report will be published in the next couple of months. At some future Committee meeting, we will be able to go into a lot more detail on how policing is delivered at a community and local level.

Those issues are covered in detail in the report that you mentioned, and that report is available on our website.

Mr Bradley: I am not trying to be negative about it. It just raised a few questions, but you have given me a positive answer, and that reassures me. Thank you.

Mr Corrigan: On the basis of our report, the Department of Justice was able to restore funding for the restorative justice schemes.

The Chairperson (Ms Bunting): We are nearly done, folks. There is just me left. Sorry, Justin. Justin can go first, and then I will come in.

Mr McNulty: James, how are you? You have a very authentic, trustworthy, informed and empathetic voice. I like your lilt. Are you a south Armagh man?

Mr Corrigan: I live in south Armagh, yes.

Mr McNulty: Where are you from? Are you a Monaghan man?

Mr Corrigan: Monaghan, yes.

Mr McNulty: Border people.

How many years have you been engaged and employed by the CJJ?

Mr Corrigan: I said at the beginning that the Criminal Justice Inspection was formally launched in 2004, which is 20 years ago. Our first inspection was published in 2005. I will be 20 years in CJJ in October. I have been in the organisation almost since the beginning. We do an average of 10 or 12 inspections per year, and have made hundreds of recommendations. Yes, I speak with quite a bit of experience from those 20 years. However, the challenges keep changing, and the solutions can be different.

I would argue — you would expect me to argue — that our oversight of the criminal justice system is very important. It came out of the Good Friday/Belfast Agreement, and it gives assurance to not only the Committee, the Assembly and Ministers but the general public. The reality is that some parts of this public service are hidden from a lot of the public, unless you happen to be a victim, a defendant or someone who needs to be part of the criminal justice system. Most people are not familiar with the justice system. We try to raise more general awareness about what the justice system does, the challenges it faces and how important it is for people's lives and what they do every day.

Mr McNulty: Are you passionate about your work?

The Chairperson (Ms Bunting): Justin, sorry, if I may: the session is less about James and Maureen personally, and—

Mr McNulty: This is relevant, Chair; really relevant.

The Chairperson (Ms Bunting): I am not sure that it is, Justin.

Mr McNulty: Let me get to it.

The Chairperson (Ms Bunting): Can we move to the reports that we have in front of us, and questions about the inspections?

Mr McNulty: Are you passionate about your work, the reports and the awareness that you have spoken about? Are you making a difference to the criminal justice system through your work, the reports and the inspections? Are you making an impact?

Mr Corrigan: I think that we are. We are a small organisation of just 11 people. We publish 10 or 12 inspections reports every year. Our budget is £1.1 million, which is 0.01% of the overall criminal justice budget. Are we making an impact beyond that 0.01%? I think that we are through our oversight of the criminal justice system and how we encourage and work with the criminal justice organisations to deliver improved performance. Our real value is not always in what we do with individual organisations but in our remit across the whole justice system. We can look at issues that are

sometimes missed by the organisations themselves and try to come up with solutions that encourage partnership and collaborative working. Our impact is perhaps more than it may appear that it would be given our budget and the small number of people that we have.

Mr McNulty: On the challenges linked to youth justice, particularly in joint working with Education and Health, are you finding that there are many issues in relation to learning difficulties and people who are in the criminal justice system as a consequence of their learning difficulties? How is that being addressed, and how are your reports feeding back to enable that issue to be addressed more properly and more prominently in the future?

Mr Corrigan: Youth justice and young people in the justice system has obviously been a topic of a lot of our inspections. Learning difficulties and mental health have been the subject of inspections, and we have done a particular inspection on mental health. Maureen may want to say a wee bit more about youth justice and the inspections that we have done in that area.

I do not want to come across as being overly negative about the challenges and the funding, because we have seen lots of good things in the criminal justice system over the past 20 years. I would say that how we deal with children in the criminal justice system is one of our successes, because we are down to a very small number of children being held in the juvenile justice system: fewer than 10 on average at the moment. The youth justice centre is resourced for a staff of, I think, almost 40.

Ms Erne: It is lower now.

Mr Corrigan: It is a bit lower now. Essentially, that has been a success, but, in some ways, it is a challenge. It costs almost £900,000 to hold a young person in custody for one year. The model for service delivery is not sustainable going forward. It is a victim of its own success in one way as it has led to a reduction in the number of children, but, at the same time, we have to come up with a new approach, and that is why we welcome the new plans for a joint care and justice campus. Maureen might want to say more about the inspections.

Ms Erne: In the inspections that we have done in the juvenile justice centre and in prisons, there is evidence of clearly unmet need around communication difficulties and neurodiversity needs. The reality is that there is a lack of funding for prison healthcare services, which has led to further unmet need, specifically in areas such as addictions and personality disorder, which I know you touched on in your discussions last week. We have seen — I have certainly seen it in two particular inspections — the benefit that speech and language therapists bring to the care of young people in Hydebank Wood and in the adult prisons. When we did our review of the care and supervision units, it was very evident what support, help and guidance those particular staff, in conjunction with the wider support team around people in prison, brought in understanding where that person was coming from and how best to try to support them and engage them in support.

Mr McNulty: This is my last question. What is "avoidable delay", James, and are staff vacancies contributing to or exacerbating issues around delay?

Mr Corrigan: Yes. I am not sure whether we coined the phrase "avoidable delay" or whether that was in existence before our original inspection in 2006, but that was certainly the title of our original inspection. The term "avoidable delay" came across. I remember having discussions with the police and the Public Prosecution Service at the time, and the prosecutors were very keen to emphasise that some delay is not avoidable and that the distinction needs to be about avoidable delay. If you want a precise definition of "avoidable delay", it is delay that essentially is nugatory time. It is time that could be taken out of the system and not be detrimental to the proper administration of justice or the time that is required to do proper investigations and for the Public Prosecution Service to make decisions.

We have said to the police over the years that it is not necessarily about speeding up the preparation of files; it is about getting it right first time, on time, as they would say. A good-quality police file, even if it takes a bit longer, is still better, because it essentially allows the Public Prosecution Service to make its decision on prosecution quicker, and then it helps the case to progress when it is in the court. The focus has always been essentially on delay that is unnecessary or avoidable, and, to be honest, there is a lot of that in the justice system at the moment. Another example of an avoidable delay would be a file sitting on someone's desk or within a certain unit for a long time waiting for someone to actually review it. That links into your question on resources, because organisations will say, "If we had more resources, we could do better." I have no doubt that that is true because you can see, across the justice system, that the impact of resource cuts is starting to bite. In policing, for example, very often it

is community and neighbourhood policing that takes the hit when there are reductions in policing budgets. That is the preventative part of policing, so there is an impact.

Resources are a key factor. If you want to really deal with the problem of delays, you need the resources, but they need to be very targeted. It is not just about saying that the police require more resources to turn files around quicker. If you do not put the same resources into the Public Prosecution Service and the courts, you will just end up, essentially, with a logjam when the cases are prepared by the police. Rather than just funding certain organisations, there needs to be a very targeted use of resources.

Mr McNulty: Go raibh maith agaibh [*Translation: Thank you*] James and Maureen.

The Chairperson (Ms Bunting): Folks, I have a couple of things that I want to check. Maureen, you mentioned some of the issues around personality disorder. One of your reports talks about insufficient access to psychologically informed treatments for personality disorders. Where do you think the gaps are?

Ms Erne: Essentially, the major gap is in the legislation, in that it does not recognise personality disorder. Consequently, there are not the necessary services in custody for that. Although the trust at the prison concerned has engaged a clinical physiologist and other support staff to help address the needs of some people, that is certainly insufficient to meet the needs of people across the board.

You will be aware of the Regulation and Quality Improvement Authority's review of services for vulnerable persons in custody. That report recognised that there is a huge unmet need in the area, and there are task and finish groups working on that. If you look across the water, in England and Wales, there is an offender personality disorder pathway that delivers services into prisons through assessment units and treatment units. It also delivers other programmes, such as an enhanced support service to engage with people who are likely to engage in violence and prolific self-harm, try to work with them to provide additional support to keep them out of places, such as segregation units, and help address some of the harm and damage that has been caused.

The Chairperson (Ms Bunting): Essentially, that gap is with us. It is a legislative gap. That is fair enough: it is helpful to have it on the record, thank you.

In your report on the preparation of files, there are a lot of figures on the police and the delay with, and quality of, their files. You note that the PPS has been meeting the standard for files and is relatively good with its timing of decision making. Yet, decisions on some cases from Operation Kenova have taken three years. Did you take that into account?

Mr Corrigan: Yes. We came to those figures on the quality of files and decision making by doing a file review of 100 police case files and 100 Public Prosecution Service case files. You are right: the figures are broadly positive. I am just looking at the precise figures.

The Chairperson (Ms Bunting): The police are in and around 54%.

Mr Corrigan: Yes, 54% of Crown Court cases and 44% of Magistrates' Court cases reviewed either did not meet or only partially met the agreed standards. There is room for improvement on those figures.

The Chairperson (Ms Bunting): My concern is more around the PPS and circumstances where it is taking three years to make a determination on whether something should proceed. Surely, as far as CJINI is concerned, three years is unacceptable.

Mr Corrigan: Yes. It is unacceptable for any case to take that long, particularly for the victims who have to wait for that time. The file review presents a somewhat mixed picture. For example, one of the positive findings was that 96% of the PPS files examined fully met the test for making prosecution decisions. That was a positive, but, as you said, there is definitely scope for improvement on the time taken to make those decisions. What that really says is that we have a problem with delays at all stages of case progression. The PPS would argue, in its defence, that it is short of staff, which has slowed down its decision making, and that COVID increased that problem. It has made addressing those challenges a priority, but you are right: there is scope for improvement.

The Chairperson (Ms Bunting): Yes, I think there is. That is why it is a bit disappointing to see it. With the PPS, it seems to happen in the bigger cases. When I read that there is relatively good timing of decision making by the PPS, I am not sure that that reflects the entirety of the picture.

I have one question that is straightforward and one that I would like a bit more explanation on. We have had a conversation today about bail and remand. I would like your assessment, on the basis of your experience and your inspections, of the effectiveness and enforcement of police and court bail. I have some concerns on the effectiveness of both of those. Also, I am not clear that enforcement is being carried out to the extent that it should be.

Mr Corrigan: Yes. The report on bail and remand was published in 2023. Half of that report dealt with police bail and court bail, and we made a number of recommendations, some of which are directly linked to what you said. For example, we said that the police needed to make improvements to the operation of pre-charge bail. We said that the PSNI should have better management of information and use it to improve police bail. When we were doing the inspection, we found that one of the difficulties was the lack of information available within the police and to us to inform their decisions on police bail. That was a concern, and we raised it specifically in the report and made recommendations on that, saying the police needed to have better management of the information that it has on police bail.

I want to broaden that argument for a moment, because I made that point in my introductory comments. One of the biggest challenges for the justice system at the moment is that it is not gathering, collating and analysing enough information to inform key decisions on service provision and transformation. That issue has come up in numerous inspections. There is lots of information gathering in the criminal justice organisations, but there is not enough in terms of analysing that information, trying to understand what it means and, more importantly, using it to inform decision making. That applies in individual organisations, and it applies in the Criminal Justice Board and the access that it has to that information. That applies to bail and remand and to the juvenile justice centre, child protection and child sexual exploitation. If you look at our reports and recommendations, the management and use of information is a recurring theme.

The Chairperson (Ms Bunting): That is really helpful information for the Committee. On the back of what you said, is there a role for the judiciary? Without compromising the independence of the judiciary — we will hear from them in due course — often there are circumstances where the police oppose bail but the judge grants it. That can have a consequential impact on society's confidence in the system and in the police, and it has an impact on victims. Have you looked at those issues?

Mr Corrigan: As you know, the judiciary does not come under our remit.

The Chairperson (Ms Bunting): Yes.

Mr Corrigan: It is obviously welcome that it has agreed to meet the Committee. That said, we engage with the judiciary in our inspections, and we have conversations with the judiciary. It will raise issues that are of concern to it. While we obviously cannot make recommendations to the judiciary, we reflect its concerns in our report. On the issue of bail, the judges will have told me that sometimes their decisions on bail and on whether somebody is remanded are limited because, essentially, suitable alternatives may not be available to the court, for example a suitable address. Sometimes, those solutions do not just rest with the police or the criminal justice organisations. They may involve the Housing Executive or the health trusts. To answer your question, we do not inspect the judiciary, nor do we make recommendations to it, but we engage with it and we reflect its concerns in our reports.

The Chairperson (Ms Bunting): That is helpful. Thank you very much.

This is my last question. You mentioned that, in the course of the inspections that you have conducted, you did one on probation-approved premises in Northern Ireland. The thing that has struck me of late is the situation for women. I see that there are two places where women can go, but those are mixed places, and there is nowhere in Northern Ireland that is a female-only probation-approved premises. What is your view of the impact of that?

Mr Corrigan: I will pass that to Maureen, because she was our lead inspector on that approved premises inspection.

Ms Erne: The lack of options to support the transition for certain women from custody into the community is a live issue. Where the approved premises are mixed, there are many more challenges there, and the potential risks to residents are evident. That is one of the reasons why the strategic recommendation that we made in relation to the approved premises was for the different organisations — the Department of Justice, the Probation Board, the Prison Service and the Housing Executive — to come together and have a strategic look at what the demand for places was across the system, to look at that on a longer-term basis to see whether it meets the needs of the people who are being discharged from custody and to use that to inform what service is being delivered.

At the moment, we have a number of places and a number of premises. Incrementally, the number of places has increased, but there has not been that strategic look at the needs and demands for that service. There is a particular issue with women, and it is more challenging when you have hostels that accept probation-only referrals as opposed to hostels that accept referrals on the basis of homelessness as well. There are particular challenges there, as there are with older people, particularly coming out of custody and requiring accommodation in approved premises, where there may be physical and other health needs that they are not able to address.

The Chairperson (Ms Bunting): Since you conducted that inspection, Maureen, have you had any updates about progress on those strategic issues about a place for women?

Ms Erne: Not yet. We have not done a follow-up review on that inspection. We had one strategic recommendation, which will take a longer time to work through. However, there were other important recommendations, and there was one in particular on practical resettlement support. Despite a lot of work that the Prison Service had done to ease that transition in terms of bank accounts, email addresses, photographic ID and registration with GPs, those things were still problematic for people transitioning to approved premises. We encourage them to continue to work at that in order to improve that situation for people.

The Chairperson (Ms Bunting): That is great; I read that in the report. You have been generous with your time, and your answers have been full of candour. We are really grateful to you for that. I presume that members have nothing else and we are all satisfied. On that basis, thank you both very much for taking the time and for being so generous with us in that regard. We wish you well and, no doubt, will see you again soon.