



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Justice Delivery Directorate: Department of
Justice

29 February 2024

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

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 Steven Allison	Department of Justice
Ms Deborah Brown	Department of Justice
Dr David Lennox	Department of Justice
Mr John Napier	Department of Justice
Mr Paul Andrews	Legal Services Agency

The Deputy Chairperson (Miss Hargey): I welcome Deborah, who is the director of the justice delivery directorate, back to the table. We also have John Napier, who is the deputy director of the information services division; Steven Allison, the deputy director of the enabling access to justice division; David Lennox, the deputy director of the corporate engagement and communications division; and Paul Andrews, who is the chief executive of the Legal Services Agency (LSA). You are very welcome to the new Justice Committee. We look forward to working with you. I invite you to open with your presentations, and then we will take questions from members. We have two members attending virtually, Alex and Justin, who may ask questions as well. Over to you.

Ms Deborah Brown (Department of Justice): Thank you, Deputy Chair. We welcome the opportunity for the justice delivery directorate team to come before the Committee. I will ask each of my colleagues to introduce themselves. They will give you a short overview of their business areas and some of the challenges that they currently face. I will pass to Paul Andrews, who is the chief executive of the Legal Services Agency, to start.

Mr Paul Andrews (Legal Services Agency): Good afternoon to you. I will take that as my introduction. The only thing that I would add is that I am also the director of legal aid casework, which means that I am responsible for decisions on the granting of civil legal aid. I will focus on two issues. The first is the legal aid budget, and the second is fraud and error. Mr Beattie may recognise some of this from a previous incarnation of the Committee. On the legal aid budget, as the Bar Council and Law Society have brought an application for leave to apply for judicial review against the Department in respect of payment times, my comments will be understandably brief on the subject.

As the Committee is aware, legal aid is a demand-led service, with funding being available to anyone who meets the relevant means and merits tests. As post-COVID recovery has progressed, we have seen a very high value in the bills submitted. In 2022-23, the Department secured an additional £20 million of funding, which resulted in payments totalling £101.4 million for legal aid bills. This year, we have secured £14 million. That will allow us to reach £109.4 million of payments. By the end of next month, we expect all payments to be processed within a 12-week period.

I will move to fraud and error. The agency has had two long-standing qualifications on its accounts. The first related to weaknesses in financial estimates and provisions for legal aid liabilities. I am pleased to say that that qualification was removed in 2022-23. The second qualification was in respect of weaknesses in control over fraud and error prevention and detection. That covers what we term "official error", the mistakes that we make; "practitioner error", the suppliers' mistakes; and "applicant error", mistakes by the beneficiaries of legal aid. Estimates are done annually rather than by financial year. In 2022, the error rate was estimated at 4-8%. Early indicators for 2023 suggest a further reduction in the level of official error. At this point, I will quote the Comptroller and Auditor General (C&AG) to bolster my case. She said:

"I welcome the marked advances over the last five years, especially in relation to the level of overpayments due to official error."

This year, practitioner error will be estimated for the first time. Work is progressing well on that. There have been high levels of compliance by the legal profession in submitting bills for assessment. Again, the C&AG has welcomed the development of that methodology.

In respect of applicant fraud and error, in 2022, the agency conducted a review of live cases to test for the ongoing financial entitlement of people who were in receipt of legal aid. That was estimated to prevent around £77,000 worth of overpayments. We expect similar results from our current sample for 2023. Again, the C&AG has commended the progress that has been made by the LSA in that respect, and she has encouraged further investment in that area.

In the previous mandate, I provided the Committee with a written update on our work to address audit qualifications. If it would be helpful to the Committee, I am more than happy to do so again in the summer, once our accounts have been audited and laid. That might be an opportune time to reflect on the progress that has been made.

That was all that I was going to trouble you with by way of an opening statement. I will hand over to my colleague Steven.

Mr Steven Allison (Department of Justice): Thank you, Paul. Good afternoon, Committee. I am delighted to be here. I am responsible for enabling access to justice. My division is responsible for ensuring that appropriate options are in place to support citizens' access to justice. We lead on the delivery of a reform programme focusing on making the system more accessible and ensuring that it is fair, proportionate and responsive to needs and resources, and that resources are used to that effect and best effect.

There are five key pillars of the programme. I will touch on each of them briefly. The first pillar is civil justice modernisation; the second is a review of the civil legal aid framework in the civil and family space; the third is a review of the criminal legal aid framework; the fourth is a review of the taxation assessment process that is currently conducted by a member of the judiciary, and the fifth looks at emergent business needs and the development and introduction of a statutory registry scheme for legal practitioners.

In 2021, the Minister launched the modernisation programme to identify areas where improvements can be made to ensure that the system allows disputes to be settled more swiftly, with greater choice and at lower cost. To date, focus has been on identifying changes that will improve accessibility and enhance fairness. The direction of travel over the next few years will be the subject of further discussions with the Minister.

The purpose of the civil legal aid review is to identify and set out the full range of civil legal aid reform options that may be available to the Minister and to describe their cost, that impact across the practitioner base, sustainability, and so forth. The review is at a very early stage. We are in the research and evidence gathering phase, and our immediate task is to issue a call for evidence to citizens, service users, service providers and, separately, practitioners who provide the service in the

courts space. We hope to publish that within the next month. We will advise the Committee of that in advance, and we will give you sight of the call for evidence. I am happy to take questions on that.

I turn to the criminal legal aid review. His Honour Judge Tom Burgess was appointed last October to lead a review of the criminal legal aid framework. He is examining the framework across four areas: interviews conducted under the Police and Criminal Evidence (PACE) legislation; Magistrates' Courts; Crown Courts; and, finally, the parole review process. He is due to report his findings and recommendations by the end of June this year. Meeting that deadline depends on getting all the data and continued engagement, which has been very positive at this stage, with the practitioners and the profession.

When it comes to taxation, the primary objective of the review is to conduct a review of legal aid expenditure, which is currently assessed by the judicial officeholder, the taxing master, as she is called, with a view to bringing that expenditure under the purview of Richard Pengelly, the permanent secretary, in his capacity as the accounting officer. By way of context, about £20 million a year is assessed and ordered through taxation, payment of which Paul Andrews's team then has to give effect. Our project is looking at bringing that under the Department's purview. Again, we are at a very early stage of trying to understand what that process is within the judicial system.

I will move on to the statutory registration scheme. The purpose is to develop a scheme to support the delivery of a high-quality service. We have worked well with the profession to develop a draft code of practice, and we are developing processes to audit compliance against that code.

To support the programme, we have also established two forums. The first is a stakeholder engagement forum, which has the broadest possible attendance and membership so that we get as many views as possible to inform how we communicate, develop our evidence base and engage with citizens, practitioners and service providers. Separately, we established an equality reference forum that comprises groups of people that have vulnerabilities and other needs. It is about how we break some of the barriers that they face in accessing services and how we listen to the individuals in those groups.

I will pause at that point and hand over to David, because that is a very brief run-through, which, I appreciate, was very high level.

Dr David Lennox (Department of Justice): Good afternoon, and thank you very much. I head up the corporate engagement and communication division (CECD), and its responsibilities include a range of corporate functions, as well as delivery of compensation schemes and oversight of our responsibilities under the Troubles permanent disablement payment scheme. In the CECD, our responsibilities include providing support for the Minister in her private office, and we have an Assembly team, which coordinates responses to Assembly questions, interfaces with the Committee and, of course, engages with the Committee through our departmental Assembly liaison officer.

The Department's press office is also within CECD, as is the governance unit, which supports and promotes a range of governance functions across the Department, including supporting the departmental management board and developing the Department's corporate plan and annual business plans. We plan to share a copy of the 2024-25 business plan with the Committee in due course. Another branch of my team is responsible for the coordination of equality-related issues in the Department as well as leading on initiatives to support the development and leadership of staff across the DOJ.

Two other areas that are my responsibility relate not to corporate services but important delivery areas. I have oversight of compensation services, which is responsible for the delivery of statutory compensation schemes related to criminal injury and criminal damage. The aim of those schemes is to recognise the impact on victims who have suffered a criminal injury or criminal damage to their property. Some work has commenced on the review of the criminal damage compensation scheme, and, in due course, we will come back to Committee with more information on that.

Finally, you may be aware of the Troubles permanent disablement payment scheme. The Department was designated by the Executive Office to exercise the administrative functions of the Victims' Payments Board on the board's behalf. The Victims' Payments Board is an arm's-length body of the Executive Office, and it has overall responsibility for delivering the scheme. That scheme, as you well know, exists to provide payments to those who have had a permanent disablement as a result of a Troubles-related incident. That role is within CECD. The Department is responsible for providing the

necessary staff and infrastructure to support the Victims' Payment Board in delivering that scheme. Thank you very much. I will pass over to John.

Mr John Napier (Department of Justice): Thank you, Committee. I am responsible for the information service division, which has a fairly broad remit. It is responsible for a range of specialisms, including record management, ICT, programme and project management, health and safety, and facilities management.

The most public-facing area of my division is AccessNI, which I am sure you are all aware of. It is responsible for the criminal history disclosure service under Part V of the Police Act 1997 and discloses relevant criminal information to employers and voluntary groups. Performance has significantly increased since COVID. The net result is that AccessNI is at its busiest ever. We anticipate that we will do 180,000 disclosures this year. That is up by about 28,000 disclosures compared to during COVID, but that has not impacted on our delivery. The average time taken to complete a basic or standard check is currently one day. For an enhanced check, it is three to four days because there is more detail in those. We have been looking at the sustained increase in demand over the past couple of years. It has allowed us to look at a fee reduction. The expectation is that the basic and standard fees will be reduced by £2 to £16, and the fee for enhanced disclosures will be reduced by £1 to £32. That will come into effect in April 2024, so it is relatively imminent.

In the information and technology area, we have a delivery mechanism whereby technology specialists are based within each of the main agencies to provide technical support. They are outposted and report back to our chief technical officer, which ensures that the Department has a clear ICT strategy and can share information. On the technical delivery profile of the Department, following COVID, we have moved our technology base largely to laptops and introduced a lot more collaborative tools, particularly Microsoft Office. That allows us to build more business continuity across the organisation and is aligned to our hybrid working.

ICT obviously plays an integral part in everything that we do across the organisation. My staff are heavily embedded in some major projects such as Vision 2030 for courts and the prison record information system management (PRISM) for the Northern Ireland Prison Service. We are also looking at the Causeway criminal justice database, which we have responsibility for. There is a broad range of very highly secure systems that the technical staff in my division are responsible for.

Another area of my division is records management. That branch provides policy guidance and monitoring in relation to FOI, the Data Protection Act and general security across the service. In that area, we also manage vetting and ensure that appropriate information security is in place.

Estates and sustainability is another area in my division. It is a growing area, particularly the sustainability side in view of the Climate Change Act (Northern Ireland) 2022. There is facilities management: ensuring that our sites are secure and that health and safety gets appropriate prominence. Also in that space is promoting sustainable initiatives and the whole behavioural change in how staff understand their commitments to sustainability. We are looking at the management of the estate and are engaged in the Castle Buildings refurbishment project, which is at a detailed design stage. It is hoped that, when complete, that will provide the core Department with a flexible space that is suitable for hybrid working. It will reduce the size of our estate. Massey House, Knockview Buildings and Hillview Buildings will be vacated, which will allow for centralisation of our resources. Finally, while we are not a major player on sustainability, we engage heavily with DAERA on the climate action plan and support that work.

That was a quick gallop through the areas. It is very dispersed, but I am happy to take any questions.

The Deputy Chairperson (Miss Hargey): Thanks very much, everybody.

Mr Beattie: Paul, first, thank you for recognising our previous discussions about fraud and error in legal aid. I know that it is demand-led, and I am glad that that action has been taken. That is a positive.

There are cobwebs in my mind on this — it might have been dealt with a long time ago — but did we not discuss going back to releasing a list of the beneficiaries of legal aid; that is the companies that work and get legal aid? Were we not going in that direction?

Mr Andrews: I also remember that discussion the last time that I was at the Committee.

Mr Beattie: I do not know where it went: that is the problem. *[Laughter.]*

Mr Andrews: The Minister consulted on that in the previous mandate and concluded that we would proceed to publish. We have been doing extensive work on that. We had one little hiccup in that, in 2019-2020, we changed computer systems, so it has just taken a while longer to reconcile the first quarter. I would not want to overstate or understate the payments to anyone in that period. We are in the process of bringing that to some sort of conclusion. We will bring it back to the Minister, and you might even see a list at some point, Mr Beattie.

Mr Beattie: That is OK. I thought that it was in there somewhere. I just could not remember from the last time.

I would like to ask David about the Troubles-related pensions scheme and the leaflet that has just been released. Has that leaflet gone out to every household?

Dr Lennox: Yes.

Mr Beattie: It has gone out to every household in Northern Ireland, but it is a UK-wide scheme. What are we doing to get the same information to the people in the rest of the United Kingdom who could be entitled?

Dr Lennox: I am aware of what the staff have been doing. TEO has been supportive in the wider communications strategy. The leaflet drop to every household in Northern Ireland is part of that strategy, but a wider piece of work has been done. There was a media briefing recently, and that was picked up quite a bit in a number of English newspapers and so on, online and in print. Plans are also under way to distribute the leaflet to some of the key groups in the South of Ireland and in GB.

Coincidentally, at an event this morning, I had a conversation with the Veterans Commissioner, and he is keen as well. People like that are key ambassadors. He can reach out to his network of organisations. It is a hard one to raise awareness of, but the best that we can possibly do — I know that the team is working hard — is to link in with the network organisations. Contacts have been made with organisations in GB, and, hopefully, in the South of Ireland as well, to try to get the message out there.

Mr Beattie: Is there an argument to be made for extra resource from central government for that? What you are doing is fair enough, but you are still delivering a leaflet to every household in Northern Ireland because we are all entitled. Actually, in Northern Ireland, we have more of an awareness of it than anybody else, whereas, in the rest of the United Kingdom, they do not have an awareness, but they are built into exactly the same scheme. Somebody living in England, Scotland or Wales is built into the same scheme as somebody living in Armagh, Londonderry or elsewhere here. I am not saying that a leaflet needs to be dropped to every house in the United Kingdom. The point that I am making is that, if you are saying that we could have gone to key stakeholders in England, Scotland and Wales and done that, we could have done that in Northern Ireland. I do not know why there is a disparity in the way that we have delivered it.

Dr Lennox: Yes, and I take your point. I suppose the expectation was always that a higher proportion of applications would come from Northern Ireland due to the nature of the scheme. Perhaps we should take comfort from the fact that there has been a diversity of applications from across the world. There have been 500-plus applications from outside NI, from as far away as Australia, so the message is getting out there.

It is a challenge. Veterans' groups in some areas have perhaps been slow to pick up on the scheme. That is not to say that it has just started now; it has been going on for a while. The team had a session last week with some key groups. It would be cost prohibitive to try to do it in GB. Doing the leaflet drop here came about from a realisation that, probably, the highest proportion of applications would come from Northern Ireland.

Mr Beattie: Do not get me wrong: I think that it is positive, I am just trying to get a rationale for the wider communications strategy. Thank you for answering. I thought that you might have batted me away to TEO on that one. *[Laughter.]*

Ms Ferguson: I also want to ask about legal aid — it is probably for Paul and Steven — for me to be more informed and educated on it. When was the eligibility and merit test set? Is it regularly reviewed?

Secondly, we heard from Deborah previously about the huge demand that was placed on the system and the financial bid that has gone in, which would still not be enough to meet the demand. Even to the end of this financial year, what does the money equate to? How many people benefit from the scheme? Are there any trends in the types of cases that people bring forward? What are the top three types of cases?

There are two ongoing reviews. Are there timescales for those reviews? When are they due to report?

Mr Andrews: I will take the first question. It sounds as though I should offer, to any member of the Committee who wants to come, an invitation to come down and talk about legal aid. We are happy to do that, and that is a genuine offer.

I had a notion that somebody might ask about financial eligibility for advice and assistance. If someone has disposable income of less than £234 a week, they are entitled to it financially, or they could be on a benefit. For representation in the High Court or County Court, it is £10,995 or £9,937 per annum, depending on the type of case. However, there are lots of allowances that you would deduct from that level to get your disposable income figure. Those have not been reviewed for quite a number of years. I will not steal Steven's thunder, but he might tell you that financial eligibility forms part of one of the pillars.

Another thing that I should comment on in respect of financial eligibility is the number of people who receive legal aid because they are in receipt of passported benefits. For the first six months of this financial year, about 71% of people who received some form of legal aid were in receipt of a benefit. Of those people who were in receipt of a benefit, 68% were in receipt of a passported benefit. That is almost part of the universal credit cycle. That benefit brings more people into the scope of legal aid because the upper reaches of that would have exceeded where financial eligibility for legal aid would previously have gone to.

I was not proposing to go into lots of changes and cases. We are trying to publish, for the first time, formal official stats, which will be published before the end of the current financial year. That will take us up to the year 2022-23. Then, before we publish our annual accounts, which will probably be on 7 July, we will publish the 2023-24 official stats. There will be lots of details there. We could perhaps come back to that and look at patterns and trends.

Steven, do you want to pick up on the reviews?

Mr Allison: I will talk about the timetabling and the scope of the reviews. I will take the civil review first. As I mentioned earlier, we plan to issue the call for evidence in the two questionnaires to citizens and practitioners in March, with a closing date for return of that at the start of May. That will give us time to do the impact assessment and analysis. We will present the findings to the Minister in June 2024, which will, hopefully, inform what we need to focus on. We are trying to build in that our initial findings and assessment are also shared with all stakeholders to fine-tune our thinking; "This is our working out. Do you think we've got it right?". Thereafter, the timetable becomes really dependent on the scope of what reform options are decided upon.

In the civil review, we are looking at quite a lot in the call for evidence. I will break it down into the key areas to address one of your questions. We are asking for views on the scope of legal aid in the civil and family space; "It currently covers x, y, and z. Is that right for this time?". It has not been reviewed in a long time. What do we want to spend our money on — citizens, practitioners? What is the best bang for our money?

We are asking for views on the eligibility tests, which are the gateway to legal aid. Have we got those right? If not, what do we need to look at there? We are also asking for views on the merits test, because there is an element of examining the merit of a particular application that may be in a contested space.

Critically for me, we are also asking for views on remuneration levels. We have a profession providing a good service across the piece to citizens. We, therefore, need to look at the remuneration levels to ensure that we are satisfied that we are providing a fair, appropriate rate for that service.

Mr Andrews: I will come in, because one of your questions got missed between the two of us, and it was on the number of people who benefited. Given the way in which you phrased your question, I wondered whether you were thinking, "Does the limit on funding mean that individuals cannot get legal aid?". That is not the case, because legal aid is granted purely on the financial means of the individual and the merits of the case. There is no regard to the cost of the case in that process. The pressure point is on the payment of bills, not on the availability of a service. I just want to make that point clear.

Ms Ferguson: That was one of my points.

Secondly, I am conscious of the increase in legal costs from a few years ago until now. Despite the increase in legal aid costs, has the provision of legal aid decreased in real terms, given the number of people who are benefiting? It is both, Paul.

Mr Andrews: I will talk about the number of applicants, because an individual could have more than one application, so it is maybe simpler for me to phrase it in that way.

Last year, we had 64,000 grants of legal aid. That was slightly down on the previous year. The only significant area was the reduction in grants in the Crown Court, but that was due to the process of the cases flowing through from the Magistrates' Court. There was a drop in grants of advice and assistance. The numbers have been in and around the mid-60,000s for a period of time.

Mr Allison: I touched on the civil review. You asked for the timetabling for both reviews. On Judge Burgess's review, under his terms of reference, he is due to report his findings and recommendations by the end of June this year. That will be subject to full consideration in the Department, and decisions will then be taken on the assessment of that. We will keep the Committee updated on the progress of both reviews and their findings, as well as taking questions and providing feedback.

Mr Dickson: Steven, you referred to a review of the role of the taxing master. Were you suggesting that that role would transfer to the permanent secretary, as he is the accounting officer?

Mr Allison: I probably was not as precise as I could have been in that space, so apologies. The review is to look not at moving the function or the role of the taxing master but at taking the area in which the taxing master makes orders on legal aid cases and bringing that assessment process into the purview of the Department. The taxing master will still have a function in other cases that do not come into the legal aid space.

Mr Dickson: OK.

Mr Allison: We are bringing in the £20 million, or around about that, that is ordered through taxation, which Paul ends up paying out of his budget. We are looking at creating an assessment process internally and building in a fee structure that, I hope, allows a bit more predictability in setting budgets and understanding the flow of funds and costs in that space. It is not the role, so apologies if I misled you.

Mr Dickson: I understand what you are saying. That is probably the right direction to be moving in. Thank you.

Mr Andrews: I will add a little fact to that. If you look at the bills that we pay — as Steven said, it is about £20 million in tax cases — you see that an awful lot of tax cases are reasonably routine in value. However, you then get complete outliers that are very significant costs. We reckon that about 1% of the bills that are high-tax-cost cases represent something like 8% of our spend. There is a sense that we need to have an understanding of that, because that brings us to the predictability of the demand for the service. We have absolutely no comment to make about the cost of those cases: it is simply about the impact that that has on other areas of business.

I was making the point to colleagues previously that we paid a very big tax bill this week: that one tax bill amounted to the equivalent of over 2,000 Magistrates' Court criminal cases. That is part of the ebb and flow of payment times and processes.

I am sorry for the interruption.

Mr Dickson: That is fair enough, thank you. Presumably, that will bring an element of consistency to what those claims are for.

Mr Andrews: Of course, I would have no comment about the consistency with which the taxing master looks at things, because that is within her remit at the moment. Obviously, there would be a greater degree of predictability, perhaps, if we put it in that way.

Mr Dickson: That is helpful, thank you.

The Deputy Chairperson (Miss Hargey): Justin McNulty is coming in virtually.

Mr McNulty: I attended a conference yesterday in Newry, which was hosted by Women's Aid Armagh Down. The chief executive of Women's Aid Armagh Down, Eileen Murphy, deserves enormous credit for organising a very powerful conference, Be The Change, which was about working to end domestic abuse.

Access to legal aid was one of the major problems that was discussed at the conference. There are instances of the breadwinner blocking women and girls from accessing legal aid and, essentially, preventing them from accessing justice. That is based on their working the system to protect themselves, leaving women and girls out of their homes, on the breadline, with no access to legal support.

How is the legal aid system helping women and girls who are suffering from abuse?

Mr Andrews: I hope that I can make this clear, Justin, because there are three different aspects to that. I am not sure whether you can hear me, Justin, because the screen appears to be frozen.

Mr McNulty: Yes.

Mr Andrews: First, if an individual is exposed to the scenarios that you were outlining, although the financial eligibility test would normally include the means of a partner, that would not necessarily apply in those circumstances. It would be perverse to insist on the means of the partner if that was being used against someone.

Secondly, two waivers are available. The first is a long-standing domestic violence waiver, which is for non-molestation orders and people seeking them to protect themselves from the sorts of scenarios that you were outlining. That has been available since at least 2015. Effectively, it works on the basis that, if someone has disposable income of more than £234 a week, they pay a contribution of £134 plus whatever the excess is. Therefore, there is a scheme that seeks to make legal aid widely available.

The other aspect of that is a newer aspect, and those of you who were involved in the legislation in 2022 will know that a new domestic abuse waiver was introduced. That works on the same basis. I will give you a worked example, because it is what was in the material that we published at the time to solicitors. If someone had a disposable income of £17,401.24 — do not ask me why we picked that specific figure — the contribution that they would be required to pay under that scheme would be £169.38. That scheme is there.

I make the point in that context, because, if that domestic abuse case is heard in the higher courts, that contribution can be paid over a 12-month period. Again, there are a number of measures to facilitate that. I will simply say, Justin, that, if an individual finds that they are blocked in some way, their solicitor should speak to us, and we can always look at individual cases. There are a number of waivers in certain cases that can be applied as well. We regularly send bulletins to professionals to alert them to that fact. We have been supported by the Law Society to get that message out, and, last week, we held an online seminar in which we talked about the domestic abuse and violence waivers and the general waivers that can be applied to support individuals in particular circumstances. If there are particular cases, we are more than happy to look at them.

Mr Allison: If I could just build on that —.

Mr McNulty: In some particular cases —.

Mr Allison: We are also monitoring the uptake of the waivers and so forth and looking at how we can promote that further. As Paul said, the Law Society's support has been fantastic, and we have developed some animation, videos and walk-throughs that we will put on nirect, the Department of Justice website and the Law Society website to try to tell everyone. We will go through Woman's Aid, which does fantastic work in this space, and go to our service delivery partners and the voluntary sector to promote awareness that this exists and that you can ask for it. If you can ask for a waiver, talk to your solicitor, and the waivers will be available. The mechanics of it are fairly straightforward.

Mr Andrews: We also work with the Victims' Commissioner, who has an interest in this space to promulgate a greater degree of information and understanding of the availability.

Mr McNulty: Do you agree that there is an issue? A theme at the Woman's Aid conference was access to legal aid and justice because of barriers in the legal aid system. There is a big problem. When that was raised at the Woman's Aid conference, it was a major issue. In the year 2024, it is shocking, sad and very poor.

Mr Allison: In my remit. I am keen to speak to Woman's Aid and the individuals who organised that conference, to try to understand what is at play and what we can do. Perhaps, after the meeting, we can get details. I would be more than delighted to speak to Woman's Aid, and I am meeting with the Victims' Commissioner in —.

Mr McNulty: Are you not speaking to Woman's Aid already?

Mr Allison: We are, but I want to make sure that I pick up on this specifically and ask, "Flowing from that conference, what can we do?". In both reviews, we are very much trying to find the voices and listen to what citizens are telling us.

Mr McNulty: Thank you. On the Troubles-related pension scheme, Doug mentioned it being a UK-wide scheme. What about families in the South of Ireland who have been displaced from south Armagh, for example, because of the brutality that they experienced at the hands of the IRA and had to leave their homes because of what was done to their family members? How will they access the Troubles pension scheme?

Dr Lennox: They can access the scheme. Doug reminded me that the scheme falls within the responsibility of the Executive Office. Through the team, I am aware that part of the campaign is to extend promotion of the scheme beyond Northern Ireland to across GB and the Republic of Ireland, and they have been linking into those areas. Those groups are eligible to apply. There are some criteria around eligibility and so on, but the key message that they seek to achieve through their comms plans is to make sure that everyone is aware of the scheme. Obviously, decisions around eligibility and so on are a matter for an independent panel within the board, but the team want to promote that on the island as much as they possibly can.

Mr McNulty: What are the implications for the Department of Justice of yesterday's High Court ruling that the Northern Ireland legacy Act is not compatible with European Court of Human Rights legislation?

Dr Lennox: Responsibility for that falls to another part of the Department. I am not in a position to comment.

Ms Brown: I already covered that. I said that we would take it away and come back to the Committee.

The Deputy Chairperson (Miss Hargey): Do you hear that, Justin?

Mr McNulty: Yes. Does anyone else have a position on that?

Ms Brown: I already covered it.

The Deputy Chairperson (Miss Hargey): We will come back to that with the division that deals with those matters. It will come back with an update for the Committee on your question.

Mr McNulty: OK. Thank you, Chair.

Mr Bradley: I will be brief. Thank you very much for your presentation. As a new member of the Committee, I have found it a very informative afternoon. I have an easy question for John about AccessNI. First, someone who is working with a sports club and a community association needs two AccessNI checks. Do you not keep on record somebody's profile to make that easier for them? Secondly, if a sports club has five or six coaches all needing to go through AccessNI, can they be processed at the one time?

Mr Napier: First, it is very much an individual thing and relates to the specific time and the specific role that you are doing. We work very closely with large sports clubs, but the scheme, by its very nature, is individual, and checks are done at the time of application. That is why it is done that way. We are engaging with the Disclosure and Barring Service, which is introducing a new system. Hopefully, that will allow us to look at updating to a speedier way of doing it. The process, Maurice, is, effectively, almost like an MOT: it is done when you apply for it. That is why it is very much focused on an individual.

Mr Bradley: Perfect. Thank you very much.

The Deputy Chairperson (Miss Hargey): Nobody else wants to come in. I have a couple of questions for you. Paul, given the legal aid judicial review, I imagine that the Committee will want you to come back on the whole process. I imagine that we will want you, Steven, to come back on access to justice, particularly with the reviews and so on that will be ongoing. Is there a timeline for the judicial review?

Mr Andrews: Not at this point. I think that the next case management hearing is this coming Monday. At this point, no timeline has been set out.

The Deputy Chairperson (Miss Hargey): No bother. I will not get into details about the issues picked up, but I know that payment times are an issue that has come up. We will come back to that.

Steven, I will build on some of the questions that were asked earlier around civil legal aid. In the call for evidence, who will you be engaging with and how will you do that engagement? I suppose that it will link into David's team to look at issues in the system that have been raised more broadly, such as equality issues, making sure that the system is representative of society, and issues around groups of social class, gender and ethnicity who find themselves disproportionately in the system. What are you doing to go above and beyond in front-facing engagement with organisations that work and advocate on behalf of those who find themselves in the system more broadly?

Mr Allison: There are two elements, Deputy Chair. We split the call for evidence into two questionnaires. One of the questionnaires is focused on the service user: the individual assisted person. The dispersal of that questionnaire will be through all the various groups that help to shape our thinking in this space. We do not have a database that will be able to access those individuals entirely, so we are asking the groups to go out. We will get responses from the groups and the organisations, and we are also hopeful that we will get individual responses from people who have been in that space.

On the question about ethnicity, the various categories, the vulnerable groups and so forth, part of the questionnaire covers that by trying to get some information there, but we have also established the equality reference group to help us to understand, to test our thinking in this space and to hear directly from organisations and individuals that represent those groups so that my team and I can understand what the problems facing access to justice are from their particular perspective. Everything that we get will be tested through those groups and that forum.

The Deputy Chairperson (Miss Hargey): Are human rights organisations involved in some of those groups as well?

Mr Allison: Yes. You can imagine that, if we were doing a statutory consultation, we would go out to all those groups. We would basically be doing that mailshot with a questionnaire to everybody whom we think will have an interest or will pass it on to somebody who will have an interest but is not on our lists. We think that it is the widest call for evidence that we can do at this point. Again, if it is not as robust as we would like, the forum will be able to tell us where else we can go and what may shape our thinking in that space.

The Deputy Chairperson (Miss Hargey): Thanks very much. David, on the corporate engagement more widely, picking up on how you regularly update who you engage with and consult, making sure that you match that back to who is using or engaging with the system, are there sections of our population who feature disproportionately? Do we have concerted or targeted programmes of engagement to meet that need? The other bit is around the pension. I know that that sits in TEO, but are there review mechanisms built into that, and, at the moment, have any challenges or implications been identified with the scheme more broadly?

Dr Lennox: The scheme has not been without its operational challenges, and we often refer to it as the gift that keeps on giving, because we did not anticipate some of the challenges. There is a formal review that is within the regulations, and that falls to the Secretary of State. That review has to be completed by 31 August this year, and that is actively ongoing. A key issue was raised by the former Victims' Commissioner: there is currently, within the regulations, a provision for backdating payments if an application is made within three years of the scheme's opening. That comes to an end on 31 August, but I know that the Victims' Commissioner, before he left office, was very much of the view that that should be extended. Currently, the scheme is due to run for five years, but he certainly thought that arguments for backdating could be made on the basis of equality in the sense that, if you apply a month after that deadline, why would you not be entitled to a backdated payment? That will be a matter for the Secretary of State, who made the regulations.

The Deputy Chairperson (Miss Hargey): Does that form part of the review that he is carrying out? Is that a consideration?

Dr Lennox: They have indicated that they will consider that as part of the review, and they have certainly written to our Minister and to TEO Ministers — I think that they have written to political parties as well — to seek their views on that. The sectoral groups have made their views known as well, and they support the previous Victims' Commissioner's view that it should be extended. Our Minister will want to respond to the Secretary of State with her views. I have not had a chance to speak to her yet, but she will respond to the review with her views. I know that the team has faced many challenges with the complexity of the scheme and, at all times, has sought not to re-traumatise those who apply to the scheme, but one of the primary challenges has been securing medical evidence. Ultimately, this is going back a long time — 50 years — and record-keeping was not what it is now.

Going back to your wider point about equality, there are probably a couple of issues. It remains an ongoing issue for us seeking to embed equality within the Department. That is the important thing. On the corporate services side, we are not involved in the direct policy development, but our message, where we can support colleagues, is that, when you are doing policy development, an equality impact assessment or an impact assessment is a core part of the process, as is making sure that you consult. I know that there are challenges in the sector with the number of consultations.

Another issue that the Committee took an interest in was the over-representation of some parts of the community in the criminal justice system, and I know that some work was done and research was commissioned through the Youth Justice Agency. Again, we are having some conversations with our criminal justice organisations and with the Equality Commission, but that is an ongoing challenge, and it is very dependent on the data that is collected at source. That tends to happen in police custody suites, which can be a challenging environment on any Friday night, but it is even more challenging to collect equality information, and there are then bigger issues around validation. We are certainly not giving up on that one. We are keeping going, but when you talk to the individual criminal justice organisations, you hear that there are local problems there. However, there is certainly more work that we can do, and we are trying to be as innovative as possible on that.

The Deputy Chairperson (Miss Hargey): Thanks very much.

John, on the estate, I have a question about regional balance in travel and all of that, hybrid working, the impact of what that is going to look like and other challenges around the hybrid-working approach, both for the staff and in implementing services, but then also the user at the other end; and then the challenges and costs associated with digitalisation, given the budgetary pressures that we are talking about; and the issue that we raised at the Finance Committee yesterday around the security of the systems and potential future threats from artificial intelligence and anything else that may be developed.

Mr Napier: I will start with the question about the estate. The Department of Justice estate strategy is heavily caveated on the NICS estate strategy, and we are plugging into that. A lot of our estate is

owned by the Department of Finance, so we are effectively just renting. Our input into that strategy is very much about aligning with it. The geographical spread of that fell out of the estate strategy, which then established a number of hubs across Northern Ireland. Those hubs were a lot of work. Their locations were very much considered against the main corridors of travel and setting them a reasonable distance from people's homes. They have been established to do that.

It is slightly different when it comes to the technology in those hubs because, effectively, in the Department of Justice, there are two different networks. The Northern Ireland government network is the one that the normal Civil Service uses, but we have a confidential network on top of that. We have done an awful lot of work to profile what is and what is not secure, to look at how we can best maximise those networks, and, in some of the centres, to ensure that there is the ability to access the more confidential system. Within my remit in terms of the estate, that work has very much involved looking at the security issues.

On artificial intelligence and technical threats, we have an information risk owners' committee in the Department, which very much looks at all the agencies and the areas that we affect. We also look at it from an NICS-wide perspective and sit on those issues. It is fast-moving, but that is why we have the specialisms and why we have established how we deliver IT across all the major programmes in the way that we do. It is important that we take best practice from what is happening in prisons and courts and make sure that we use all that skill to drive our IT strategy.

We also link very heavily with Enterprise shared services. That is run by DOF, and it provides a lot of the IT stuff, but we are much more focused, from a DOJ perspective, on the design of those systems and supporting them, and on making sure that there are all the necessary considerations. We then feed back, effectively to DOF, to make sure that the appropriate security controls are in place. I chair the risk information assurance committee for the NICS, which looks at the level below and is about saying, "OK, it's secure, but let me go through the controls that are there. How robust are those controls?" That is a bit of work that I do on behalf of the NICS.

The Deputy Chairperson (Miss Hargey): Nobody else has indicated that they want to ask a question, so you are free to go. I am sure that we will get you back individually or, at some point, collectively. Thanks for your time today.