



House of Commons
Northern Ireland Affairs
Committee

**The work of the
Committee in 2004**

Fourth Report of Session 2004–05

Report and appendices

*Ordered by The House of Commons
to be printed 19 January 2005*

The Northern Ireland Affairs Committee

The Northern Ireland Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Northern Ireland Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel).

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Mr Michael Mates, MP (*Conservative, East Hampshire*) (Chairman)
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Mr Roy Beggs, MP (*Ulster Unionist Party, East Antrim*)
Mr Tony Clarke, MP (*Labour, Northampton South*)
Mr Iain Luke, MP (*Labour, Dundee East*) (Added 20 October 2003)
Mr Eddie McGrady, MP (*Socialist Democratic Labour Party, South Down*)
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Mr Gregory Campbell, MP (*Democratic Unionist Party, East Londonderry*)
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Mr Hugo Swire, MP (*Conservative, East Devon*)
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Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/parliamentary_committees/northern_ireland_affairs.cfm. A list of Reports of the Committee in the present Parliament is at the back of this volume.

Committee staff

The current staff of the Committee are Dr John Patterson (Clerk), Hugh Farren (Attached Clerk), Dr Aileen O'Neill (Committee Specialist), Tony Catinella (Committee Assistant), Camilla Brace (Secretary).

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Introduction

1. This report reviews the work of the committee, and the recently established Northern Ireland Affairs Sub-committee, since the publication of our last annual report, *The Committee's work in 2003*.¹ Our progress is discussed under headings which reflect the 'core tasks' for select committees issued by the Liaison Committee in 2002.

2. This year witnessed a strong effort by the governments of the United Kingdom and the Republic of Ireland, and others, to enable the resumption of devolved government in Northern Ireland.² While final success has proved elusive so far, we are heartened by the continuing commitment of those involved in the talks to achieve a settlement. Agreement must be reached if political and social development in Northern Ireland is to continue and the promise of peace is to be fulfilled. Those involved must continue their efforts to achieve a sustainable agreement which will enable the speedy resumption of devolution.

3. In 2004 this committee has sought to meet the challenge of the continued suspension of devolved government by deepening and broadening the scope of its work, as described in the following paragraphs. The pace of our activity has increased, as has the public profile of the committee. The examples of our work set out below are intended to illustrate the diverse approaches we have taken to our scrutiny role and the way in which we have sought to make a positive contribution to key aspects of policy and administration in Northern Ireland.

Sub-committee—better scrutiny of devolved matters

4. The committee has had the additional responsibility of scrutinising the work of the Departments of the Northern Ireland Executive since the Northern Ireland Assembly's suspension in October 2002. Much of this work in 2003 (though not all) was conducted by correspondence with departments which, while useful, lacked the impact of full select committee scrutiny.³ Consequently, **in January 2004, we appointed a Sub-committee under the chairmanship of Mr Tony Clarke, Member for Northampton South, to consider matters that had fallen previously within the remit of the Northern Ireland Assembly.** The Sub-committee comprises all members of the main committee.⁴

5. The Sub-committee has lost no time in getting to work, and its efforts have already borne fruit in the publication in October 2004 of a major report on *Social Housing Provision in Northern Ireland* which, building on scrutiny work undertaken previously by the Northern Ireland Assembly, warns of an impending crisis in social housing if urgent action is not taken to redress the imbalance in housing supply and demand.⁵ **The Sub-**

1 Northern Ireland Affairs Committee, First Report of Session 2003-04, *The Work of the Committee 2003*, HC146

2 *Proposals by the British and Irish Governments for a Comprehensive Agreement*. The full text may be found on the website of the Northern Ireland Office at <http://www.nio.gov.uk/media-detail.htm?newsID=10614>

3 HC 146, para 21

4 Northern Ireland Affairs Committee, *Minutes of Proceedings 2003-04*, HC1311. The day to day work of the Sub-committee has been administered by a Northern Ireland Assembly clerk attached to our clerking secretariat

5 Northern Ireland Affairs Committee, Sixth Report of 2003-04, *Social Housing Provision in Northern Ireland*, HC493, para4

committee's major report into *Social Housing Provision in Northern Ireland* is an example of the way in which we are seeking, where appropriate, to take account of the priorities of the Northern Ireland Assembly, and its committees, in carrying forward our own scrutiny work of devolved areas of government. The Sub-committee is working currently on two policy inquiries, *Waste Management Strategy in Northern Ireland*, and *Air Transport Services in Northern Ireland*.

6. The Sub-committee also conducted two short but penetrating examinations of Northern Ireland Departments. In the first, Department of Education officials were examined on the Future post-primary education arrangements in Northern Ireland.⁶

7. In the second, the Permanent Secretaries of the Departments of Finance and Personnel, and Social Development, were required to account for significant failures in the 2002-03 resource accounts of these departments noted in a recent report by the Comptroller and Auditor General for Northern Ireland.⁷ The Sub-committee confirmed levels of fraud and error totalling £120.9 million in the benefit programmes administered by the Department of Social Development (£112.3 million in 2003-04); the loss of potential savings amounting to £2 million in purchasing consultancy services throughout Northern Ireland Departments; and serious flaws in the Child Support Agency's computer systems. The committee was sufficiently alarmed to report to the House of Commons in January 2005 on *Northern Ireland Departments' 2002-03 Resource Accounts* recommending urgent remedial action.⁸ **Building on the work of the Comptroller and Auditor General for Northern Ireland, the Sub-committee's inquiry into the resource accounts of Northern Ireland Departments has highlighted serious flaws in the financial administration of Departments' resource accounts which must be corrected.**

8. **The appointment of a Northern Ireland Affairs Sub-committee has enabled us to scrutinise devolved government in Northern Ireland more effectively than before. We consider that the results achieved by it in systematic and targeted scrutiny of Northern Ireland Departments has justified the decision to set it up. As we pointed out last year, the scale of our effort on devolved matters cannot match the resources of the Northern Ireland Assembly,⁹ but we hope that the scrutiny of devolved matters conducted by the Sub-committee will provide a sound basis for the work of the Assembly when it resumes.¹⁰**

6 Northern Ireland Affairs Committee, *Future post-primary education arrangements in Northern Ireland*, Minutes of Evidence and Appendix, HC 616-i

7 Northern Ireland Audit Office, *Financial Auditing and reporting: 2002-2003, General Report by the Comptroller and Auditor General for Northern Ireland*, June 2004, HC 673

8 Northern Ireland Affairs Committee, Third Report of 2004-05, *Northern Ireland Departments' 2002-03 Resource Accounts*, HC 173

9 HC 146, para 22

10 We acknowledge the assistance of the House of Commons Committee Office Scrutiny Unit and the Northern Ireland Assembly Research and Library Service in our work. The appointment of a Committee Specialist was made to the committee's Clerking Secretariat for the first time in January 2004. We have benefited from advice on media matters from our Select Committee Media Officer

Inquiries

9. In the past twelve months we have worked on fourteen inquiries, of which eight have been completed, a higher work rate than in 2002 and 2003.¹¹ **Northern Ireland Office Ministers have given oral and/or written evidence to all enquiries.** The classification of these inquiries, in accordance with the core tasks, is set out in the table below (Sub-committee enquiries are marked with an asterisk):

	Implementation of legislation/major policy initiatives	Follow-up to previous inquiries	Pre-legislative scrutiny	Scrutiny of associated public bodies	Administration and Accounts of Northern Ireland Executive
The separation of paramilitary prisoners at HMP Maghaberry	✓ Report published February 2004				
Introduction of the Aggregates Levy in Northern Ireland: one year on		✓ Report published March 2004			
The Compensation Agency				✓ Report published May 2004	
'Hate Crime': the Draft Criminal Justice (Northern Ireland) Order 2004			✓ Report Published May 2004		
'Hate Crime' in Northern Ireland	✓				
Social Housing Provision in Northern Ireland*	✓ Report published October 2004				
Electoral Registration in Northern Ireland		✓ Report published December 2004			
The Parades Commission and the Public Processions (Northern Ireland)	✓ Report published January 2005				

11 2003: inquiries started, eight, reports of inquiries published, four; 2002: inquiries started five, reports of inquiries published, two. HC 146, para 2, and Northern Ireland Affairs Committee, Second Report of Session 2002-03, *Annual Report 2002*, HC 271, para 2. The total of fourteen does not take account of the single session of evidence taken on the *Future post-primary education arrangements in Northern Ireland*, see para 6 above

Northern Ireland Departments' 2002-03 Resource Accounts*					✓ Report published January 2005
The Functions of the Police Ombudsman for Northern Ireland				✓	
The Functions of the Northern Ireland Policing Board				✓	
Waste Management Strategy in Northern Ireland*	✓				
Air Transport Services in Northern Ireland*	✓				
'Reconciliation': ways of dealing with Northern Ireland's past	✓				

Value of follow up—'Aggregates'

10. In our first report of the current Parliament, *Introduction of the aggregates levy in Northern Ireland*,¹² we pointed out that this environmental tax, intended to discourage quarrying and encourage aggregate recycling, was unlikely to operate satisfactorily in Northern Ireland because of the availability of a levy-free source of aggregates in the Republic of Ireland. This meant that the straightforward choice to consumers elsewhere in the UK of paying the levy or tax free recycling would be undermined in Northern Ireland. While the Government agreed to phase in the tax in Northern Ireland over five years in an effort to meet these concerns, it quickly became apparent that the predictions in our report were being borne out.

11. When we reopened the inquiry in the summer of 2003, Mr John Healey, the Economic Secretary to the Treasury, admitted that the tax was unlikely to meet its environmental objectives in Northern Ireland,¹³ and in his pre-Budget statement on 10 December 2003 the Chancellor of the Exchequer announced details of a proposed new scheme which would require State Aid approval from the European Commission in which the relief would be extended from processed to virgin aggregates and frozen at 80% for ten years.¹⁴ Approval

12 Northern Ireland Affairs Committee, First Report 2001-02, *Introduction of the aggregates levy in Northern Ireland*, HC 337

13 HC 146, para 9

14 HM Treasury, *Pre-Budget Report*, December 2003, Cm 6042, page163

from the European Commission was sought by the Government in January 2004, and in our report *Introduction of the Aggregates Levy in Northern Ireland: one year on* in March 2004, we urged the European Commission to consider the Government's case as a matter of urgency so that there should be no break in the level of relief available on 1 April when the current level of relief was due to drop from 80% to 60%.¹⁵ We were able to press this matter with officials from the Directorate-General for Taxation and Customs Union, during a visit to the European Commission a few days later in March. The European Commission notified the Government on 7 May 2004 of its substantive agreement to the latter's proposal for an extension of the present arrangements to 31 March 2011 and backdated to 1 April 2004.

12. In its response to the Committee's report on *Aggregates*, the Government acknowledged that "the Committee's helpful support and encouragement [had] been an important spur to the development and implementation of a new [aggregates levy relief] scheme" for Northern Ireland,¹⁶ and in correspondence with us the Economic Secretary to the Treasury stressed that the committee's support had been "very helpful in securing this successful outcome".¹⁷ We are pleased that our sustained interest in this important subject over a number of years, together with raising the matter directly with officials of the European Commission at the point of decision, has contributed to a successful outcome for Northern Ireland.

Value of follow up—'PEACE II'

13. PEACE II, on which we reported last year,¹⁸ is a European structural fund programme for Northern Ireland and the Republic of Ireland designed to channel support to community groups and reconciliation initiatives promoting economic and social development in disadvantaged areas, and which was due to finish in 2004. It has been worth £366 million (with UK government matched funding) to Northern Ireland over that period.¹⁹ Our inquiry uncovered a number of serious flaws in the administration of the programme including: overly complex application forms; the lack of support to applicant local groups; the length of time taken to process funding applications, multiple audits; and the poor uptake of available financial resources. In addition, any measures to continue support after the scheduled close of the programme in 2004 had yet to be agreed by the government and the European Union.

14. In following up progress on the initiatives for administrative improvements set out in the government's response to our report,²⁰ we held informal discussions with Mr Ian Pearson, Parliamentary Under-Secretary and Minister responsible for Europe, the Special European Union Programmes Body (SEUPB) which manages PEACE II, and community

15 Northern Ireland Affairs Committee, Third Report of Session 2003-04, *Introduction of the Aggregates Levy in Northern Ireland: one year on*, HC 395

16 Northern Ireland Affairs Committee, Fourth Special Report of Session 2003-04, *Introduction of the Aggregates Levy in Northern Ireland: one year on - The Government's Response*, HC 666, page 1

17 Letter of 7 May 2004

18 Northern Ireland Affairs Committee, Seventh Report of Session 2002-03, *Peace II*, HC653-I

19 HC 653-I, para 1

20 Northern Ireland Affairs Committee, Seventh Special Report of Session 2002-03, *Government Response to the Committee's Seventh Report on Peace II*, HC 1077, para 10

representatives in February 2004. The SEUPB told us that administrative improvements had been made; the funding application form shortened and the language made more transparent; the small grants application form had been shortened; delivery standards had been established; appropriate monitoring had had been maintained but made less onerous; and, with the help of the programme implementing bodies, the uptake of available funding had improved. The Minister spoke encouragingly about support for a Peace programme after the cessation of PEACE II in 2004. While acknowledging the administrative improvements, the community representatives considered that further improvements could be made. A major concern remained the scheduled closure of the programme in 2004 which threatened the future of many valuable community projects.

15. The future of the PEACE programme continued to remain unclear in early 2004, and we met M. Michel Barnier, European Commissioner for Regional Policy, and senior officials, in Brussels in March 2004 in order to lay out our concerns. The Commissioner adopted an optimistic approach to the future of PEACE II in response to our points, and this was reflected fully in the announcement in October that the European Commission had adopted proposals to extend the PEACE programme in 2005 and 2006.²¹ As we agree this report, we understand that the European Parliament will be invited to give final approval to this extension of the PEACE programme, and the sum available from the European Union for the programme in 2005 and 2006 is likely to be EUR 108 million.²² We wish to take this opportunity to thank M. Barnier and his officials for receiving us warmly and for taking note of our views.

16. We consider that our report on the PEACE II programme of structural funds, taken with our sustained efforts to follow up the administrative shortcomings in the programme and uncertainties about its future with the government, SEUPB, and community groups, and in Brussels directly with the European Commissioner responsible for Regional Policy, contributed materially to securing a more effective uptake of PEACE II funding, much needed administrative improvements, and European Commission support for an extension to the programme in 2005 and 2006.²³

Seeking a faster policy response from government—‘Parades’

17. In 2001 the government appointed Sir George Quigley to conduct a review of the Parades Commission and its underpinning legislation, the Public Processions (Northern Ireland) Act 1998. His report issued for public consultation in 2002 and recommended significant changes to the present arrangements for parades in Northern Ireland.²⁴ Our report on parades concludes that the Parades Commission has shown some success in reducing the level of contentious parades under extremely difficult circumstances, but that while specific improvements in the operation of the Commission are necessary, we consider that radical change now may place further steady progress at hazard.²⁵

21 European Union, Regional Policy Newsletter No 128, November 2004, ‘Northern Ireland/Ireland: Peace 2005-06’

22 £76 million at exchange rate of 1 GBP = EUR 1.419. The European Community contribution attracts UK matching funding of 25%

23 See Appendix 2

24 Sir George Quigley, *Review of the Parades Commission and Public Processions (Northern Ireland) Act 1998*

25 Northern Ireland Affairs Committee, Second Report of Session 2004-05, *The Parades Commission and the Public Processions (Northern Ireland) Act 1998*, HC 172

18. We launched our inquiry into the Parades Commission in September 2003 partly out of concern that there had been no government response to Sir George Quigley's report. Indeed, more than two years have passed since it was issued for consultation and, despite the Minister indicating to us in evidence in April 2004 that the government intended to issue a response for consultation in the Autumn,²⁶ none has been forthcoming. While we understand that the Northern Ireland Office would now wish to take account of our inquiry, our work was begun nine months after the issue of the Quigley report, sufficient time for the government to have responded.

19. We understand fully the sensitivity of the parades' issue in Northern Ireland, and the competing pressures on Ministers and officials, particularly in pursuing a resolution to the currently stalled devolution process. We also appreciate the importance of avoiding any rush to judgement on this sensitive subject. However, the failure of the government to engage in a timely fashion with so important an issue has given the impression of a lack of leadership and has been disappointing. We hope that this uncharacteristic delay will not be repeated, and that the government will now respond to the important issues raised in Sir George Quigley's report on parades.

Uncovering the challenges of diversity—'Hate Crime'

20. It is all too easy to see Northern Ireland solely in terms of the 'Troubles' and their aftermath. While the problems associated with Northern Ireland's difficult past remain, the social fabric of Northern Ireland is constantly changing and throwing up new, if related, challenges. Ethnic and sexual diversity is an important feature of Northern Ireland society, and the needs of people with disabilities must not be overlooked.

21. In response to a reported increase in crimes and incidents motivated by hatred within and between communities we announced a major inquiry into '*Hate Crime*' in Northern Ireland in February 2004. As our inquiry has proceeded, the extent of the problem of hatred associated with the challenges of a diverse society has become clearer. We have taken evidence from a wide range of organisations representing ethnically, sexually, and religiously discrete groups whose representatives have left us in no doubt about the barriers to integration and the sense of isolation and alienation frequently experienced by members of their communities. In addition to the more conventional means of obtaining evidence, we asked the Hansard Society to organise a consultation for us 'on-line', and this has enabled us to gather some interesting contributions.

22. We have yet to report on the substance of our inquiry into '*Hate Crime*' in Northern Ireland, but it is already evident that the actual extent of such crime has to a considerable extent been masked, and that it requires to be restated in terms which reflect the diversity of Northern Ireland's society in the 21st century. While much of the evidence we have listened to in the course of this inquiry has been profoundly shocking, we are pleased that our work has helped to raise the profile of this issue, and to have been able to afford some of those who have suffered grievous abuse an opportunity to express their hurt. Building a positive and integrated society in Northern Ireland

presents a major, continuing challenge to the government, and to all members of civil society.

Pre-legislative scrutiny—‘Hate Crime’

23. Immediately prior to the announcement of our inquiry into ‘Hate Crime’ in Northern Ireland, the government published its proposal for a draft Criminal Justice (Northern Ireland) Order containing proposals to “deal with crimes based on hostility of race, sectarianism, and sexual orientation”.²⁷ While welcoming the thrust of the government’s proposal, we decided to subject it to detailed scrutiny.²⁸ We took evidence on 14 May and reported quickly on 21 May 2004.²⁹

24. People with disabilities were not covered in the proposed ‘Hate Crime’ draft Order, but in the course of our inquiry we received powerful formal evidence that they are a major focus of precisely this form of discrimination. We also received a memorable presentation in Northern Ireland hosted by Disability Action, and attended by the representatives of many disabled support groups who spoke movingly of the wide variety of attacks on their members. We were not impressed with the government’s original reasons for exclusion which were based on a view that crime against those with disabilities was opportunistic.³⁰ We also noted that the position adopted in the proposed Order for Northern Ireland was at variance with the protection afforded to people with disabilities in England and Wales, which carried the perception that people with disabilities in Northern Ireland were less deserving of specific protection than those on the mainland.

25. The government accepted our recommendation that the proposed draft Order to deal with ‘Hate Crime’ should be amended to afford the same protection to people with disabilities as for crimes based on hostility of race, sectarianism and sexual orientation.³¹ The Committee’s scrutiny of this important draft legislation has ensured that a highly vulnerable group received appropriate legal protection. We were also able to give this task appropriate priority, in order to keep in step with the government’s legislative timetable, as acknowledged by the government in its response to our report.³² This is the second consecutive year in which our intervention has secured improvements to proposed legislation.³³ In both cases the government has sought to provide us with adequate time in which to conduct a scrutiny exercise and we acknowledge this co-operation.

27 Explanatory Memorandum, *Proposal For A Draft Criminal Justice (Northern Ireland) Order 2004*, Northern Ireland Office, 9 February 2004, Part 1

28 Explanatory Memorandum, *Proposal For A Draft Criminal Justice (Northern Ireland) Order 2004*, Northern Ireland Office, 9 February 2004, Part 1

29 Northern Ireland Affairs Committee Fifth Report of Session 2003-04, *‘Hate Crime’: the Draft Criminal Justice (Northern Ireland) Order 2004*, HC 615

30 HC615, para13

31 Northern Ireland Affairs Committee, Fifth Special Report of Session 2003-04, *‘Hate Crime’: The Draft Criminal Justice (Northern Ireland) Order 2004 – Government Response*, HC 954. The Criminal Justice (No 2) (Northern Ireland) Order 2004 (2004 No.1991 (N.I.15) was made on 24th July 2004 and came into operation on 28 September 2004

32 HC954, page2

33 The proposed draft Firearms (Northern Ireland) Order, HC 146, para10

Operation of the Northern Ireland Acts 1998 and 2000

26. Our report on the committee's work in 2003 set out in detail our unease that, during the suspension of the Northern Ireland Assembly, the government has chosen to process Orders in Council on 'reserved matters'³⁴ using the provisions of the Northern Ireland Act 2000, thereby avoiding the normal statutory two month consultation period before such Orders are laid as provided for by Section 85 of the Northern Ireland Act 1998.³⁵ The 'Hate Crime' Order discussed in the preceding paragraphs was made under the provisions of the 2000 Act, despite falling within the 'reserved' area of criminal justice. It is the government's view that Section 85 of the 1998 Act applies only when the Assembly is "up and running", and that while Section 85 could be made to work during the suspension of the Assembly by disapplying those subsections which refer to the Assembly, it would be inappropriate to use it in this way "when an alternative is available on the form of the 2000 Act".³⁶ However, it remains our view that the 2000 Act procedures do not offer a valid alternative precisely because it contains no statutory consultation period for draft legislative proposals covering 'reserved matters'.

27. We welcome the Secretary of State for Northern Ireland's commitment to provide twelve weeks for consultation of draft Orders in Council, though we note that commitment is less than absolute, and we recognise the effort he has made in practice to provide time for pre-legislative scrutiny.³⁷ But this is not an adequate substitute for applying the statutory right of scrutiny to 'reserved matters' provided for in section 85 of the 1998 Act. **Draft Orders in Council for Northern Ireland, in substance the equivalent of English and Scottish primary legislation, are treated procedurally as secondary legislation and therefore already receive less scrutiny than legislation proposed for England and Wales. The government's practice of processing Orders on 'reserved matters' under the 2000 Act - which enables the government, if it so chooses, to put Northern Ireland legislation through the UK Parliament without consultation in draft, or the opportunity to amend a draft Order once formally laid- represents an unwelcome weakening of the opportunity for Parliamentary scrutiny. We continue to believe that, particularly while the devolved institutions remain suspended, the present position is unsatisfactory and that the administrative convenience of the Northern Ireland Office is taking precedence over procedural propriety. If there are minor flaws in the Northern Ireland Acts 1998 and 2000 which appear to prevent the full operation of Parliamentary scrutiny as intended, these should be corrected with no further delay.**

Post-legislative scrutiny—'Electoral Registration'

28. The Committee began a new inquiry in 2003 into Electoral Registration in Northern Ireland to follow up its previous report into Electoral malpractice, and the subsequent

34 " 'Reserved matters' under the Northern Ireland Act 1998 are policy areas which are currently retained by the government for handling at Westminster but which it expects to devolve to the Assembly at a future date; they include criminal justice and policing.", HC 146, para 12

35 HC 271, paras 5-11 and HC146, paras 11-20

36 Northern Ireland Affairs Committee, Second Special Report of Session 2003-04, *Work of the Committee in 2003 - Government's Response*, HC 510, page 2

37 HC 510, page 1

introduction of the Electoral Fraud (Northern Ireland) Act 2002.³⁸ Our inquiry was focused in particular upon the electoral registration process and the effectiveness of the anti-fraud measures brought in by the 2002 Act before and after the Assembly elections scheduled for May 2003. In the event, these elections were postponed and took place on 26 November 2003 and we resumed our work in 2004.³⁹ We concluded that the 2002 Act appeared to be working well in reducing levels of electoral fraud but that one major initiative which had contributed to this reduction (the abolition of the so-called ‘carry-forward’ mechanism by which the names on the electoral register remain on it automatically for one year) had had the unintended effect of contributing to the steep and progressive decline in the numbers of voters appearing on the register over recent years.⁴⁰ We considered that, unless checked quickly, this decline would threaten the integrity of the electoral system in Northern Ireland.⁴¹

29. Just prior to the publication of our report, Mr John Spellar, Minister of State at the Northern Ireland Office, issued a written statement in the House of Commons in which he highlighted the problem of the decline in the Northern Ireland electoral register and indicated that the government intended to introduce legislation “if parliamentary time allows” to permit the chief electoral officer to reinstitute ‘carry forward’ as a temporary measure.⁴² The government has yet to respond to our report on electoral registration, and if ‘carry forward’ is reintroduced we shall look with interest to see what effect it may have on the levels of electoral fraud. The electoral system is a complex but crucial aspect of the democratic process. It is fundamental to the normalisation of life in Northern Ireland that electors have complete confidence in the integrity of that system. Our report on *Electoral registration in Northern Ireland* is intended to contribute to the process of ensuring that there is an electoral system of excellence operating in Northern Ireland. More generally, the report demonstrates the usefulness of targeted and timely post-legislative scrutiny.

Inquiries into associated public bodies of the Northern Ireland Office

30. This year we have made a particular effort to scrutinise two relatively new bodies which are a crucial parts of the new policing arrangements for Northern Ireland, the Police Ombudsman for Northern Ireland and the Northern Ireland Policing Board, and shall be to reporting on both shortly. These bodies are operationally independent of the Northern Ireland Office but receive funding from it.⁴³ We paid informal preliminary visits to both prior to taking formal evidence, and we wish to thank Mrs Nuala O’Loan, the Police Ombudsman for Northern Ireland, and Professor Sir Desmond Rea, Chairman of the Northern Ireland Policing Board, for helping to make our visits worthwhile. The Police Ombudsman for Northern Ireland and the Northern

38 Northern Ireland Affairs Committee, Second Report of Session 1997-98, *Electoral Malpractice in Northern Ireland*, HC 316

39 We published the minutes of evidence from our initial hearing in 2003 as HC 619-i

40 Northern Ireland Affairs Committee, First Report 2004-05, *Electoral Registration in Northern Ireland*, HC131, para 43

41 HC 131, para 19

42 HC Deb, 30 November 2004, col 28WS

43 Both bodies are classed as non-departmental public bodies, Northern Ireland Office, *Departmental Report 2004*, Cm6229, April 2004, page 3

Ireland Policing Board are important parts of the new policing architecture which has been put in place for Northern Ireland, and which is designed to ensure the delivery of an excellent, modern police service to the people of Northern Ireland. Our inquiries into these bodies are separate. However, by scrutinising them at broadly the same time, we hope to capture a more complete picture of progress in important aspects of policing than would otherwise have been possible.

31. In May 2004 we published a report into The Compensation Agency which was set up in 1992 to administer compensation schemes for the victims of terrorism and other violent crimes, and those who suffer loss as a result of action under the emergency provisions legislation.⁴⁴ The possible loss to public funds of £5 million as a result of the abuse of the Terrorism Act compensation schemes was amongst the problems we uncovered. However, the Agency is taking steps to tighten procedures, and this is welcome. We are highly conscious of the acute suffering of the victims of terrorism over the past 30 years in Northern Ireland. It is through the work of The Compensation Agency that the pain and suffering of victims may receive some tangible recognition. It is vital that the Agency's procedures are as flawless as possible. We intend to follow up this inquiry to ensure that the Agency continues its programme of improvements.⁴⁵

Looking forward—'Reconciliation'

32. We announced our inquiry, *Reconciliation: ways of dealing with Northern Ireland's past*, in November 2004. This was, in part, a continuation of our determination to ensure that the needs of the victims of terrorism in Northern Ireland are neither forgotten nor overlooked. It was also a response to the Prime Minister's call earlier in 2004 to seek "ways of dealing with the past which recognise the pain, grief and anger connected with it but which also enables it to build a better future for the next generation."⁴⁶ The government has welcomed our inquiry warmly. The response we have had to date from individuals and organisations in Northern Ireland and elsewhere has been substantial, with contributions being received at approximately three times the rate for previous inquiries. We have extended the original deadline for the receipt of memoranda.

33. The complexity of an inquiry into 'reconciliation' in Northern Ireland requires a distinct approach. We envisage this as a process in which key areas are considered and reported upon separately, rather than a single, all-encompassing inquiry. We have therefore decided to hear first from victims and victims' groups. We hope that this work will provide the opportunity for all those who wish to engage with us to contribute positively to strengthening the process of peace in Northern Ireland.

Departmental administration and expenditure

34. As last year, we have carried out our examination of *the Departmental Annual Report 2004* by correspondence. Our detailed questions to the Northern Ireland Office, and the

44 Northern Ireland Affairs Committee, Fourth Report of Session 2003-04, *The Compensation Agency*, HC 271. *The Compensation Agency* is an Executive Agency of the Northern Ireland Office, *Departmental Report 2004*, page 3

45 See Appendix 2

46 Secretary of State for Northern Ireland's statement to the House of Commons on 27 May 2004. HC Deb, 27 May 2004, Col 91WS

Department's responses, are reproduced at *Appendix 1*. We wish to highlight the following points:

Departmental Report format

- We had occasion last year to criticise strongly the standard of proof reading which had led to a substantial level of error and confusion in the Departmental Annual Report 2003.⁴⁷ **In his response to our report the Secretary of State for Northern Ireland undertook to ensure that “Careful proof-reading will be a priority for the office in the production of the 2004 Departmental Report.”⁴⁸ We are pleased to report that, while not flawless,⁴⁹ the standard of proof reading in the Annual Report for 2004 is much higher than in 2003.**
- Last year we commented adversely on the variation in quality and quantity of the information provided by the NIO's offices, agencies and NDPBs for insertion in the Departmental Report, and noted that “it should be possible to agree a basic template requiring these organisations to report a brief summary of their role, their objectives, their actual performance against key targets and the financial outturns.⁵⁰ **The Department stated in 2003 that it was “providing the NDPBs and Agencies with a template to standardise the format of the Report”.⁵¹ However, we are concerned that the scope of information in the Departmental Report 2004 on certain of the Department's associated bodies appears to have been reduced in 2004.** This is reflected in the length of certain entries. For example, the Compensation Agency entry has reduced from three pages in the *Departmental Report 2003* to one in the 2004 *Report*; and the Police Ombudsman for Northern Ireland's entry has reduced from eight paragraphs to two, comprising only the most basic information. **The reader of the Departmental Report 2004 will receive relatively little information about the effectiveness of certain of the Department's key associated bodies. This continues to be a flaw in the Report format. We recognise the complexity of the annual reporting exercise, but to be worthwhile the result must be a document setting out clearly what has been achieved by all these key bodies.**

Targets for service standards - Ministerial correspondence

- It is disappointing that the Northern Ireland Office has missed its target of replying to Ministerial correspondence for the third year in succession and lies thirteenth out of seventeen Whitehall departments reporting on this target (68.79% of replies within target time in 2003).⁵² We note that the NIO's deadline for replies is 10 days which is more demanding than many departments. It is not clear to us why there should be a

47 HC 146, para 23

48 HC 510, page 1

49 The Department has clarified that the key to Chart 14.2 on page 88 of *Departmental Annual Report 2004* is incorrect in showing that the Police Service of Northern Ireland made up only 3% of the files received by the Director of Public Prosecutions. The figure should have been 69%

50 HC 146, para 23

51 HC 510, page 3

52 *Departmental Report 2004*, page 18. The percentages for 2001 and 2002 were 49% and 59% respectively, *Northern Ireland Office 2002 Departmental Report*, Cm 5432, June 2002, page31; *Northern Ireland Office 2003 Departmental Report*, Cm 5929, May 2003, page 29

variation in the targets across departments, and exactly why the NIO is failing consistently to meet its target. **The Department has improved its performance recently in meeting its target for answering Ministerial correspondence, but over 30% of replies fail currently to issue within the deadline set and further improvement is required.**

Forensic Science Northern Ireland

- The UK Accreditation Service withdrew accreditation from the Forensic Science Northern Ireland (FSNI) in May 2003. We note that the re-accreditation assessments covering key aspects of FSNI work including, DNA, Firearms, and Specialised Fingerprint Unit, were due in December 2004; and that remaining areas of work are to be brought “into re-accreditation” in 2005. **We hope that re-accreditation was achieved in the assessments scheduled for December 2004, and to see Forensic Science Northern Ireland achieve full re-accreditation in 2005.**

NIO Efficiency target

- The Treasury’s Spending review 2004 calls for savings of at least 2.5% annually from government departments. The NIO has agreed to achieve savings of £90 million by 2007-08, and has told us that it has “embarked on an ambitious efficiency programme”.⁵³ However, it appears that the Department’s gross administrative costs are set to increase by 9% on the previous year in both 2004-05 and 2005-06. **Against those projections, we shall look with interest at the progress which the Department makes in achieving its efficiency target.**
- **We initiated in 2002 a system for the Department to update the committee about its activities at regular intervals.**⁵⁴ This has proved an extremely useful aid to scrutiny by alerting us, in advance, to a wide range of work in progress across all parts of the NIO and the Northern Ireland Departments. We acknowledge the co-operation of officials of the NIO and the Northern Ireland Departments in providing these reports to us to time, and for responding promptly to a number of ad hoc requests throughout the year.
- **In general, the timeliness of the government’s responses to our reports has been satisfactory. Two responses were received over one week late.**⁵⁵

Review of recommendations

35. In our review of the Government’s performance on our past recommendations, we this year decided to seek updates on seven key reports published since Session 2000-01 covering, *Relocation Following Paramilitary Intimidation*, *Forensic Science Northern Ireland*, *The Illegal Drugs Trade and Drug Culture in Northern Ireland: Interim Report on Cannabis*, *The Illegal Drugs Trade and Drug Culture in Northern Ireland*, *Peace II*, *The*

53 Appendix 1. HM Treasury, *Spending Review 2004*, Cm 6237, page 16; *ibid*, Table 2.1, page 16

54 HC 271, para19

55 Northern Ireland Affairs Committee, Third Special Report of Session 2003-04, *The Separation of Paramilitary Prisoners at HMP Maghaberry: Government’s Response to the Committee’s Second Report of Session 2003-04*, HC 583; and *Introduction of the Aggregates Levy in Northern Ireland: one year on The Government’s Response*, HC 666

separation of paramilitary prisoners at HMP Maghaberry, and *The Compensation Agency*.⁵⁶ The government's memorandum is printed as *Appendix 2*.

36. We sought updates from the government on a number of recommendations in past reports. We shall be considering these in detail in due course, but are pleased to note the evidence of considerable recent policy activity across all the areas on which we reported, in particular: proposed legislation giving the police powers to require motorists suspected of committing offences while under the influence of drugs is proposed for 2005; the prospect of a proportion of criminal assets seized in Northern Ireland being used there; and, that PEACE II expenditure targets (N+2) for 2003 and 2004 have been met.

Other

Visits

37. Reference has already been made to the value of our visit to Brussels in March 2004 in enabling us to follow up our work on the *aggregates relief scheme* and the *PEACE II* programme.⁵⁷ We paid a valuable visit to the charity *Children for Peace* based at the Peace Centre, Warrington in connection with our work on 'Hate Crime'. We wish to take this opportunity to thank Colin and Wendy Parry, and the staff of the centre, for their detailed presentation on the valuable work for peace which the Centre is undertaking with young people.

38. We consider it very important to conduct as much of our business as possible in Northern Ireland. This is particularly so in the case of the Sub-committee whose remit covers devolved matters. Our visits to Northern Ireland usually last two days during which we are able to conduct a broader range of work than would be possible at Westminster.⁵⁸ For example, during our visit on 13 and 14 September 2004, we held three formal evidence sessions of several hours on our major inquiry into '*Hate Crime*' in Northern Ireland during which we heard from 33 witnesses, and also held three informal briefings on separate subjects. The Sub-committee has made a point of meeting outside the greater Belfast area, and has taken evidence in relation to all three of its major policy inquiries in Londonderry. **In 2004 more than a quarter of the meetings of the committee and Sub-committee took place in Northern Ireland. We consider it important that a substantial proportion of our meetings are held in Northern Ireland on the grounds of efficiency and effectiveness.**

56 Third Report of Session 2000-01, *Relocation Following Paramilitary Activity*, HC 59; Fifth Report of Session 2002-03, *Forensic Science Northern Ireland*, HC 204; Sixth Report of Session 2002-03, *The Illegal Drugs Trade and Drug Culture in Northern Ireland: Interim Report on Cannabis*, HC 353; Eighth Report of Session 2002-03, *The Illegal Drugs Trade and Drug Culture in Northern Ireland*, HC 1217; Seventh Report of Session 2002-03, *Peace II*, HC 653; Second Report of Session 2003-04, *The separation of paramilitary prisoners at HMP Maghaberry*, HC 302; Fourth Report of Session 2003-04, *The Compensation Agency*, HC 271.

57 See paras 10-16 above

58 HC1311

Debates

39. *Racially Motivated Attacks*⁵⁹ was debated by the Northern Ireland Grand Committee on 9 December 2004 when our report, *'Hate Crime': the Draft Criminal Justice (Northern Ireland) Order 2004*,⁶⁰ was made available to Members attending the Committee. We shall be seeking time in the immediate future for a Westminster Hall debate on the Subcommittee's report into *Social Housing Provision in Northern Ireland*.⁶¹

Informal meetings

40. We have conducted a number of private and informal meetings in addition to our formal evidence sessions. As in past years, we have found that such meetings frequently provide a forum for more wide-ranging and sustained probing than is possible in formal evidence sessions. In addition to the productive exchanges with Commissioner Barnier and European Union officials in connection with *Peace II* already mentioned, in March 2004 we met officials from the Directorate-General for Justice and Home Affairs to discuss the fight against organised crime, terrorism and the drugs trade, all matters on which we have reported. We visited the Office of the Northern Ireland Executive in Brussels and were briefed on its work. We followed up our briefing from the top management of the Assets Recovery Agency in 2003 with a further meeting designed to keep us abreast of the development of the Agency and its important work targeting criminal assets in Northern Ireland. In the course of the year we have met organisations supporting victims of the 'Troubles', disability groups, and have benefited greatly from briefings from the Northern Ireland Community Relations Council, the Probation Service of Northern Ireland, and the Committee on the Administration of Justice. We held a most useful meeting with the Secretary of State for Northern Ireland. **The broad range of informal meetings we have held in 2004 has deepened our understanding of the current problems facing Northern Ireland. We wish to express our thanks to all those who took the trouble to talk to us.**

Appointments

41. One of the tasks set by the Liaison Committee is to carry out 'appointment' hearings for major public appointments. We have not considered it appropriate to carry out such a hearing formally in public but, as in 2003, we have made it our practice, where possible, to meet individuals appointed to key positions privately. We were able to meet the Oversight Commissioner in September 2004 to discuss his view of the current progress in implementing the changes to policing in Northern Ireland resulting from the Patten Report.⁶² We are grateful to him for making time available to meet us at what was an exceptionally busy time for his Office.

59 Northern Ireland Affairs Committee, *Racially Motivated Attacks*, 9 December 2004

60 HC615

61 HC493

62 The Office of the Oversight Commissioner was established as a result of recommendations 172-175 of *The Report of the Independent Commission on Policing for Northern Ireland* (the Patten Report). Statutory provisions regarding the Commissioner are laid down in The Police (Northern Ireland) Act 2000, Sections 67 and 68 and Schedule 4

Conclusions and recommendations

1. This year witnessed a strong effort by the governments of the United Kingdom and the Republic of Ireland, and others, to enable the resumption of devolved government in Northern Ireland. While final success has proved elusive so far, we are heartened by the continuing commitment of those involved in the talks to achieve a settlement. Agreement must be reached if political and social development in Northern Ireland is to continue and the promise of peace is to be fulfilled. Those involved must continue their efforts to achieve a sustainable agreement which will enable the speedy resumption of devolution. (Paragraph 2)
2. In 2004 this committee has sought to meet the challenge of the continued suspension of devolved government by deepening and broadening the scope of its work, as described in the following paragraphs. The pace of our activity has increased, as has the public profile of the committee. The examples of our work set out below are intended to illustrate the diverse approaches we have taken to our scrutiny role and the way in which we have sought to make a positive contribution to key aspects of policy and administration in Northern Ireland. (Paragraph 3)
3. In January 2004, we appointed a Sub-committee under the chairmanship of Mr Tony Clarke, Member for Northampton South, to consider matters that had fallen previously within the remit of the Northern Ireland Assembly. (Paragraph 4)
4. The Sub-committee's major report into Social Housing Provision in Northern Ireland is an example of the way in which we are seeking, where appropriate, to take account of the priorities of the Northern Ireland Assembly, and its committees, in carrying forward our own scrutiny work of devolved areas of government. (Paragraph 5)
5. Building on the work of the Comptroller and Auditor General for Northern Ireland, the Sub-committee's inquiry into the resource accounts of Northern Ireland Departments has highlighted serious flaws in the financial administration of Departments' resource accounts which must be corrected. (Paragraph 7)
6. The appointment of a Northern Ireland Affairs Sub-committee has enabled us to scrutinise devolved government in Northern Ireland more effectively than before. We consider that the results achieved by it in systematic and targeted scrutiny of Northern Ireland Departments has justified the decision to set it up. As we pointed out last year, the scale of our effort on devolved matters cannot match the resources of the Northern Ireland Assembly, but we hope that the scrutiny of devolved matters conducted by the Sub-committee will provide a sound basis for the work of the Assembly when it resumes. (Paragraph 8)
7. Northern Ireland Office Ministers have given oral and/or written evidence to all enquiries (Paragraph 9)
8. In its response to the Committee's report on Aggregates, the Government acknowledged that "the Committee's helpful support and encouragement [had] been an important spur to the development and implementation of a new [aggregates levy

relief] scheme” for Northern Ireland, and in correspondence with us the Economic Secretary to the Treasury stressed that the committee’s support had been “very helpful in securing this successful outcome”. We are pleased that our sustained interest in this important subject over a number of years, together with raising the matter directly with officials of the European Commission at the point of decision, has contributed to a successful outcome for Northern Ireland. (Paragraph 12)

9. We consider that our report on the PEACE II programme of structural funds, taken with our sustained efforts to follow up the administrative shortcomings in the programme and uncertainties about its future with the government, SEUPB, and community groups, and in Brussels directly with the European Commissioner responsible for Regional Policy, contributed materially to securing a more effective uptake of PEACE II funding, much needed administrative improvements, and European Commission support for an extension to the programme in 2005 and 2006. (Paragraph 16)
10. We understand fully the sensitivity of the parades’ issue in Northern Ireland, and the competing pressures on Ministers and officials, particularly in pursuing a resolution to the currently stalled devolution process. We also appreciate the importance of avoiding any rush to judgement on this sensitive subject. However, the failure of the government to engage in a timely fashion with so important an issue has given the impression of a lack of leadership and has been disappointing. We hope that this uncharacteristic delay will not be repeated, and that the government will now respond to the important issues raised in Sir George Quigley’s report on parades. (Paragraph 19)
11. We have yet to report on the substance of our inquiry into ‘Hate Crime’ in Northern Ireland, but it is already evident that the actual extent of such crime has to a considerable extent been masked, and that it requires to be restated in terms which reflect the diversity of Northern Ireland’s society in the 21st century. While much of the evidence we have listened to in the course of this inquiry has been profoundly shocking, we are pleased that our work has helped to raise the profile of this issue, and to have been able to afford some of those who have suffered grievous abuse an opportunity to express their hurt. Building a positive and integrated society in Northern Ireland presents a major, continuing challenge to the government, and to all members of civil society. (Paragraph 22)
12. The government accepted our recommendation that the proposed draft Order to deal with ‘Hate Crime’ should be amended to afford the same protection to people with disabilities as for crimes based on hostility of race, sectarianism and sexual orientation. The Committee’s scrutiny of this important draft legislation has ensured that a highly vulnerable group received appropriate legal protection. We were also able to give this task appropriate priority, in order to keep in step with the government’s legislative timetable, as acknowledged by the government in its response to our report. This is the second consecutive year in which our intervention has secured improvements to proposed legislation. In both cases the government has sought to provide us with adequate time in which to conduct a scrutiny exercise and we acknowledge this co-operation. (Paragraph 25)

13. Draft Orders in Council for Northern Ireland, in substance the equivalent of English and Scottish primary legislation, are treated procedurally as secondary legislation and therefore already receive less scrutiny than legislation proposed for England and Wales. The government's practice of processing Orders on 'reserved matters' under the 2000 Act – which enables the government, if it so chooses, to put Northern Ireland legislation through the UK Parliament without consultation in draft, or the opportunity to amend a draft Order once formally laid- represents an unwelcome weakening of the opportunity for Parliamentary scrutiny. We continue to believe that, particularly while the devolved institutions remain suspended, the present position is unsatisfactory and that the administrative convenience of the Northern Ireland Office is taking precedence over procedural propriety. If there are minor flaws in the Northern Ireland Acts 1998 and 2000 which appear to prevent the full operation of Parliamentary scrutiny as intended, these should be corrected with no further delay. (Paragraph 27)
14. Just prior to the publication of our report, Mr John Spellar, Minister of State at the Northern Ireland Office, issued a written statement in the House of Commons in which he highlighted the problem of the decline in the Northern Ireland electoral register and indicated that the government intended to introduce legislation “if parliamentary time allows” to permit the chief electoral officer to reinstitute ‘carry forward’ as a temporary measure. The government has yet to respond to our report on electoral registration, and if ‘carry forward’ is reintroduced we shall look with interest to see what effect it may have on the levels of electoral fraud. The electoral system is a complex but crucial aspect of the democratic process. It is fundamental to the normalisation of life in Northern Ireland that electors have complete confidence in the integrity of that system. Our report on Electoral registration in Northern Ireland is intended to contribute to the process of ensuring that there is an electoral system of excellence operating in Northern Ireland. More generally, the report demonstrates the usefulness of targeted and timely post-legislative scrutiny. (Paragraph 29)
15. This year we have made a particular effort to scrutinise two relatively new bodies which are a crucial parts of the new policing arrangements for Northern Ireland, the Police Ombudsman for Northern Ireland and the Northern Ireland Policing Board, and shall be to reporting on both shortly. These bodies are operationally independent of the Northern Ireland Office but receive funding from it. We paid informal preliminary visits to both prior to taking formal evidence, and we wish to thank Mrs Nuala O’Loan, the Police Ombudsman for Northern Ireland, and Professor Sir Desmond Rea, Chairman of the Northern Ireland Policing Board, for helping to make our visits worthwhile. The Police Ombudsman for Northern Ireland and the Northern Ireland Policing Board are important parts of the new policing architecture which has been put in place for Northern Ireland, and which is designed to ensure the delivery of an excellent, modern police service to the people of Northern Ireland. Our inquiries into these bodies are separate. However, by scrutinising them at broadly the same time, we hope to capture a more complete picture of progress in important aspects of policing than would otherwise have been possible. (Paragraph 30)

16. In May 2004 we published a report into The Compensation Agency which was set up in 1992 to administer compensation schemes for the victims of terrorism and other violent crimes, and those who suffer loss as a result of action under the emergency provisions legislation. The possible loss to public funds of £5 million as a result of the abuse of the Terrorism Act compensation schemes was amongst the problems we uncovered. However, the Agency is taking steps to tighten procedures, and this is welcome. We are highly conscious of the acute suffering of the victims of terrorism over the past 30 years in Northern Ireland. It is through the work of The Compensation Agency that the pain and suffering of victims may receive some tangible recognition. It is vital that the Agency's procedures are as flawless as possible. We intend to follow up this inquiry to ensure that the Agency continues its programme of improvements. (Paragraph 31)
17. The complexity of an inquiry into 'reconciliation' in Northern Ireland requires a distinct approach. We envisage this as a process in which key areas are considered and reported upon separately, rather than a single, all-encompassing inquiry. We have therefore decided to hear first from victims and victims' groups. We hope that this work will provide the opportunity for all those who wish to engage with us to contribute positively to strengthening the process of peace in Northern Ireland. (Paragraph 33)
18. In his response to our report the Secretary of State for Northern Ireland undertook to ensure that "Careful proof-reading will be a priority for the office in the production of the 2004 Departmental Report." We are pleased to report that, while not flawless, the standard of proof reading in the Annual Report for 2004 is much higher than in 2003. (Paragraph 34)
19. The Department stated in 2003 that it was "providing the NDPBs and Agencies with a template to standardise the format of the Report". The scope of information in the Departmental Report 2004 on certain of the Department's associated bodies appears to have been reduced in 2004. The reader of the Departmental Report 2004 will receive relatively little information about the effectiveness of certain of the Department's key associated bodies. This continues to be a flaw in the Report format. We recognise the complexity of the annual reporting exercise, but to be worthwhile the result must be a document setting out clearly what has been achieved by all these key bodies. (Paragraph 34)
20. The Department has improved its performance recently in meeting its target for answering Ministerial correspondence, but over 30% of replies fail currently to issue within the deadline set and further improvement is required. (Paragraph 34)
21. We hope that re-accreditation was achieved in the assessments scheduled for December 2004, and to see Forensic Science Northern Ireland achieve full re-accreditation in 2005. (Paragraph 34)
22. Against those projections, we shall look with interest at the progress which the Department makes in achieving its efficiency target. We initiated in 2002 a system for the Department to update the committee about its activities at regular intervals. This has proved an extremely useful aid to scrutiny by alerting us, in advance, to a

wide range of work in progress across all parts of the NIO and the Northern Ireland Departments. We acknowledge the co-operation of officials of the NIO and the Northern Ireland Departments in providing these reports to us to time, and for responding promptly to a number of ad hoc requests throughout the year. In general, the timeliness of the government's responses to our reports has been satisfactory. Two responses were received over one week late. (Paragraph 34)

23. We sought updates from the government on a number of recommendations in past reports. We shall be considering these in detail in due course, but are pleased to note the evidence of considerable recent policy activity across all the areas on which we reported, in particular: proposed legislation giving the police powers to require motorists suspected of committing offences while under the influence of drugs is proposed for 2005; the prospect of a proportion of criminal assets seized in Northern Ireland being used there; and, that PEACE II expenditure targets (N+2) for 2003 and 2004 have been met. (Paragraph 36)
24. In 2004 more than a quarter of the meetings of the committee and Sub-committee took place in Northern Ireland. We consider it important that a substantial proportion of our meetings are held in Northern Ireland on the grounds of efficiency and effectiveness. (Paragraph 38)
25. The broad range of informal meetings we have held in 2004 has deepened our understanding of the current problems facing Northern Ireland. We wish to express our thanks to all those who took the trouble to talk to us. (Paragraph 40)

Formal minutes

Wednesday 19 January 2005

Members present:

Mr Michael Mates, in the Chair

Mr Adrian Bailey

Mr Roy Beggs

Mr Gregory Campbell

Mr Tony Clarke

Mr Eddie McGrady

Mr Stephen Pound

Reverend Martin Smyth

Mr Hugo Swire

Mr Bill Tynan

The Committee deliberated.

Draft Report (The work of the Committee in 2004), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 41 read and agreed to.

Resolved, That the Report be the Fourth Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Ordered, That the provisions of Standing Order No. 134 (Select Committees (reports)) be applied to the Report.—(*The Chairman.*)

Ordered, That the Appendices to the Report be reported to the House.—(*The Chairman.*)

[Adjourned till Wednesday 26 January at 3.30 pm.]

Reports from the Northern Ireland Affairs Committee since 2001

The following reports have been produced by the Committee since the start of the 2001 Parliament.

Session 2004–05

First Report	Electoral Registration in Northern Ireland	HC 131
Second Report	The Parades Commission and Public Processions (Northern Ireland) Act 1998	HC 172-I
Third Report	Northern Ireland Department's 2002-03 Resource Accounts	HC 173

Session 2003–04

First Report	The Committee's work in 2003	HC 146
Second Report	The separation of paramilitary prisoners at HMP Maghaberry	HC 302
Third Report	Introduction of the Aggregates Levy in Northern Ireland: one year on	HC 395
Fourth Report	The Compensation Agency	HC 271
Fifth Report	'Hate Crime': The Draft Criminal Justice Northern Ireland Order 2004	HC 615
Sixth Report	Social Housing Provision in Northern Ireland	HC 493-I
First Special Report	Government Response to the Committee's Eighth Report on The Illegal Drugs Trade and Drug Culture in Northern Ireland, Session 2002–2003	HC 180
Second Special Report	Government Response to the Committee's First Report on the Work of the Committee in 2003	HC 510
Third Special Report	The Separation of Paramilitary Prisoners at HMP Maghaberry: Government's Response to the Committee's Second Report of Session 2003–04	HC 583
Fourth Special Report	Introduction of the Aggregates Levy in Northern Ireland: one year on The Government's Response	HC 666
Fifth Special Report	'Hate Crime' the Draft Criminal Justice Northern Ireland Order 2004 Government Response	HC 954
Sixth Special Report	The Compensation Agency Government Response	HC 955

Session 2002–03

First Report	The Impact in Northern Ireland of Cross-Border Road Fuel Price Differentials: Three years on	HC 105-I
Second Report	Annual Report 2002	HC 271
Third Report	The Police (Northern Ireland) Bill	HC 233
Fourth Report	The Control of Firearms in Northern Ireland and the draft Firearms (Northern Ireland) Order 2002	HC 67-I

Fifth Report	Forensic Science Northern Ireland	HC 204
Sixth Report	The Illegal Drugs Trade and Drug Culture in Northern Ireland: Interim Report on Cannabis	HC 353-I
Seventh Report	Peace II	HC 653-I
Eighth Report	The Illegal Drugs Trade and Drug Culture in Northern Ireland	HC 1217-I
First Special Report	Government Response to the Committee's First Report: The Impact in Northern Ireland of Cross-Border Road Fuel Price Differentials: Three Years On	HC 412
Second Special Report	Government Response to the Committee's Third Report: The Police (Northern Ireland) Bill	HC 555
Third Special Report	Government Response to the Committee's Second Report: Annual Report 2002	HC 583
Fourth Special Report	Government Response to the Committee's Fourth Report on the Control of Firearms in Northern Ireland and the Proposed Draft Firearms (Northern Ireland) Order 2002, HC 67-I, Session 2002-03	HC 677
Fifth Special Report	Government Response to the Committee's Fifth Report on Forensic Science Northern Ireland	HC 722
Sixth Special Report	Government Response to the Committee's Sixth Report on the Illegal Drugs Trade and Drug Culture in Northern Ireland: Interim Report on Cannabis	HC 935
Seventh Special Report	Government Response to the Committee's Seventh Report on Peace II	HC 1077

Session 2001-02

First Report	Introduction of the Aggregates Levy in Northern Ireland	HC 333
Second Report	The Financing of Terrorism in Northern Ireland: Interim Report on the Proceeds of Crime Bill	HC 628
Third Report	Introduction of the Aggregates Levy in Northern Ireland: The Government's Response	HC 713
Fourth Report	The Financing of Terrorism in Northern Ireland. Volume II of this Report (HC 987-II) includes the Government Response to the Second Report, Session 2001-02, The Financing of Terrorism in Northern Ireland: Interim Report on the Proceeds of Crime Bill, HC 628	HC 978-I
First Special Report	Government Response to the Committee's Fifth Report, Miscellaneous Financial Matters, Session 2000-01, and the Government Response to the Committee's Third Report, The Northern Ireland Office 2000 Departmental Report, Session 1999-2000	HC 332
Second Special Report	Government Response to the Committee's Fourth Report, Legal Aid In Northern Ireland, Session 2000-01	HC 400
Third Special Report	Government Response to the Committee's Second Report, The Parades Commission, Session 2000-01	HC 401

Fourth Special Report	Government Response to the Committee's Third Report, Relocation Following Paramilitary Intimidation, Session 2000–01	HC 461
Fifth Special Report	Government Response to the Committee's Third Report, Introduction of the Aggregates Levy in Northern Ireland, Session 2001–02	HC 1118

Written evidence

APPENDIX 1

Memorandum submitted by the Northern Ireland Office in Response to Questions from the Committee

NORTHERN IRELAND OFFICE DEPARTMENTAL REPORT 2004

STRUCTURE AND FUNCTIONS

What action is the office taking to ensure it meets its overall target of 45% of women employed by 2006 given that the Office reported a decrease in the percentage of women employed as a whole for 2002–03? What are the results for 2003–04? If these show a further movement away from target, what additional action is planned?

The entry in the Departmental Report refers to public appointments

During 2003–04, the Northern Ireland Office continued the practice, introduced in 1998, of including its forthcoming public appointment opportunities in OFMDFMNI's advance six monthly list of vacancies which issues to a range of organisations covering women, young people, disabled people, ethnic groups and groups representing grass roots interests. Vacancies were also placed on both the Northern Ireland Office and the Northern Ireland Administration web-sites (the latter is linked to the Cabinet Office's Public Appointments Vacancies Web-site) and new appointments were advertised in national, provincial and local newspapers, including a selection from West of the Bann. Information packs and application forms in alternative formats, including Braille, were provided on request.

Towards the end of the year, one sponsor team launched their appointment process with a series of four road-shows across Northern Ireland. The road-shows were well received and provided the sponsor team and Department with contact details for a number of individuals who will be included in NIO's own database of potential candidates and encouraged to apply for future NIO appointments. The sponsor team also took steps to:

- produce simpler application forms and clearer role and person specifications; and
- provide candidates from non-traditional backgrounds with examples of activities which might qualify under the various competencies.

That appointment process culminated in a diverse range of appointments in the first quarter of 2004–05.

The Department's action plan and performance against the targets are kept under review.

NIO's performance against the targets set out in its public appointments' diversity action plan is reported each autumn in the Cabinet Office's Public Appointments: Delivering Diversity in Public Appointments publication, along with the performance of other Whitehall Departments. In the year ending 31 March 2004, a total of 50 appointments and re-appointments were made to seven NIO public bodies; 52% of those appointed were women. The level of female representation on NIO public bodies increased from 36% at 31 March 2003 to 39% at 31 March 2004.

PLANNING AND RESOURCES

Has voted Departmental Unallocated Provision1 been excluded from table 2.1 (page 9) for all financial years up to and including 2003–04? Could the Office provide a note restating the table to include the DUP allocated to the various lines in previous Main Estimates and Supplementary Estimates (if this is not already included) and showing the level of DUP available for allocation in 2004–05 and 2005–06.

DUP (which is a budgeting concept) is included when working out the outturn figures for 2002–03 and 2003–04, but is not separately identified in this table. We feel that it would complicate the table greatly to show DUP consumption separately from the consumption of ordinary resources across every line that DUP was allocated to. We would then have to show subtotals in each of these lines in order to reconcile back to overall totals. It is our intention to explain the allocation of DUP, as it is drawn down, in the introduction of each of our future Supplementary Estimates publications.

The DUP for 2004–05 is currently £38,815K Resource and £576K Capital, and for 2005–06 it is £40,926K Resource and £576K Capital.

What progress has been made against the two-year normalisation of security programme, set out in the Joint Declaration on 1 May 2003 (paragraph 3.11)? Is the process moving to timetable? If not, what actions have been taken to secure satisfactory acts of completion or move ahead?

The implementation of the normalisation of security programme was conditional on the creation of an enabling environment. Unfortunately an enabling environment has not been created and consequently the normalisation programme has not been commenced.

The Government is committed to taking early normalisation steps as the threat allows. A number of steps have been taken in response to the on-going assessment of the security situation. For example two towers have been removed from South Armagh, the army has withdrawn from a number of sites and have announced the return of four Battalions to CIC LAND.

HMG is continuing to work with the NI parties and the Irish Government to create the conditions where it is possible to achieve Acts of Completion and create an enabling environment.

Is the establishment of the Criminal Justice Inspection Northern Ireland (CJINI) progressing to timetable? What did the latest report of the Oversight Commissioner find and recommend, and what action has NIO taken in the light of this?

The establishment of the Criminal Justice Inspection Northern Ireland (CJINI) is progressing to timetable.

The Second Report of the Justice Oversight Commissioner was published on 8 July 2004.

Lord Clyde concluded that in the period of this report good progress continued to be made in the implementation of the Review's recommendations on a number of fronts. While a few delays in progress have been noted, he believes that for the most part the momentum has been maintained and important initiatives have been pursued with vigour. He comments that there is now visible evidence which demonstrates the progress which is being made and provides promise of the eventual implementation of the changes recommended in the Criminal Justice Review.

Lord Clyde has noted that some implementation timescales have been deferred, though balances that against the evident energy being applied to the main blocks of work.

He raised some concerns and these centre on the following areas:

- (i) Funding and Accommodation for the new PPSNI—The DPP's office has been unable to access suitable existing accommodation in the Omagh area for its Fermanagh/Tyrone pilot and is now pursuing a new-build solution. This could, he fears, potentially delay the progress of implementation.

The NIO's view is that the PPSNI project is still on target. Exact financial allocations have yet to be determined following the outcome of SR2004 but the Government is committed to making the necessary resources available for important projects such as this.

- (ii) Establishment of a Law Commission—Lord Clyde accepts that funding has not been available to establish a Law Commission and has suggested that we either create a cut-down version (by repackaging and modestly enhancing the existing Law Reform Advisory Committee) or take a decision that we will not implement this chapter of the Review.

The Department has always made clear that the establishment of a Law Commission is subject to available resources. We are considering our options in light of Lord Clyde's suggestions and the current financial position and a decision will be taken shortly.

- (iii) Delays in processing criminal cases.

Trilateral Ministers very much share Lord Clyde's concerns about delays in the system and have commissioned work—which the Criminal Justice Board is putting in hand—to develop proactive measures. For example, committal proceedings are believed to be a possibly significant contributory factor in delaying the process of criminal proceedings. Therefore, a public consultation on the Future of Committal Proceedings issued: this concluded on 31 July. A decision will be taken soon, with any necessary legislation introduced early in 2005.

Could the Office provide a short summary of progress to date on the five key projects supporting the Performance Improvement Programme (paragraph 3.18)? What internal milestones and performance indicators are in place? Are these projects meeting these?

All five projects are progressing well.

Improving Leadership and Management Skills in our Senior People

Key milestones are the completion of 360 degree assessment of all senior staff by December 2004, delivery of leadership development core programme to all senior staff by April 2005 and to hold four interactive leadership events with high profile speakers sharing experiences and senior staff having the opportunity to discuss approaches and debate issues with speakers.

Progress: First tranche (33%) of senior staff have completed 360 degree assessment, attended a two-day development workshop and are scheduled to attend the leadership development programme in September. Second tranche (33%) commenced 360 degree assessment. Three of our four interactive events held with fourth scheduled for October.

Think Finance

Key milestones include holding a Think Finance Workshop with the finance community in the Department to help set the agenda for change, improving the timeliness and usefulness of the financial management information available across the Department, developing a finance desk guide exploiting opportunities with the planned departmental intranet and establishing the finance skills gap and developing training/development programmes to address it.

Progress: Workshop held in June the output of which was helpful in informing the other strands of the project. A timetable has been set to ensure that financial information is available by the thirteenth working day of the month with a target to improve this to the tenth working day of the month by March 2005. A new format of reports has been produced at Departmental and Directorate level with positive feedback from users. The desk guide and finance training and development portfolio are under development.

Internal Communications

Key milestones include the research of other organisations and the development of recommendations.

Progress: The research is complete and recommendations are being finalised. We expect this project to be absorbed within the leadership development and the enabling people projects in the future.

Enabling People to Contribute and Perform to their Full Potential

Key milestones include the launch of the Organisational Values and Culture (OVC) toolkit by summer 2004, fundamental review of performance management and reward systems with target date for changes being introduced in 2005–06 reporting year, introduction of six divisional management healthcheck annually (peer review) and a relaunch of People Bank (the departmental mentoring system).

Progress: The OVC has been endorsed by the Board and been launched with Heads of Division. It is currently being trialled in a number of divisions with a view to sharing the benefits with others. Performance management and reward proposals have been drawn up and staff and unions are being consulted on these currently. Two divisional management healthchecks completed, and the process will be evaluated prior to rolling out to other divisions. People Bank relaunch is scheduled for the autumn.

Understanding our Stakeholder Relationships

Key milestones include constructing an NIO-centric viewpoint of stakeholder relationships, consulting stakeholders on what might be changed in the autumn and producing an amended stakeholder map by December 2004.

Progress: Centric view produced and consultation with stakeholders commenced.

Why has the Office failed to meet internal targets on responses to Ministerial correspondence for the third year in succession (paragraph 3.27 and appendix G)? How do the present results compare with those of other Departments? Have the recommendations from last year's review on this issue been implemented? What further actions are to be taken?

The target of replying to Ministerial correspondence within 10 working days is a very challenging one. On the face of it, compared to other departments, the Northern Ireland Office does not fare particularly well.

Of 17 Whitehall departments reported on in 2003, the NIO ranked thirteenth. However, it is worth noting that the NIO is the only department that aims to respond to Ministerial correspondence within 10 working days. All the others work to targets of between 15 and 20 days.

The review of the handling of Ministerial correspondence, completed by the Department's Business Consultancy Service towards the end of 2003, contained 14 recommendations. These have now all been implemented. In addition Private Office and departmental officials have been examining options for handling Ministerial correspondence in smarter ways. Work has continued on streamlining the process, particularly where the responsibility for providing a reply rests with a body outside of the Department, such

as PSNI, and the importance of achieving this target has been reinforced with the staff involved in the handling of Ministerial correspondence. Also, a more rigorous approach to the monitoring of responses has been introduced and late respondents are now being pursued on a more frequent basis.

Why was prompt payment of suppliers again below the target of payment of 100% of undisputed invoices within 30 days for the core Office and all of its executive agencies (paragraph 3.28 and appendix G)? What improvement actions are planned/have been put in place?

The overall out-turn for 2003–04 was 85.8% of payments made within 30 days, or agreed credit terms, against a target of 100%. This represents a slight improvement in overall performance against the 2002–03 level of 85.1% despite facing a number of in-year difficulties. These included:

- An increase in volumes of payments in the Core Department of 25.4% (from 35,987 to 45,112); and
- staff recruitment and retention problems in the Finance Department at junior grades.

The Department has resolved the recruitment and retention difficulties and established a prompt payment group comprising representatives from Agencies and the Core to re-engineer the process and remove the current bottlenecks to achieve sustainable improvement. It is anticipated that the 2004–05 performance will show a marked improvement.

POLITICAL DIRECTORATE

Table 2.1 on page 9 of the Departmental Report 2004 (DAR) indicates that the political directorate budget for 2004–05 is to decrease markedly on the estimated outturn for 2003–04 (a reduction of £33.1 million or 70%) and on the actual outturn for 2002–03 (reduction of £26.3 million or 64%). The text within chapter 4 of the DAR gives no indication of a reduction to responsibilities or levels of activity within the political directorate. Could the Office provide a summary of where and how these savings are to be made and what impact they will have on levels of activity?

The reason for this apparent reduction is explained largely by the funding arrangements for the Bloody Sunday Inquiry (BSI). Basically expenditure for the BSI is included in 2002–03 and 2003–04, but there is no voted budget cover yet in 2004–05. This is because BSI was excluded from the NIO's 2002 Spending Review, which left the NIO to fund the Inquiry using DUP or EYF provisions. This is done on an in-year basis via Supplementary Estimates. The latest forecast we have for 2004–05 expenditure is around £11 million.

Has the Office completed its investigation into the resignations of Patrick Yu and Paddy Kelly from the Northern Ireland Human Rights Commission (NIHRC) and, if so, what are the results? The advertisement for new Commissioners was made in June. In what ways will this process for appointments improve on that used previously.

There is no reference to any formal investigation within the Departmental Report.

Para 4.13 of the report stated:

In July Patrick Yu resigned from the NIHRC and in September, Frank McGuinness and Paddy Kelly withdrew from the day to day work of the Commission. The Northern Ireland Office is looking at the issues behind these events, which require careful thought and the input of the parties, and will shortly announce details of a process to appoint new Commissioners.

Both Patrick Yu and Paddy Kelly stated their reasons for resignation in letters to the Secretary of State. Their reasons were well documented in the Northern Ireland press at the time. The NIO looked carefully at the issues surrounding the resignations from the Commission and had discussions with a number of key parties, including Mr Yu and Mr Kelly.

All previous appointments were made in line with the Paris Principles and the Code of Practice of the Office of the Commissioner for Public Appointments (OCPA).

The Department responded to calls to strengthen the independence of the process by inviting Chris Sidoti, a human rights expert to sit on the interview panel. Furthermore, it has taken steps to attract a broad range of individuals to apply for appointment.

POLICING AND SECURITY

What analysis has the Office made of the effect of dissident republican intimidation campaigns on the effectiveness of District Policing Partnerships? Is this the reason one of the targets of 26 partnerships was not agreed to timescale?

Given their responsibilities in respect of District Policing Partnerships (DPPs), the Policing Board has analysed the performance of all DPPs against their functions as set down in the Police (Northern Ireland) Act 2000 and the Policing Board's Code of Practice on the functions and responsibilities of DPPs.

Board officials have confirmed there is no evidence to suggest that dissident republican intimidation has resulted in any detrimental effect on the performance of DPPs.

The Policing Board has validated these findings, through the attendance by Board officials (and from time to time Board members) at DPP meetings in areas where DPP members have been intimidated. Board officials also maintain close contact with the DPP Managers in these areas.

DPP members, both Independent and Political, who have been subject to such intimidation, have demonstrated a marked determination not to be deflected from their important work as DPP members. Their courageous approach has been commended by the Oversight Commissioner, Al Hutchinson and his predecessor Tom Constantine in their reports. Regrettably three DPP members resigned in 2003 as a direct result of this intimidation. Threats to and intimidation of DPP members is continuing. In July letter bombs addressed to four DPP members were found at the Royal Mail sorting office.

However, in order to provide DPP members and their families with reassurance and to help alleviate their fears of attack, under the Key Persons Protection Scheme, the NIO has now provided a comprehensive package of protective security measures at the homes of 48 members (and two officials) whom the Chief Constable assessed as being under either a severe or substantial level threat.

This is not the reason why one of the 26 partnerships was not agreed to timescale. Dungannon and South Tyrone Borough Council is the only one of 26 District Policing Partnerships (DPPs) that has not yet established its DPP. This is totally unrelated to any acts of intimidation by dissident republicans. It is hoped that, following action under section 15 of the Police (Northern Ireland) Act 2000, Dungannon DPP will be established shortly.

How much are the Attenuated Energy and Discriminating Irritant Projectiles budgeted to cost to develop? How much have they cost to date and have performance indicators/project milestones been met? How has the Office assessed value for money in deciding to continue with development of the Projectiles and what were the results of this assessment?

The current combined costs for the in-house development of the attenuating energy projectile (AEP) and the discriminating irritant projectile (DIP) are estimated at just on £4 million (excluding VAT). This compares with approximately £1.5 million spent in developing the current baton round, the L21A1.

Again excluding VAT, the expenditure to date on the development of the AEP and the DIP is approximately £800k and £100k respectively. (The great majority of this expenditure is in respect of payments made to the Defence Science and Technology Laboratory.)

The expenditure is shared between the Northern Ireland Office, the Ministry of Defence, and the Home Office, although up to this point, the Northern Ireland Office has made the largest single contribution.

The outline timetable for the development of both the AEP and the DIP is set out on page 25 of the fourth report of the NIO-led Steering Group on the research programme into alternative policing approaches towards the management of conflict. When that report was published on 29 January 2004, the accompanying press release in the name of Jane Kennedy stated that "subject to testing it is hoped that this alternative (the AEP) will be available by the end of 2004, ready for operational deployment before Summer 2005".

It is confirmed that, still subject to the finalisation of testing, medical evaluation etc, the programme is on schedule.

As a Government-approved less lethal technology, there is a detailed project plan for completion of development and prospective introduction. This work is being taken forward by the operational and technical sub-committees set out in chapter two of the Phase 4 report. Chapter three contains the two operational requirements for the AEP and the DIP. Each projectile will be assessed against the individual criteria set out in the specific operational requirements.

Both projectiles will then be subject to independent medical evaluation.

The work of the Steering Group overseeing the research programme is regularly reported to Ministers. Moreover, in the week beginning 16 August 2004, a UK-wide delegation held a series of workshops in Washington DC with practitioners and other experts in the field of less lethal weapons. One of the primary purposes of these discussions was a detailed peer and process review of the development of the AEP. A full report on the week's proceedings will be published in due course. However, it can already be stated that the peer review validates the approach taken by the Steering Group in the development of the AEP.

Subject to final testing and independent medical evaluation, the work so far demonstrates that the AEP will be significantly safer than the existing round, the L21A1, while retaining its effectiveness.

The manufacture of the AEP round, when approved, will be subject to competitive tender.

Could the Office provide a note explaining why the 2002–03 resource outturn, 2003–04 estimated resource outturn and 2004–05 resource allocation for the Policing and Security Directorate show a year-on-year downward and then upward movement in table 2.1?

The Policing and Security Directorate expenditure rose considerably in 2003–04 due to a large number of people being admitted to the Department's Key Persons Protection Scheme (KPPS). This increase in the numbers admitted to the scheme was due to security breaches, involving the names of Prison Service staff falling into the hands of terrorists.

CRIMINAL JUSTICE DIRECTORATE

Would the Office provide a table similar to that at 6.1 showing the key statistics for the Criminal Injuries Compensation Appeals Panel Northern Ireland during 2003–04? Why were these estimated outturn and performance figures not included in the DAR?

CRIMINAL INJURIES COMPENSATION APPEALS PANEL NORTHERN IRELAND (CICAPNI)—KEY STATISTICS

	2002–03 Actual	2003–04 Actual	2004–05 Estimated
CICAPNI Budget (£ thousand)	515k	417k	645k
Number of Panel Members	24	22	22
Number of Admin Staff	7	7	7
Number of Appeals Received	4	162	300
Number Granted Hearings	NIL	126	250
Number of Cases Heard	NIL	30	250

The above table covers the three financial years the Panel has existed. Actual out-turn figures for 2002–03 and 2003–04 are provided, with estimates for 2004–05. Since the NIO produced its own Departmental Report in 2000, estimated outturn and performance figures have been included for only a selected few of its associated bodies. CICAPNI, which came into existence in May 2002, was not one of those few. However the Department is keen to improve the content and consistency of the Departmental Report and will look at this aspect for the future.

Can the Office confirm whether the figures in the “2003–04 Estimates” column of table 6.1 are an erroneous repeat of those in the previous column or whether the same results were achieved in both years? If they are repeated in error, would the Office provide the correct figures, or more recent ones if a full year's data is unavailable?

Updated figures are provided at Table 6.1 and Table 6.2 below. End year figures only became available after publication of the Departmental Report 2004, hence the estimated figures etc, initially being provided.

Table 6.1

THE PROBATION BOARD—KEY STATISTICS

	1999–2000	2000–01	2001–02	2002–03	2003–04
Amount of Grant paid to the Probation Board (£ million) ¹	10.7 ¹	12.1 ¹	12.1 ¹	12.6 ^{1*}	13.9
Average number of probation officers and support staff	202	200	203	204	203
Average number of admin Staff	108	109	109	109	109
Number of Probation Orders made	1,373	1,422	1,335	1,268	1,067
Number of Community Service Orders made	808	585	624	700	765
Number of Pre-Sentence Reports prepared	5,285	5,165	5,201	5,250	5,779

¹ Excludes £720k for Social Welfare Services transferred to the Prison Service Budget

* Includes £551k c/f from 2000–01 and 2001–02

Can the Office provide the 12-month achievement figures for The Probation Board, as set out in table 6.2, on an estimated basis if final data is not available?

Table 6.2 below gives the actual achievement figures

<i>Key Performance Indicator</i>	<i>April 2003– March 2004</i>	
	<i>Target</i>	<i>Achievement</i>
The proportion of induction interviews arranged within five working days of sentence	98%	97%
The achievement of the agreed Standards regarding minimum levels of contact—offered	94%	97%
—kept	72%	69%
The proportion of supervision plans written to the agreed Standards	83%	95%
Where breaches of proceedings are appropriate, the proportion commenced within 10 working days of the incident occurring*	93%	98%
The proportion of offenders subject to an active community service order that work an average of five hours or more per week	90%	93%
The proportion of Community Service Orders that complete their sentence within 12 months	98%	99%
The proportion of offenders whose risk assessment is reviewed at least every four months	93%	94%
The proportion of Pre-Sentence Reports or explanatory letters delivered to the courts by the date specified by the court	99%	100%

*breaches of proceedings refers to a failure to comply with any supervised order or licence.

Could the Office provide a note explaining why the 2002–03 resource outturn, 2003–04 estimated resource outturn and 2004–05 resource allocation for the Criminal Justice Directorate shows a year-on-year downward and then upward movement in table 2.1?

The reason for the reduction in expenditure between 2002–03 and 2003–04 was the transition of the Juvenile Justice Centres from NDPB status in 2002–03, to the new Youth Justice Agency in 2003–04. Under the NDPB status expenditure came under the classification of Criminal Justice, however from 2003–04 onwards this expenditure was moved to a new line to account for the Department's latest Agency as a separate entity. The increase in the Criminal Justice budget for 2004–05 reflects a planned increase in expenditure in a number of areas covering community safety programmes, probation work and investment in "Causeway" (a major IT project).

CENTRAL SERVICES DIRECTORATE

What were the composite sick absence rates for 2002–03 and 2003–04? How do these compare to target? What progress has the Personnel Services Division made to date in agreeing strategies in the three key areas listed in the Departmental Report 2004 (paragraph 7.12)? How do/will these contribute to the widely trailed recommendations that will come out of the current Gershon review of central government efficiency to achieve efficiency savings of 2.5% per annum?

	<i>Average Number of Days Absence Per Member of Staff 2002–03</i>	<i>Average Number of Days Absence Per Member of Staff 2003–04</i>	<i>Percentage of available working days lost 2002–03 2003–04</i>
NIO NICS	13.7	Not available	6.2%
NIO HCS	8.1*	Not available	Not available
NIO PRISON CIVILIAN STAFF	10.3	10.1	3.56% 4.84%
N. I. DEPARTMENTS	15.4	Not available	7%

* Calendar year

The aim of the NIO was to meet a similar or improved absence rate as the NI Departments. For the year 2002–03 the NI Departments' target was an average of 13.9 days' sick absence per member of staff. NIO surpassed the target set by achieving 13.7 days. The figures for 2003–04 are not yet available.

Work is ongoing on the development of an HR Strategy and on the revision of the Equal Opportunities policy and guide. Two Diversity Champions at Board level have been appointed and Diversity Networks on disability, ethnic minority, lesbian gay and bisexual, and women's issues have been established. The Project Board commissioned to carry out a fundamental review of the NIO's appraisal and reward systems is currently consulting on their outline proposals with staff and Trade Unions. The final proposals will be presented to the Departmental Board in the autumn with the intention of launching the new systems in April 2005.

The NIO's Efficiency Programme will be examining a number of workstreams in relation to the services that Personnel Services Division provides. This includes assessing the impact which an overarching HR strategy is likely to have on the NIO and its staff.

Could the Office provide a short summary of progress to date on the Flax Programme? Is this on course to meet the implementation deadline of the end of 2004? Has it met all internal milestones and performance indicators to date? What is the cost compared to budget, both to date and forecast to the end of the programme?

The purpose of the Flax Programme is to deliver information management systems that meet the Northern Ireland Office's business needs and that ensure value for money. It has four elements:

- the reconfiguration of the Office Automation system OASIS so that it provides a stable, responsive and secure platform for the applications it needs to support;
- the provision of Electronic Document and Record Management (EDRM) facilities to the standard required to meet Public Records Office (PRO) guidelines;
- the provision of an intranet to support the publication and dissemination of information within the NIO; and
- the provision of access to the World Wide Web (WWW) to OASIS users.

Flax is being delivered in five phases:

Phase 0: Planning: January–March 2003;

Phase 1: Requirements Specification: April–September 2003;

Phase 2: Procurement: October 2003–March 2004;

Phase 3: Implementation: April–December 2004; and

Phase 4: Ongoing Operations.

Phases 0, 1 and 2 have been delivered on time and within budget. In April a contract was let to BT for the provision of equipment. Work then began on installation. To date the core infrastructure (servers and networking equipment) has been installed. Pilot implementations of the system will commence shortly with the full roll out to some 2,000 users beginning in October and finishing in December. If progress continues to be good the project should be complete 14 days ahead of schedule.

In parallel with the technical implementation the Department is devoting significant time and effort to preparing for the switch to electronic records. Existing electronic documents are being moved into a highly structured corporate file plan, ready for migration to the EDRM system. The intranet design has been completed and has been loaded with content from all Directorates. NIO net will be available immediately to users of the new OASIS system. New working practices have been designed to deal with incoming papers and new procedures devised to handle enquiries made under the Freedom of Information Act. Policies have been put in place that define the acceptable use staff may make of the internet.

The main risks to the project arise from the effort required to migrate documents into the new EDRM system and from the inevitable productivity dip as staff become proficient in using the new facilities available to them.

The programme is on schedule to meet the implementation deadline of 31 December 2004.

The programme has met all internal milestones and performance indicators to date. The programme passed its latest OGC Gateway Review with a GREEN status.

The costs of the programme compared to budget, both to date and forecast to the end of the programme are set out in the tables below.

	<i>Budget</i>	<i>Actual</i>
Project Spend to Date:	£6.913 million	£5.404 million

	<i>Budget</i>	<i>Forecast</i>
Cost to Completion:	£5.243 million	£5.243 million
<hr/>		
	<i>Budget</i>	<i>Forecast</i>
Total Costs:	£10.647 million	£10.647 million

The Departmental Report 2004 states that 60% of the services provided by the core NIO and its agencies are capable of e-delivery. Which services does the Office consider not capable of e-delivery and why? Of all the services provided by the core NIO and its agencies, which of these are categorised as key services? Is the Office on track to meet the government target for 100% of key services to be e-enabled by 2005?

The NIO is not a major provider of direct services to the citizen or business. Most of its work is carried out in support of organisations which provide such services, for example funding of policing. Using the definition of key services set out in the Online NI Strategy (high volume, high value and legal requirement), the NIO provides four such services direct to the citizen or business:

- consultation and information;
- procurement and ordering;
- compensation for criminal injuries; and
- services to relatives of inmates and others requiring contact with inmates.

A number of services do not lend themselves to electronic delivery because they involve the movement of physical items or physical checks. The cost of e-enabling other services, particularly those involving small volumes, may not provide value for money.

The 2005 target gives a benchmark and the 60% figure for e-enabled services in the NIO is a crude indication of progress within the Office. The NIO recognises the importance of further improving the efficiency and effectiveness of the services it delivers. For example, in the last year the NI Prison Service has completed implementation of systems to allow prison visits to be booked over the Internet, has continued to expand the use of electronic means to order and procure goods and enhanced its Website. Upgrade of the NIO's IT infrastructure, incorporating Internet and intranet technologies, planned for implementation by the end of 2004, will facilitate further progress.

Did any exceptions to the recruitment principle of selection on merit occur during the year under review? If so, why were these made?

There were no exceptions to the recruitment on merit principle during the year under review.

NORTHERN IRELAND PRISON SERVICE

Could the Office provide an estimate of the cost of implementing the recommendations of the Steele review, broken down by recommendation and the financial years in which these are forecast to arise? How are these to be funded?

The gross cost of implementing a separated regime for paramilitary prisoners is expected to be in the region of £11.5 million per annum in resource terms. It is planned to offset this cost in part by recruiting less expensive night patrol and prison custody officers to replace prison officers now redeployed under Steele. These costs are being funded through the departmental Spending Review process.

Costs cannot easily be attributed to specific recommendations under Steele. The Steele Report in its entirety recommended that a new separated prisoner regime be created to operate along side the existing prisoner regime.

What was the original budget and final outturn for the COMPASS project? Was this completed to timescale?

The original COMPASS budget was £2,265,605 and the final outturn for the project was £2,447,910.

Phase 1 of the project was delayed by six months, while Phase 2 was implemented according to timescale.

For each of the key targets at table 9.1 where the NIPS failed to meet the target performance level, could the Office provide an explanation of the reasons for failure and actions taken to improve performance in 2004–05?

Constructive Activity Targets

High levels of sick absence and the withdrawal of goodwill by staff at Maghaberry and Magilligan during the year were detrimental to the achievement of these two key performance targets.

There has been significant progress in establishing a suitable regime for integrated prisoners at Maghaberry. Education classes have been running since May 2004 and there are plans to re-open workshops by 30 September 2004. The Service launched its Resettlement Strategy in June 2004, focusing on drawing together all aspects of the management of risks associated with offending behaviour. Programmes such as “Staying in Touch” and a “Job Club and Benefits Surgery” have already been established to engage prisoners more effectively in resettlement issues.

Time out of cell will also count as constructive activity for separated prisoners. Constructive activity targets for each prison have been set for 2004–05 in an effort to improve performance at individual establishment level.

Resettlement plan target

The Prison Service partially met this target with an outturn of 96% for life sentence prisoners. The overall target was not met due to resettlement work in Maghaberry being disrupted during the campaign for and implementation of separation.

A resettlement manager was appointed in July 2004 to co-ordinate policy implementation. A service-wide implementation plan is being drawn up to co-ordinate implementation of recommendations from the strategic review of prisoner resettlement for Northern Ireland and resettlement teams have been formed in each establishment to begin implementation of the policy and the recommendations.

Sick absence target

The target to reduce the average sickness days per head over the year to no more than 19 was not met as the average staff sickness days per head was 21.

The impact of the security breach in October 2002 when it was discovered that the personal details of staff had been compromised led to high levels of stress related absence. Also during the reporting period there was a campaign for separation at Maghaberry prison, which created difficulties for staff. Their homes were also attacked to threaten and intimidate both them and their families to influence the way they carry out their duties. The number of working days lost due to stress-related illnesses accounted for 71% of the total increase in sick absence from the previous year.

In November 2003 a new Attendance Policy was introduced. The policy will be reviewed on an ongoing basis and training delivered to support line management in implementing the policy. All aspects of the sick management processes are subject to close scrutiny to ensure they are being applied to best effect.

Corporate training target

Following the Steele Review previous corporate training priorities were put on hold and training of staff going into the separated regime became the only corporate priority. Training priorities are now being reviewed every two months in line with operational and business needs.

Could the Office provide a note explaining why the 2003–04 estimated resource outturn is 23.5% lower than the 2003–04 outturn per the figures in table 2.1?

The reason for the reduction in outturn between these two financial years, was because of two exceptionally high provisions, which had to be included in the 2002–03 outturn. The two provisions were for security measures for prison staff following a security breach, and for write-down costs for the Maze Prison following its transfer from the Prison Service to the NI Executive.

FORENSIC SCIENCE NORTHERN IRELAND

Why does the chapter on FSNI cover the 2002–03 financial year whereas all other chapters, including those for Executive Agencies cover the 2003–04 financial year?

I would refer the Select Committee to the note at 11.5 of our Chapter in relation to the information supplied by the Agency in the Report. The first draft of the Agency's Chapter was required by 31 January 2004, with final completion by NIO's Central Management Unit planned for 5 March 2004. In view of this timescale it was not possible for the Agency to obtain the information necessary to report accurately on either its performance during, or the targets set for, the 2003–04 period. This information can only be gathered after 31 March each year, therefore, the Agency's Chapter in the Report was based on the previous year's verified performance. This was also the case with our Chapter in the Departmental Report for 2003.

What impact to PSNI and other bodies has FSNI's failure to meet the target of turning around casework in cases where a file is require to be submitted to the DPP within a notified timescale caused, both in financial terms and on the outcome of the case?

The impact on PSNI inquiries by FSNI's failure to meet timeliness targets was minimised by management of our service delivery. Activity was focussed on early forensic intervention and prioritised delivery of DPP related cases to ensure our performance met at least a minimum requirement.

PSNI forensic demand consistently exceeded agreed FSNI capacity resulting in backlogs of work. Urgent work on serious crime eg murder, rape etc has been afforded priority throughout; this was at the expense of completing the paperwork to final reporting. To address demand FSNI is working in close partnership with PSNI's investigators and Scientific Support to manage submissions and maximise forensic contribution by development of appropriate scientific solutions (as recommended in the "Under the Microscope" thematic). Cultural issues in both organisations need to be addressed to improve the effectiveness of this Programme.

Defence Counsel from time to time raise abuse of process including in relation to time however, we are aware of only one occasion when an application was upheld by a judge in Crown Court due to the late arrival of the forensic report. This occurred in a Road Traffic Investigation. However we recognise this as a problem area and have taken steps to address staffing in this section and in FSNI generally in order to raise capacity to a level that can deal more adequately with the volume of submissions.

In the first quarter of 2004–05 FSNI have dealt successfully with demand exceeding planned provision in a number of areas. For example in Biology casework a submission rate of 335% over the agreed capacity was experienced in 72-hour turnaround casework. The staff pulled out all the stops and all of this work was dealt with in the agreed 72-hour timescale. Similarly in Electronics a 977% increase in immediate (5–6 hours) turnaround was successfully coped with in the same period.

Has the FSNI met all milestones to date for its conversion to a trading fund in 2006?

Yes the project is on course, recent milestones include:

- High level multi-agency steering group established.
- New Chief Executive in place.
- New management structure in place.
- External assistance with IT and financial systems agreed.
- Information Technology and Financial Improvement Programme is underway.
- HR Review commenced.
- Strategic alliances explored.

Has the FSNI recovered its accreditation status from the UK Accreditation Service, or, if the project plan is still underway, has this progressed to timescale and when is accreditation expected to be recovered? What impact did this loss have on the reliance the courts and the police service were willing to place on evidence and data analysed by the agency?

Re-accreditation assessment is scheduled for December 2004 for DNA, Biology, Firearms, Microchemistry, Specialised Fingerprint Unit and Questioned Documents.

Pre-assessment visits by UKAS have been completed and further areas for improvement have been identified. It is important that this work is completed in parallel with the issues identified in the original project plan. Accreditation for the calibration work carried out at the laboratory has been maintained throughout.

Plans are in place to bring remaining areas of work into re-accreditation during 2005.

There is no evidence that this has had an impact. We have been working closely with PSNI who understand the circumstances and have been fully involved in the process of regaining accreditation. PSNI, as our main customer, have a representative on the Board for the Quality Management System

Improvement Project which is the vehicle for the work we are doing to regain accreditation. There is an appreciation that the science was not at fault and this has meant that the issue has not been raised by Investigators.

YOUTH JUSTICE AGENCY

How was performance measured for the Youth Justice Agency during 2003–04 and what were the results? What was the outturn against budget for the year? How is cost-effectiveness measured and assured?

Performance for the Youth Justice Agency for 2003–04 was measured through regular assessment of actual performance against a series of key performance targets and development objectives which had been set at Ministerial level and published in the Agency's Corporate & Business Plan. These assessments are presented to the Agency's Management Board and reported to the Northern Ireland Office and the Minister on a quarterly basis. The Agency met eight of its nine key performance targets and also met all 20 of its development objectives. Further details are set out in the Agency's "Annual Report and Accounts 2003–2004" which was published and laid before Parliament on 20 July 2004.

The final outturn for the Agency was £12.85 million against a budget of £23.2 million. The reason for the underspend was due to over forecasting the budget for depreciation and cost of capital for the Agencies land and buildings. This is because valuations needed to calculate these costs were not available until after the budget was set. The 2004–05 and 2005–06 budgets for the Agency will be revised downward accordingly.

Budgets are monitored on a monthly basis by finance staff and "Year to Date Outturn" is a standing item on the agenda of the monthly Management Board meeting. A number of financial procedures have been put in place during 2003–04 to ensure value for money for the Agency—these include:

- use of approved suppliers;
- use of Government procurement contracts where available; and
- central payment of invoices.

CROWN SOLICITOR'S OFFICE

Did the Office meet all of its targets for 2003–04 (paragraph 13.6)? If any were not met, what were the reasons for failure?

The CSO met all its targets for the 2003–04 financial year.

In how many cases has the lack of time to brief counsel had an adverse effect on the outcome of judicial review applications? What is the estimated financial effect of this problem, both to CSO and other bodies involved? What actions has the CSO taken to mitigate these situations?

The lack of time to brief counsel did not have an adverse outcome on any judicial review applications. The appointment of the Government Civil Panels in June 2004 will minimise the possibility of such an eventuality arising.

Why has the CSO resource budget reduced by 63% between 2002–03 and 2004–05 in table 2.1?

As the CSO charges for its services to customers who are outside of the "Core" department, the outturn figures are net of the receipts received by the CSO in any particular financial year. In gross terms the running costs for the CSO from 2002–03 to 2004–05 have been £2.7 million, £2.9 million and £3.1 million respectively.

DEPARTMENT OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Is the transfer of functions to Public Prosecution Service Northern Ireland progressing to timetable? What are the initial results and criteria for success of the Belfast trial?

The implementation of the Public Prosecution Service is currently progressing to timetable. The initial Pilot Projects, in South Belfast and Fermanagh and Tyrone*, have commenced on schedule (on 1 December 2003 and 1 April 2004 respectively).

By the end of the 2004–05 financial year, the Belfast PPS Scheme will be extended to take in all District Command Units within the greater Belfast area. Again this is in line with the implementation timetable.

December 2006 remains the target for full implementation of the PPS.

* *The Belfast Pilot covers all offences occurring in the PSNI's South Belfast District Command Unit and all youth offences in the greater Belfast area. The Fermanagh and Tyrone Pilot covers all offences occurring in five DCU's; Cookstown, Dungannon, Fermanagh, Omagh and Strabane*

The evaluation of the Belfast Pilot is ongoing.

A draft report is currently under preparation by an evaluation team, which includes representatives from HM Crown Prosecution Service Inspectorate (HMCPPI). It is anticipated that the report will be available by the end of September.

The activity of the evaluation team has been split into a number of different work strands which have examined the following aspects of the Pilot:

- the extent to which the Criminal Justice Review recommendations within the scope of the Pilot Project have been implemented and the impact of implementation on the Prosecution Service and key stakeholders;
- prosecutorial standards within the Pilot. This has involved an assessment of the prosecution decisions made by PPS Prosecutors as well as the conduct of prosecutions in court (eg advocacy standards); and
- the efficiency and effectiveness of the Pilot. Issues considered under this strand have included business process design, staffing (numbers, grading etc), ICT and governance.

The Belfast evaluation is the first in a series of evaluations of the new PPS and will provide valuable benchmark performance data against which to assess the future rollout of the service.

Can the Office confirm whether the key to the pie chart at 14.2 is correct—this appears to show that PSNI made up only 3% of the files received by DPP by source for 2003, whereas the text at paragraph 14.14 states that PSNI passed on 69% of files?

The key to the pie chart is incorrect. The figure for PSNI should indeed have been 69% and 3% for others. This was due to a printing error which was unfortunately not picked up.

APPENDIX A

SR2002 PSA AND SDA PERFORMANCE

Could the Office provide a table setting out revenue and capital resource consumption by PSA target for 2003–04?

The 2003–04 Resource Accounts are not yet complete and audited. This information is unavailable at this time. The Accounts are due to be published and laid by 31 October 2004 and will contain information on costs against PSA objectives.

Can the Office provide assurance that PSA targets agreed under SR2004 will cover the full range of NIO objectives and all directorates and executive agencies? Can the Office provide further assurance that SR2004 PSA targets will include specific levels of improvement required and a deadline for achievement of this? Finally, could the Office provide an indication of the changes planned to PSA targets under SR2004?

The content of the PSA is guided to a large extent by HM Treasury. Treasury guidance states that PSA targets should focus on key priorities within the Department and should not be a comprehensive description of everything that a Department does. The NIO has tried where possible to encompass all areas of the departments responsibilities (including Directorates and Agencies) within the PSA Objectives.

All targets now include specific levels of improvement required and deadlines for achievement.

The SR2004 PSA targets were published on 12 July 2004 (command number 6238). The following is an indication of the changes:

Target 1 SR2004

Target 1 in SR2002 has been amended to include a specific level of improvement and a deadline for achievement (3% increase in confidence by April 2008). Also, an additional element has been added to the Target 1 (previously Target 2 in SR2002) to increase the Catholic representation in the police service to 30% by December 2010 (as proposed by Patten) with an interim target of 18.5% by March 2006.

Target 2 SR2004

Target 2 was previously part 1 of Target 3 under the SR2002 spending review. The Target has been amended to identify specific levels of improvement required and a deadline for achievement (3% increase in the confidence in the criminal justice system throughout all parts of the community in Northern Ireland by 3% by April 2008.)

Target 3 SR2004

Apart from some minor changes to the wording, Target 3 was previously part 2 and 3 of Target 3 in SR2002.

The new wording in Target 3, specifies that the Northern Ireland Office, working in conjunction with other agencies, will:

- reduce domestic burglary by 2% by April 2005 and by 15% by April 2007;
- reduce theft of and from vehicles by 6% by April 2005 and by 10% by April 2007; and
- by April 2008, reduce the rate of reconviction by 5% compared to the predicted rate.

Theft from and theft of vehicles was previously reported on separately but the second bullet above has been amalgamated due to a change in Police recording of crimes. The target dealing with reconviction rates (bullet 3 above) has been amended to identify specific levels of improvement required and a deadline for achievement.

Target 4 SR2004

Target 4 in SR2002 has been amended to include the actual cost per prisoner place targets and interim targets. (ensure that the annual cost per prisoner place in Northern Ireland falls to £82,500 by 2007–08 with interim targets of £86,290 for 2005–06 and £85,250 for 2006–07).

Why did the figures for burglary and vehicle crime increase in the first full year of measurement (2002–03)? What are the outturn figures for 2003–04?

The recorded crime figures for domestic burglary and vehicle crime had all been on the increase in the years immediately before the baseline year of 2001–02 was agreed. For example, between 1997 and 2001–02, recorded domestic burglary offences increased by 21.9% and theft or unauthorised taking of a vehicle (including attempts) rose by 34.8%.

There is no one factor that has contributed to the increases in these areas. There are a range of factors including:

- introduction of new computer system;
- change in Home Office Counting Rules;
- the changes brought about by Patten, which reduced the number of police and the level of experience available; and
- the community safety strategy had been launched, but the crime prevention programmes being implemented were taking time to impact on the figures.

The outturn figures for the three areas for 2003–04 are:

- domestic Burglary—8,944—down 1.3% on baseline, and 11.6% on the previous year;
- theft from a vehicle—7,506—up 14% on baseline, but only a 5.1% increase on the previous year, compared to 8.45% from 2001–02 to 2002–03;
- theft of vehicle (excluding attempts) 5,294—down 41.2% on baseline, or 36.3% between 2003–04 and 2002–03; and
- combined theft of and theft from vehicle—12,800—down 17.9%.

Why are re-conviction rate targets still to be formulated, despite these originally being scheduled for determination by March 2002? Is work progressing on developing a robust predictive model for future re-conviction rates to timescale? When can the Committee expected to see performance reported against this target?

The SR2002 PSA required the NIO to set a target by December 2002 for reducing future rates of reconviction. The NIO wish to follow the Home Office “best practice” in the measurement of performance by comparing observed reconviction rates with corresponding predicted rates. A target was not set within that timeframe due to the lack of a sufficiently large pool of historic information. Although initial predictor tools have been developed using reconviction data for adult males for one year, these tools did not have the statistical strength required to allow them to be used to predict future rates of reconviction. Further work on developing a robust predictor tool is under way.

The following target was agreed in the SR2004:

Reduce the rate of reconviction for all offenders punished by imprisonment or by community supervision during 2005 by 5% compared to the predicted rate, this reduction to be achieved by 2007 and reported upon in 2008.

The initial predictor tools were developed using reconviction data for adult males for one year. This included the limitation of the analysis of a 40% sample of those prisoners discharged from custody. These predictor tools did not have the statistical strength required to allow them to be used to predict future rates of reconviction. The current plan is to develop a calibration sample that is based on three years data. This data set will contain information on a much larger pool of offenders by including offenders of all ages for both males and females. The size of the data set for those discharged from custody will also be increased substantially to a full population of all discharged prisoners. The NIO are confident that the proposed way forward will yield a much stronger predictor tool. As stated in the SR2004 this model will be available later in 2004 and will allow the generation of a predicted reconviction rate for all offenders.

The system for measuring reconviction rates is being developed by Northern Ireland Statistics and Research Agency statisticians outposted to NIO. A Reconviction Rate is defined as the percentage of offenders who were reconvicted, for any offence, within two years from the date of their non-custodial disposal or discharge from custody into the community. A database has been built which provides information on reconviction rates for the periods 1998, 1999, 2000. A predictor model is being developed based on this information and the best practice evidence based approach originally developed by the Home Office but being refined to be Northern Ireland specific. This model will be available later in 2004 and will allow the generation of a predicted reconviction rate taking into account all those factors that affect all offenders. Reconviction rates for the 2005 cohort should be available by 2008.

What is the performance for 2003–04 against PSA target 4? Why have targets for 2004–05 and 2005–06 yet to be agreed?

The Northern Ireland Prison Service met its 2003–04 cost per prisoner place target of £83,275 as agreed with Treasury. The actual 2003–04 cost per prisoner place outturn was £81,426. The 2004 Spending Review annual limits are to be announced in the autumn.

The Office does not have an internal cost-effectiveness target. How does it assess its own efficiency and effectiveness and what have been the results of these assessments?

The last Office-wide cost-effectiveness/efficiency target agreed with the Treasury arose from the SR2000 exercise when the Department was tasked to live within a pre-determined running cost ceiling over the SR period. This it did. Subsequently in SR2002 it was agreed that the Department's prime measure of efficiency would be encapsulated in the Cost per Prisoner Place (CPPP) target set as part of our PSA. In SR2004 the Department's efficiency targets were determined as a consequence of the Gershon Review and it is now committed to delivering 2.5% efficiency savings in each year of the SR period of which at least half will be cash releasing. The programme of work required to deliver these efficiencies will be monitored and reported upon to Treasury colleagues on a regular basis.

APPENDIX B

SR2000 PSA AND SDA PERFORMANCE

Which parts of PSA target 4 were judged outside of the office's control and why (footnote 2, page 105)?

The PSA target 4 (page 101 of the Departmental Report) for the period 2001–04 was judged principally against the previous three year period 2000–03. On that basis there was an overall reduction in major security incidents of 260 or 14% to include all categories of death, shooting and bombings.

Public order incidents increased by 1,103 or 8% and was due almost entirely to interface violence in North and East Belfast. The categories of petrol bombings, hijackings and other incidents of public disorder all reduced. Serious violence against the person remained broadly static.

The period 1999–2002 was included for completeness although it is acknowledged that the timeframe reflected the relative calm which followed the Belfast Agreement.

On what basis was overall success or failure for PSA target 4 judged as the number of major security incidents, public order incidents and cases of serious violence against the person increased in across all categories between 2000–03 and 2001–04 compared to the baseline of 1999–2002 (page 101)? . . . Is it representative of these results to report this target as partly met (page 105)?

The broad comparison taken together with other reported evidence including the most recent reductions in major security incidents and street disorder, absence of baton rounds fired and the peaceful 2003 marching season led to the conclusion that the target was partially met.

Why does the Final Assessment Table report that PSA target 9 cannot be measured due to the switch to resource accounting? Why can the resource outturn figure not be converted into a cash figure for assessment?

Following the introduction of resource accounting, the accounting system no longer collects financial information on a cash basis. Expenditure is costed as incurred and not as the cash payment is made. Expenditure also now includes notional and capital costs such as depreciation and cost of capital.

The introduction of resource accounting required the setting of a CPPP target in resource terms. The target of £83,275 for 2003–04 was therefore set and has since been met.

APPENDIX C
SUMMARY OF NIO DEPARTMENTAL INVESTMENT STRATEGY

Would the Office provide a note setting out why the objectives allocated to the PSNI, NIPS and other areas of NIO within table 1 at appendix C have changed between the 2003 DAR and the 2004 DAR without any substantive change in the underlying objectives?

	<i>Objectives 2004</i>	<i>Objectives 2003</i>
Police Service of NI	II, IV	II, III, IV, V
NI Prison Service	VI, VII	VI
Other areas of NIO	I to VII	I, III, IV, V, VI

As described in the introduction to Appendix C, “The figures used in the summary below reflect the most recent assessment of the Department’s capital planning in 2003–04.” Similarly, the objectives met by the Department’s capital investment are also assessed and updated so that they are reflected accurately. The specific objectives which the NIO’s capital programme seeks to support are explained under the “Strategic Policy Context” section in Appendix C.

For example:

Police Service of NI (PSNI)

Objectives III and V (relating to criminal justice) have been removed as the service delivery agreement mechanisms do not specifically relate to the PSNI.

NI Prison Service

Objective VII (Value for Money) has a Public Service Agreement target relating to the cost per prisoner place in NI and has therefore been included as an objective for NI Prison Service’s capital strategy.

Other areas of the NIO

The “Strategic Policy Context” describes the provision of an Office Automation System across the NIO. The capital investment in this system will assist the Department in meeting all its objectives.

APPENDIX E
CORE FUNDING TABLES

Could the Office provide an explanation as to why the resource budget totals from 1999–2000 onwards and the recorded capital budget total for 2001–02 in tables 1, 2 and 3 have been restated in the Departmental Report 2004 in comparison to those reported in the Departmental Report 2003?

Since the 2003 Departmental Report was published the NIO has been working with our Treasury colleagues in addressing some issues regarding the recording of full resource accounting outturn information correctly onto the Treasury database. The result of this work has been to restate some of the outturn figures which have appeared in the 2004 Departmental Report.

Could the Office provide a note mapping the resource allocation lines in table 2 to the expenditure classifications in table 2.1 on page 9?

Table 2	Table 2.1
Other Policing and Security Costs	Policing and Security Directorate
Direct Policing Costs	Police Service/Board NI
Patten Report Severance Costs	Police Service/Board NI
Patten Report Non-Severance Costs	Police Service/Board NI
Forensic Science	Forensic Science
Criminal Justice	Criminal Justice, CICAPNI, PBNI
Public Prosecution Service	Dept of the Director of Public Prosecutions
Prisons	NI Prison Service
Compensation Agency	Compensation Agency
Bloody Sunday Inquiry	Political Directorate
Youth Justice Agency	Youth Justice Agency
Other	Information and Central Service, CSO, Political, Civil Service Commissioners

Why is the “Patten Report: severance costs” estimated resource outturn for 2003–04 significantly reduced on both the previous year’s outturn (a reduction of 76%) and the future expenditure forecasts (a reduction of 69%)?

The reason for the reduced outturn in 2003–04 is due to the suspension of the severance programme for one year in 2003–04. The suspension was part of the 2002 workforce plan, and was intended to allow numbers of regular officers to reach the Patten recommended level of 7,500. As a result no new applications for the severance programme were accepted for 2003–04, leaving only a number of officers who had applied to leave in the previous year, but whose exit had been deferred, allowed to depart in 2003–04. The scheme re-opened to officers from 1 April 2004 and it is intended that the scheme will continue until 2010–11 at which time it is expected that the target of 30% Catholic representation within the police service will have been met.

Why does the “Compensation Agency” resource budget profile dip by £7 million (22%) in 2004–05 and then increase by £16 million (64%) in 2005–06?

The resource budget for the Compensation Agency has been falling over the last number of years and the reasons for this have been well documented. The Main Estimate provision for 2004–05 has been set to reflect this trend. The provisional allocation for 2005–06 has not been fully reduced to reflect the Agencies reducing spend as we are aware that there is still scope for increases in the number and value of claims particularly for the Tariff Scheme. The 2005–06 baselines for Compensation Agency will be revisited this year as part of the Departments wider planning exercise following the SR2004 settlement.

Why has the “Other” resource line increased by 108% between 2002–03 and 2005–06?

This is because the Department has been building up its DUP allocation, as recommended by HM Treasury as part of the SR2004 process, and the DUP budget lines are included under the “Other” heading. This has largely come from easements within Compensation Agency, and will be used to meet a range of anticipated pressures.

Why has the “Criminal Justice” line capital expenditure increased by almost a factor of 10 between 2002–03 and the estimated outturn for 2003–04, and why is the budget set to more than double on the previous year in 2005–06?

The reason for the increasing capital consumption for Criminal Justice is that there are three major capital projects at present, which will run through to 2005–06. The three projects are the Causeway IT project (linking all the main Criminal Justice organisations in NI together), a new State Pathology Building, and a new Juvenile Justice Centre at Rathgael.

Can the Office provide a note setting out the reasons for the movements to the “Public Prosecution Service”, “Prisons” and “Other” capital budgets between 2003–04 and 2005–06?

The main reasons for increasing capital budgets for these areas, is to allow the development of regional accommodation for the new Public Prosecution Service, new prisoner accommodation blocks to cope with and segregation issue arising from the Steele Review and an increasing prisoner population, and within “Other” the “Flax” project which is a major capital upgrade to the Department’s main IT network system.

Could the Office provide a table setting out capital employed, as required by the PES guidance?

CAPITAL EMPLOYED BY THE NORTHERN IRELAND OFFICE									
	1999–2000	2000–01	2001–02	2002–03	2003–04	2004–05	2005–06	2006–07	2007–08
	£000	£000	£000	£000	£000	£000	£000	£000	£000
	outturn	outturn	outturn	outturn	draft (3)	plans	plans	plans	plans
Fixed assets (1)	609,179	636,183	687,445	702,486	763,571	819,095	864,918	938,973	1,023,160
Current assets									
Stocks	8,350	8,620	9,613	13,021	7,497	6,452	6,488	5,500	4,500
Debtors (< 1yr and > 1yr)	27,159	50,567	17,155	35,965	29,772	38,825	37,977	35,367	34,163
Cash	26,292	165	48,312	7,599	8,427	6,816	6,816	6,816	6,816
Creditors < 1yr	(243,678)	(184,097)	(373,113)	(185,123)	(186,454)	(88,317)	(90,161)	(87,560)	(86,742)
Creditors > 1yr (2)	(39,989)	(34,805)	(30,771)	(24,799)	(19,811)	(14,750)	(9,800)	(4,900)	0
Provisions	(317,124)	(259,409)	(253,049)	(260,405)	(314,092)	(365,403)	(220,629)	(142,140)	(100,601)
Capital employed	70,189	217,224	105,592	288,744	288,910	402,718	595,609	752,056	881,296

(1) This excludes the National Loan Funds Investment disclosed in the Resource Accounts.

(2) This excludes the balance due to the National Loans Fund.

(3) Resource accounts for the NIO for 2003–04 are currently being audited and the figures included here are in draft.

How does the Office intend to achieve the Gershon report 2.5% efficiency savings target when its gross administrative costs are set to rise by 9% on the previous year in both 2004–05 and 2005–06 (table 5)? What will be the baseline for measuring any reductions?

The NIO has embarked upon an ambitious Efficiency Programme and will be working closely with staff across the department to validate the workstreams proposed to date.

Efficiency savings will be measured against the 2004–05 baseline.

Why have the forecast staff numbers reduced in comparison to the 2003 DAR (table 6)? In what areas are staff cuts to be made compared to the previous budget and why?

The 2003 Departmental Report took account of projected staffing figures supplied by the DPP in connection with the establishment of the Public Prosecution Service. This has been happening in slower time and the 2004 Departmental Report reflects this by producing lower statistics.

The expectation would have been that as the DPP continues to expand the figures would again have come closer to the 2003 Departmental Report. However, with the current Efficiency Review this may be offset by a reduction of staff working in the Core.

The Efficiency Programme involves forecasting those areas where staff reductions are expected over the SR2004 period. The NIO expects to make savings in the region of 128 posts in the core Department and a further 26 posts in the Department's "other bodies" (ie non-civil service posts).

Why does the "other" administrative expenditure line (table 5) not shown a decrease linked to the reduction in staff numbers (as fewer staff usually means less accommodation will be required)? Why does this line in table 5 actually show an increase to forecast costs compared with those reported in the Departmental Report for 2003?

The Department's total administration allocation up to and including 2005–06 has not changed greatly since the 2003 Departmental Report, however as the question states the non-pay element has gone up. This is because the Department's administration Unallocated Provision (DUP) is included in the "other" heading and we have been re-allocating any savings and reclassifications from pay costs into the DUP in order to give the Department as strong a DUP as possible going into the SR2004 period.

FROM RESOURCE ACCOUNTS 2002–03

Can the Office set out progress against each of the actions listed on the schedule submitted to HM Treasury of the work to be done to meet the requirements for the Statement on Internal Control?

Core Department

The NIO continues to engage fully with the Treasury led risk programme. In particular, against the risk management action points in the letter of 26 June 2003:

- The senior management event was held and was chaired by the Permanent Secretary. It succeeded in raising awareness of the benefits of good risk management. The HMT Risk Support Team participated and contributed to its success.
- An NIO risk toolkit has been developed and issued. It was well received in the Department and is now (August 2004) being revised in the light of experience.
- The 2004–05 business planning process took into account the results of an exercise to learn the lessons from 2003–04. In particular risk has now been embedded into the process and there is a top-level Risk Register owned by the Departmental Board.
- The NIO's central risk team is available to assist business units in techniques for managing their risks. Our training and development function is being refocused and risk will be integrated into many of its products.
- The internal audit of risk management processes is not yet complete. It is included within the audit plan for 2004–05.
- The improved risk capacity of the NIO is quantified by an increased score against the Risk Management Assessment Framework in line with the expectations set by the Treasury Risk Support Team.

The Department issued its Health and Safety policy in June this year.

The Cabinet Office and unions confirmed that they were content with the Equal Pay Report. The report has since been placed in the House of Commons Library.

Compensation Agency

Progress was as follows:

- development of a formal Risk Management policy by June 2003; (Executive responsibility for the risk management process within the Agency rests with the Head of Operations. As one of the Agency's most senior managers, the Head of Operations is well placed to ensure that risk management remains visible and focused. In addition, all members of staff, through their individual roles within the Agency, have responsibility for managing the risks associated with those roles. The policy on Risk Management was informed by other policy developments eg the revised Fraud policy issued by the Department towards the year-end);
- completion of risk review arrangements, including consideration by the Agency Strategy Group by June 2003; (One of the specific roles of the Agency Strategy Group is to ensure that risk management is embedded into the corporate planning and decision-making processes of the Agency. Under the Terms of Reference for the Group, risk management is a standing agenda item at all meetings of the Group. The Group met regularly throughout 2003–04 using the Agency's risk matrix to help to identify and quantify all risks facing the Agency);
- completion and publication within Agency of Risk Matrix including allocation of Risk ownership by October 2003; (see bullet point 2, above); and
- review training needs on Risk Management by September 2003. (During 2003–04, the Chief Executive attended further risk management training seminars and was aware of the need to further embed the risk management culture throughout the entire Agency by cascading the risks identified on the risk matrix to every member of staff. There is a continuing need to ensure that risks that are identified at all levels are incorporated into the risk management framework).

Northern Ireland Prison Service

The Agency has in place a risk management strategy which, at the appropriate level, identifies, evaluates and assigns ownership of risks to all areas of activity. Risks are incorporated in a risk matrix that continues to be developed, to assess impact/likelihood and allocate ownership.

Risk is being embedded through the Agency via:

- directorate management meetings;
- weekly meeting of the executive members of the Board to consider operational issues; and
- project Board meetings.

Northern Ireland Policing Board

The Board audit committee approved the risk register as planned and the Internal Audit function has been contracted out.

Office of the Police Ombudsman

The Office of the Police Ombudsman for Northern Ireland completed the development of its risk management process during the 2003–04 financial year. A risk register has been established which details the key strategic risks in the Office and is underpinned by a detailed operational risk register. The risk register was presented to the Audit Committee of the Office on 21 October 2003. This register is subject to a continual review process.

PSNI

The draft Corporate Risk Register was cleared by the Audit & Risk Committee in June 2004 and is being presented to the Chief Officers for endorsement.

The Internal Audit function was contracted out in August 2003.

Northern Ireland Human Rights Commission

The Northern Ireland Human Rights Commission has considered its risk management arrangements internally and is currently working with central procurement agency to commission an external risk assessment exercise to be undertaken during September 2004.

Can the Office provide a note summarising progress on the Causeway programme? Has a contract been signed or an agreement been reached and, if so, what format does the preferred option of a PPP deal take? When was this agreed?

The Causeway Programme is a joint enterprise by the criminal justice organisations (CJOs) of Northern Ireland² which aims to improve their performance by sharing information electronically. The vision of the Causeway Programme is that:

“All the information shared within the criminal justice system will be accurate, consistent, up-to-date and accessible electronically by the staff who have a need to use it.”

The work of the programme is:

- to rationalise and improve business processes and information flows within the Criminal Justice System;
- to create a data sharing mechanism and core technology infrastructure;
- to adapt existing and planned computer applications to exploit the electronic transfer of information between criminal justice organisations; and
- to facilitate changes in the organisation and working practices of the CJOs to ensure that all the expected benefits of the new information systems are achieved.

Once CJO business systems are interconnected, Causeway will deliver the following improvements to the administration of justice:

- easier access to information;
- rapid transfer of information;
- reduced duplication of effort;
- cross-CJO consistency of information;
- reductions in the need to make and respond to queries;
- an enhanced capacity to deliver additional services in future; and
- reductions in the costs of paper-handling.

² The Criminal Justice Directorate of the Northern Ireland Office; the Office of the Director of Public Prosecutions (DPP) for Northern Ireland; the Police Service of Northern Ireland (PSNI); the Northern Ireland Court Service (NICtS); the Probation Board for Northern Ireland (PBNI); the Northern Ireland Prison Service (NIPS); and Forensic Science Northern Ireland (FSNI).

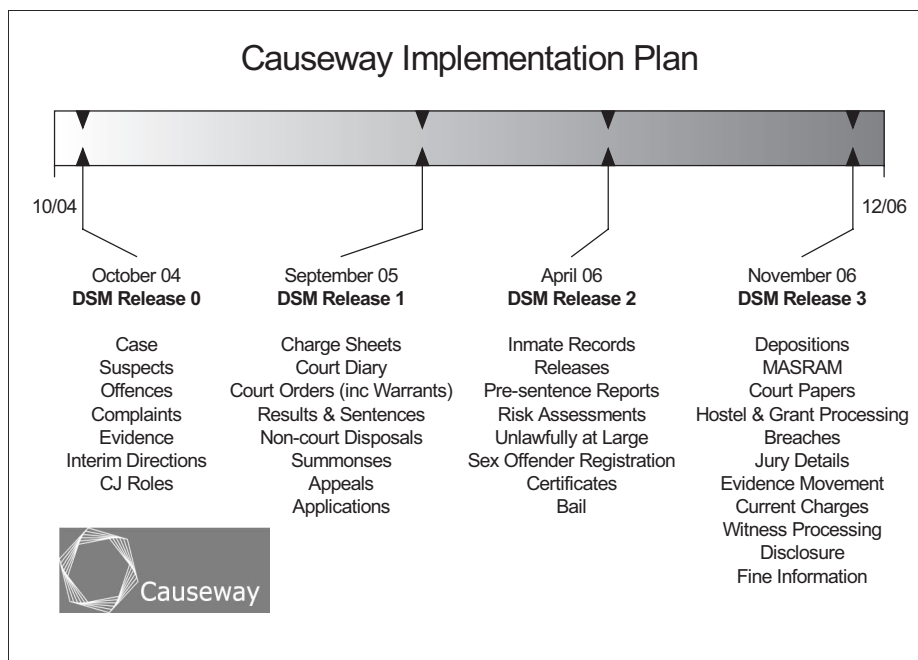
The Programme is being delivered in three phases: Analysis, Procurement and Implementation. Phases 1 and 2 were completed on time and within budget. Phase 3 is on schedule and also within budget.

The Causeway technical solution comprises three elements:

- a data sharing mechanism (DSM);
- a core infrastructure; and
- adaptations to the CJO back office systems that enable them to make use of, and contribute to, the DSM.

The core infrastructure and central data sharing mechanism have been installed on time. The adaptations to existing CJO systems are ongoing.

The programme is avoiding a “big bang” approach to implementation. Electronic information sharing is being introduced in a series of four stages. These stages, and the types of information that will be shared, are shown below.



The first electronic information sharing delivered by the programme was the Causeway Criminal Record Viewer (CRV). This was delivered on time in March 2004. It provides the Prosecution, Probation and Prison services with secure on-line access to criminal records. Whereas before implementation of the CRV it could take up to three weeks to obtain a copy of a criminal record, now this information is immediately available. Over 500 such checks are now being made every week. Other organisations in Northern Ireland that have a requirement to check criminal records (eg DVLNI and the Compensation Agency) have expressed an strong interest in linking to this system.

Causeway is a high risk project. The risks are attributable to:

- the scale of business change involved;
- the technical difficulty of adapting six existing systems;
- the difficulty of estimating the costs of these adaptations; and
- the challenges of managing a cross-cutting programme.

To date these risks have been managed successfully, mainly as a result of the strong commitment of all stakeholders.

In June the programme was awarded a BT Syntegra/Government Computing award for Innovation.

A contract has been signed with Fujitsu plc for the supply of the technology services required to achieve the business objectives of Causeway.

Fujitsu have contracted to provide information sharing services to the Criminal Justice Organisations for a period of 10 years. Neither the Criminal Justice Organisations nor the NIO are buying any capital equipment under the terms of this agreement. Fujitsu are required to achieve demanding service levels in terms of availability, integrity, confidentiality and speed of data transfer. The payment it will receive is related to the achievement of these targets.

The contract with Fujitsu was signed on 28 August 2003.

The explanation of variances to Schedule 1 shows numerous differences between the Estimate and outturn arising due to errors in the preparation of the original budgets. What actions has the Office taken to ensure that such a level of error will not recur in the 2003–04 resource account?

The Department has made a number of improvements in its resource budgeting processes during 2003–04, and is continuing to improve its performance during 2004–05. In 2003–04 the Department developed systems which allowed it to move to monthly resource accounting and budget monitoring, including the development of its fixed asset recording. There has been an investment of resources behind this move which is starting to see major improvements.

September 2004

APPENDIX 2

Further memorandum submitted by the Northern Ireland Office in response to questions from the Committee

FOLLOWING UP RECOMMENDATIONS IN PAST REPORTS

As requested, please find attached a composite memorandum addressing the various questions raised and memorandums sought by the Committee.

For ease of reference, you may wish to note that the attached composite memorandum is made up of the following Annexes:

<i>Annex</i>	<i>Government Response</i>
A	Relocation following Paramilitary Intimidation (HC 59)
B	Forensic Science Northern Ireland (HC 204)
C	(1) The Illegal Drugs Trade and Drug Culture in Northern Ireland: Interim Report on Cannabis (HC 353); and (2) the Illegal Drugs Trade and Drug Culture in Northern Ireland (HC 1217)
D	Peace II (HC 653)
E	Second Report into the Separation of Paramilitary Prisoners at HMP Maghaberry
F	Compensation Agency

7 January 2005

Annex A

SESSION 2000–01

RELOCATION FOLLOWING PARAMILITARY INTIMIDATION (HC 59)

What progress has been made in co-ordinating data and the extent of the problem of relocation following paramilitary intimidation, and the pattern of relocation? (Recommendation, paragraph 58 (b))

In 2001 Government allocated £250,000 to the Legacy Project, an initiative of the Tim Parry Jonathan Ball Trust. The Project aimed to identify and meet the needs of victims of the Troubles living in GB and commissioned an independent needs analysis which includes those exiled to GB following paramilitary intimidation within its remit. The terms of reference for the analysis were to make an assessment of needs, identify gaps in provision and make recommendations for responding to those needs, through consultation with exiles, Maranatha, the Legacy Project and other coping agencies. The Report of that analysis—“The Legacy. A Study of The Needs of GB Victims and Survivors of the NI Troubles”—was launched at Westminster in November 2004.

The Report made a number of recommendations for Government across a range of its Departments and to other agencies working in support of exiles. (See Annex 1) In response to one of the recommendations, the Victims Liaison Unit held a conference—“Reflecting on the Needs of GB victims and survivors”—on 16 June 2004 at the Warrington Peace Centre. The Conference, the first of its kind, provided a unique opportunity to showcase and share best practice examples and experience from Northern Ireland; to link

these with developments in GB; to provide unique networking opportunities for delegates; and to listen to the voice of GB Victims and Survivors of the “Troubles”. Maranatha, which was a major contributor to the Needs Analysis, held a workshop at the Conference. (A copy of Government’s formal response to all relevant recommendations will be placed in the House of Commons Library.)

In 2002 the Victims Liaison Unit in the NIO worked on a special project with Maranatha which gave us a better feel for the size and nature of the exiles problem. Following this, Government has allocated £107,651 funding for two years to the Haven Project. This Project, run by the Maranatha Community, provides ongoing support to exiles and works with Governments Departments, Housing Authorities and other agencies and professionals to ensure that exiles are assisted to access financial support, health care, housing and education.

What has been the result of the work in 2001 on reviewing the scope and effectiveness of the co-ordinating arrangements in Northern Ireland and what specific recommendations were brought forward? (Appendix 1, HC 461).

A note on the “Action Plan” which was in development to outline commitments to meet the needs of victims would be helpful. (Appendix 1, HC 461)

Work on Strategy for victims and survivors

The work in relation to an Action Plan to meet the needs of victims and survivors culminated in the strategy Reshape, Rebuild, Achieve. The strategy, which was launched by the Northern Ireland Executive in April 2002, was developed in collaboration with a range of Departments and agencies. It was designed to secure the implementation of policies and practices which would meet the identified needs of victims in a strategic manner across the devolved administration and which would ensure that any barriers to accessing services were overcome. The strategy contains almost 50 actions for Departments and agencies. It was designed as a means of delivering practical help and services to victims of the troubles in Northern Ireland. Of particular relevance to the Committee’s Report, the strategy included a target to review the level of emergency payments for people re-housed as a result of intimidation and a further target that Housing Support Officers would be able to provide specialist information for victims and survivors with special housing needs. Both these targets have been met.

The Northern Ireland Housing Executive works closely with the Police Service of Northern Ireland (PSNI) in responding to the housing needs of victims of paramilitary intimidation, in particular to seek confirmation that such intimidation has occurred and advice on the level of risk posed in each individual case. An information sharing protocol has been agreed with the PSNI to facilitate the sharing of information in all such cases.

The Housing Executive collects detailed statistics on households presenting as homeless because of intimidation as well as those seeking to have their homes purchased by the Housing Executive, under the Special Purchase of Evacuated Dwellings (SPED) Scheme, following intimidation.

While the Housing Executive can only provide data on those persons presenting for housing assistance it would welcome, and would fully participate in any initiative aimed at co-ordinating statistical data to improve understanding of the extent and patterns of enforced relocation.

The Committee will wish to be aware that work is at an advanced stage on the next phase of policy on services for victims and survivors. It is intended that the next phase of policy will build on Reshape, Rebuild, Achieve and will lay particular emphasis on providing help to victims and survivors in a co-ordinated way across the statutory, voluntary and community sectors in response to assessed need.

Annex 1

LEGACY REPORT RECOMMENDATIONS—EXILES

- In the continuing Peace Talks in Northern Ireland the needs and human rights of exiles are publicly recognised and that paramilitary organisations and the parties that represent them agree to an ending of the practice of exiling.
- Where an exiled housing applicant is accepted as homeless because of housing intimidation in Northern Ireland, he/she is entitled to an emergency payment, provided they were a public or private tenant at the time of the intimidation. The receiving local authority housing office in Great Britain should be authorised by the Northern Ireland Housing Executive to make this payment on its behalf. If it were estimated that up to four exiled households might present to housing authorities as homeless in Great Britain per month, this would cost £9,571 at the current emergency payment level of £199.40.
- NIACRO continues to place a high priority on Base 2 staff assessing the needs of exiles and their families before they leave Northern Ireland.

- Base 2 considers making a proposal for funding from the Strategy Implementation Fund through the Department for Social Development, for a Contingency Fund to assist Base 2 in accessing appropriate services to meet the assessed needs of exiles and their families.
- The Department for Social Development in Northern Ireland together with the Social Security Agency issues guidelines clarifying that it will meet the transport costs for those going into exile who are in receipt of benefits and that the Social Security Agency will consider making a non-refundable community care grant to meet these travel costs in cases of emergency need where someone is being forced to leave Northern Ireland through paramilitary intimidation. In these cases the verification of intimidation by PSNI, the Northern Ireland Housing Executive or BASE 2 should be accepted by the Agency. It is estimated that this could cost the Social Security Agency between £5,000 and £7,000 per annum.
- The Department for Social Development in Northern Ireland draws up guidance for the Office of the Deputy Prime Minister in England and Wales and the Scottish Executive to issue to local authority housing departments on which agencies to contact to verify that intimidation has taken place in Northern Ireland and the circumstances which may have led up to someone being forced into exile. The guidance should clarify that where intimidation has taken place and has resulted in that person and/or family being forced into exile, local authorities have a duty to regard that household as being homeless and to provide temporary accommodation whilst their housing needs are being assessed. Information should be made available within this guidance to local authorities about relevant contact agencies in Northern Ireland including BASE 2.
- Local authority housing departments and RSLs should be required by the Office of the Deputy Prime Minister in England and Wales and the Scottish Executive to safeguard and restrict access to personalised information relating to exiles in all cases where there has been verification of intimidation from either the PSNI, Northern Ireland Housing Executive or BASE 2.
- The Voluntary and Community Unit within the Department for Social Development reviews the level of funding it provides towards the Home Removal Scheme administered by Bryson House to ensure that the full costs of removal are able to be met for those exiled to Great Britain. The Unit should also review the full contract with Bryson House.
- The Department for Social Development in Northern Ireland reviews the arrangements under the Scheme for the Purchase of Evacuated Dwellings to establish what mechanisms may be put in place to expedite valuations and purchase in the case of exiles.
- In all cases of people being exiled through paramilitary intimidation as verified by the PSNI, Northern Ireland Housing Executive or BASE 2, social security records should be treated as nationally sensitive.
- The Department for Social Development and the Social Security Agency undertake an urgent review of the system for transferring benefits for those forced into exile through paramilitary intimidation.
- The Social Security Agency works with its colleagues in the benefit system in Great Britain to provide information and advice on dealing with cases involving paramilitary intimidation.
- The findings of this report should be fed into the National Institute for Clinical Excellence (NICE) Guidelines on PTSD.
- The Department of Health should consider highlighting the particular sensitivities and needs to be taken account of when dealing with victims and exiles.
- The Department of Health raises awareness with Primary Care Trusts (and within existing guidelines) of the difficulties exiles have with admission onto GPs waiting lists.
- BASE 2 and Maranatha consider forming, together with other relevant helping agencies, an inter-agency group to co-ordinate and promote best practice in responding to the needs of exiles. This group should be encouraged to liaise with the inter-agency group for victims of the “Troubles” that the Legacy Project is to establish.
- BASE 2 and Maranatha promote the needs of exiles in journals for social and welfare professionals and encourages the relevant professional bodies to develop training, guidance and awareness-raising on this issue.
- Maranatha consults exiles on the potential for the development for self-help and mutual support for exiles by linking individuals or families with those “further down the line”.

SESSION 2002–03

FORENSIC SCIENCE NORTHERN IRELAND (HC 204)

The Northern Ireland Affairs Committee has requested a further update on progress made by Forensic Science NI.

Overall, there has been considerable change in the Agency since the early summer. With a new Chief Executive in place, Michael Walker, now supported by a new management team of Directors with considerable commercial experience, the Agency is better placed to address the many challenges facing it.

The new Directors have particular expertise and experience in the fields of Financial Management, Human Resource Management, Operations management and Customer Service. The acquisition of these skills addresses known weaknesses in management and governance arrangements within FSNI. The new management team has already demonstrated its effectiveness by driving forward change throughout the organisation.

The main features of the progress made in since the last update in June 2004 are outlined in the following paragraphs.

TRADING FUND STATUS

Dialogue between the NIO and Treasury officials in the autumn has highlighted practical disadvantages to the Agency moving to full Trading Fund Status in April 2006. These relate to a re-assessment of the scope for establishing a genuine competitive market in Northern Ireland, given that the Agency's business would be almost totally focused on serving the requirements of a single customer, the PSNI. Recognizing the problems associated with such a limited customer base, Treasury has now acknowledged that Trading Fund status would not deliver the required benefits in performance.

In accepting that the Agency should not proceed to Trading Fund status, the NIO and Treasury are agreed that FSNI should still be required to significantly improve its business processes; in particular, to develop a sharper, and more commercially orientated approach. In line with the original Trading Fund timetable, identified improvements should be substantially completed within the next 18 months.

The Project programme, originally developed to guide the move to Trading Fund has now been substantially reviewed and re-badged as the Agency's core modernisation project. Key supporting projects, outlined in the Department's June response to the Committee, have been incorporated into this programme. Main developments on each on these projects since June 2004 are as follows:

Investment in IT

The FSNI case management system, Casebook, has been updated to improve financial recording and reporting in the financial year 2005–06. The Agency has also provided external e-mail to all staff desktops allowing much-enhanced communication with FSNI customers.

Increased investment in DNA

The DNA re-engineering project has to date cut turnaround times by 50% and now meets the current PSNI targets comfortably. However, there is still significant work required to deliver a service comparable to the national Forensic Science Service (FSS) and to meet targets set for 2005–06. Investment to date has included brokering work with FSS to provide space for the DNA team to write and introduce a new process. The Agency has also used FSS consultants to re-engineer the process and to benchmark results. FSNI will invest in new equipment early in 2005 and will bring back FSS staff to help further refine the process. A stretching target of 15 days for all samples has been set for 2005–06.

Improved Customer Liaison

The Agency has taken steps to improve its working relationships with the PSNI, its main customer, and so address its needs more effectively. It has held a number of meetings and workshops with the PSNI, and now regularly attends the Volume Crime Users Group. A Submissions Policy is currently being developed jointly, and a first draft is expected in February 2005.

Re-engineering Business Processes

FSNI is currently in the process of re-engineering key business processes to ensure that they fully support quality standards and deliver to time and cost. A new structure for the whole organisation has been developed and is under evaluation. One of the key deliverables from this re-engineering is the move from “silos” to end-to-end processing, enabling the Agency to exploit its resources flexibility in a more effective way.

Human Resource Strategy

The Agency’s Human Resource Strategy is fundamental to the successful delivery of the change process in FSNI. As an Agency within the NIO, FSNI is keen to build on the flexibilities that have been given to it in its Framework Document. Internal working groups have been set up, involving staff representatives, and Action Plans are in the process of being drawn up from the working group reports. A series of high-level meetings have also taken place with the FSS to better understand the workings of that Agency and its trading status.

Strategic Linkages

The Agency has continued to forge closer links with national forensic science providers, particularly the Forensic Science Service. A senior member of the FSS has been seconded to the Agency, at Director level, to help it develop its systems and processes. Like FSNI, FSS is a “one-stop shop” for a wide range of forensic science services but with considerably greater breadth and service capacity. FSS has assisted FSNI by:

- providing concrete assistance with the DNA improvement project;
- allowing FSNI DNA staff access to the FSS London Laboratory to review and benchmark the DNA processes; and
- accepting brokered DNA work from FSNI to give the Agency some leeway to re-engineer its processes.

Accommodation

Significant progress has been made in taking forward the Accommodation project. Funding for the project, which is expected to cost in the order of £25 million has been identified by the NIO Departmental Board. The project structure has been agreed and I have taken on the formal role of Senior Responsible Officer, a key role in an OGC compliant capital project. FSNI has also seconded a Senior Manager full-time to the project to drive it forward, and a professional project director and design team are to be appointed in the New Year. A procurement process is also under way to appoint specialist advisers to support the various strands of what is a major capital development project.

The possible siting of the new accommodation has also been progressed and Consultant architects are completing a review, updating an earlier study to take account of new sites that have come onto the market. This work is expected to be completed early in 2005 and will feed into an outline business case, which is now in preparation.

The NIO is committed to taking the project forward in line with OGC guidelines and would expect the new accommodation to be in commission in 2008.

Annex C

PROGRESS REPORT ON DRUGS MATTERS

(1) THE ILLEGAL DRUGS TRADE AND DRUG CULTURE IN NORTHERN IRELAND: INTERIM REPORT ON CANNABIS (HC 353)

Recommendation 3

We call on the Government to reaffirm, clearly and publicly, that the supply of cannabis remains a high priority for law enforcement in Northern Ireland. It must support the enforcement authorities fully in tackling this trade.

How has Government support been manifested?

The Government continues to provide support for PSNI and Customs within the structures of the Organised Crime Task Force (OCTF). Under the umbrella of the OCTF, the PSNI continue to engage with all those agencies that can assist in developing a comprehensive strategic response to tackling the illegal drugs trade in Northern Ireland.

As the Committee acknowledged in its interim report, the illegal drugs market in Northern Ireland does not reflect national trends, and cannabis remains the most commonly seized drug, indicating continuing demand and popularity. This is reflected in the increase in the figures for seizures (seizure incidents up from 1,487 in 2002–03 to 1,984) and arrests (up from 1,295 in 2002–03 to 1,754) for the 2003–04 year. Seizures of cannabis and the disruption of illegal supply routes remains a key priority for law enforcement agencies in Northern Ireland.

Recommendation 4

The Government, and the NI Executive, must intensify their efforts to communicate the fact the use of cannabis remains illegal and harmful.

What intensification of efforts has taken place?

In January 2004, to coincide with the reclassification of cannabis a public information campaign was launched in Northern Ireland. The campaign used the same radio advertisement developed for England and Wales (though it was changed to reflect the Northern Ireland context). In addition a poster and leaflet campaign was launched which highlighted that possession and consumption of cannabis remained illegal. The posters and leaflets were issued directly to schools, youth clubs, and others with direct contact with young people.

Further information on the re-classification was included in the revised version of the Misuse of Drugs Guidance for Schools which was issued in May 2004.

Recommendation 5

The NIO has recently proposed that the maximum penalty for driving while under the influence of drink or drugs should be increased from 10 to 14 years . . . We note that research into the techniques for testing field impairment—whether a driver is unfit to drive because of the influence of drugs—is due to conclude shortly. We urge the Government to implement any recommendations arising from this research as soon as possible.

The Committee has asked for an update on penalties, the results of the research and how have these been implemented?

In February 2004 the Government implemented the Criminal Justice Act 2003 which increased the maximum penalty to 14 years for causing death or grievous bodily injury by careless driving while under the influence of drink or drugs.

Research into techniques for testing impairment have now concluded. Recommendations on a variety of preliminary impairment tests are to be incorporated into a code of practice which will be issued in 2006 following implementation of the necessary legislation by the Department of Environment in late 2005. The impairment tests include a papillary examination, the modified Romberg Balance test, a walk and turn test, a one leg stand test and a finger to nose test.

(2) THE ILLEGAL DRUGS TRADE AND DRUG CULTURE IN NORTHERN IRELAND (HC 1217)

Conclusion/Recommendation 3

We have fears that organised criminals will use the profits from the trade in ecstasy and cannabis to develop a market in Northern Ireland for more highly addictive and damaging drugs such as heroin and crack cocaine. This must not be allowed to happen.

What measures are being taken to prevent the development of a market in hard drugs?

The Police Service of Northern Ireland continues to have significant success in disrupting and frustrating the supply networks for illicit drugs in Northern Ireland. Up until 31 October 2004 PSNI had seized drugs valued in excess of £8.5 million. That important enforcement work will continue to thwart those organised criminals who seek to develop the market for illicit drugs.

More generally the continued success of the Assets Recovery Agency sends a clear message to all organised criminals that they will not be allowed to enjoy any pecuniary benefit from their crimes.

Conclusion/Recommendation 4

We have been concerned at certain discrepancies of perception as to the availability of drugs which we have identified between the views of officials in the Northern Ireland Office and those of workers in community or health services who are in closer contact with the drug -using community (Paragraph 71).

How these discrepancies of perception have been resolved? And how they were resolved and with what result?

In the Government's response to the original Committee Report, we indicated that we did not believe that the level of discrepancy between NIO and others in closer contact with the drug-using community was as wide as suggested by the Committee and dealt with the two specific examples quoted in the Report.

However since that time, NIO officials meet on a quarterly basis with all the drug projects supported through the Criminal Justice Working Group on Drugs and Alcohol. These meetings which involve drugs workers and treatment providers, as well as those in the statutory sector, enable NIO officials to gauge at first hand, the current drug market and drug trends and to take appropriate action whenever relevant.

Conclusion/Recommendation 5

A Government relying on historical data could find itself massively unprepared to deal with the problems which follow in the wake of drug use, whether increased crime or rapidly spreading infection with HIV and Hepatitis B and C. We urge the Government to review the role and weighting given to historical data in the development and implementation of Northern Ireland's drug policy (Paragraph 72).

What is Government doing to ensure that it is balancing historical and current data on drug abuse to achieve an accurate picture of the problem?"

Government monitors the current picture of the drugs problem in Northern Ireland across a range of measurements both historical and current, as there is no one definitive approach to monitoring the changes in drug culture.

The approaches include:

- regular meetings with the Head of the Drug Squad, utilising police figures on seizures and arrests;
- discussions at project steering group meetings, especially when community and/or voluntary sector organisations are delivering services;
- quantitative and qualitative data from drug projects;
- health service figures from a range of published reports, including Drug Misuse Database, Addicts Index, Needle Exchange Schemes, Communicable Disease Surveillance Centre (details on levels of HIV, Hepatitis B and C) and the Substitute Prescribing Programme.

There are a number of monthly and quarterly bulletins published by both the health and police services that provide practitioners with the most up to date information on drugs and drug use and these are invaluable in determining how services should respond and react to emerging trends.

For example, during the year there were indications (through increased seizures and new clients in funded project programmes) that cocaine was becoming more prevalent. As a result of this the Drug and Alcohol Co-ordinator created the Cocaine Working Group with a view to informing future policy and strategy development in terms of prevention and treatment. At project level there is recognition that staff awareness and knowledge on available medical treatments could be improved. Separately, but in addition, the PSNI have appointed an officer in Ballymena to undertake an analysis of cocaine in that area.

Historical data is also important. This can, for example, help to show how the drug problem in Northern Ireland is developing compared to other parts of the UK and elsewhere. In turn, this can be used to predict the changes that may occur in drug usage and to react to this before it happens.

The project at Hydebank Wood provides another example of how the criminal justice sector identifies any changes in the drug culture. At the beginning of each year, for the last three years, the project has asked all young offenders to complete a questionnaire, which asks, among other things, about drug use. While the conclusions inform the criminal justice sector about this group of offenders, the results inform us about the availability and access to drugs in the community. While new trends can be identified, the comparisons with previous years can also prove valuable.

To conclude the Government recognises the merit of this recommendation and continues to take steps to ensure that both current and historical information is used in a positive manner to inform current and future developments.

Conclusion/Recommendation 7

The need for further information on the links between drugs and crime is recognised, and we welcome the proposal by the Northern Ireland Office and the DHSSPS Drug and Alcohol Information and Research Unit to carry out research in this area (Paragraph 82).

What are the results of research by the NIO and DHSSPS Drug and Alcohol Information Research Unit?

The Government has held a number of planning and scoping meetings with the PSNI and some preliminary analysis in a number of District Command Units has been carried out. A number of difficulties have been identified and this has led to delays in progressing this work.

Separately, the NIO have employed a researcher from Queens University to undertake a self reported survey of three distinct groups, the general population, those on probation orders and those in custody. The research has examined the links between home life, education, employment, alcohol misuse and drug misuse. A draft report has recently been submitted and it is anticipated that the research will be published early next year.

Conclusion/Recommendation 10

Further research should be carried out to determine the extent of misuse of prescription drugs in Northern Ireland, and the measures needed to address the problem (Paragraph 91).

Have resources now been identified? If so, what research is planned?

The issue of the use and misuse of prescription drugs, especially tranquillisers is one which the Government has recognised, and included it as an issue to be addressed in its Drug and Alcohol Regional Action Plan. Resources have been identified to carry out an analysis of the use of Benzodiazepines both prescribed and non-prescribed among alcohol and drug using clients attending addiction treatment services across Northern Ireland during the 2005–06 year with a view to informing future policy.

Conclusion/Recommendation 11

We welcome the proposal outlined in the Government's response to our interim report on cannabis, to give the PSNI new powers to undertake tests of impairment on motorists suspected of committing driving offences while under the influence of drugs (Paragraph 92).

Have powers been given to the PSNI to undertake such tests?

The Government consulted on a proposal to provide the Police with the power to require motorists suspected of being impaired due to drugs to undertake a test of their impairment. The responses on this point were positive.

The powers of police to test for illicit drugs are being included in a draft proposed Road Traffic (Amendment) Order, due for publication in February 2005.

Conclusion/Recommendation 12

We support the suggestion that a great deal more could still be done through utilising the expertise and experience of pharmacists, to educate and promote awareness of various drugs issues in the community (Paragraph 104).

What ways have been found to build on present achievements?

In February 2004, the Minister for Health, Social Services and Public Safety, Angela Smith, launched: *Making it Better—A Strategy for Pharmacy in the Community*. The Strategy has a number of actions including a commitment to develop community pharmacies as accredited “Health Promoting Pharmacies” and to extend the role of community pharmacists in the management of drug misuse and addiction. These actions are being taken forward by an Implementation Steering Group but must be considered within the context of the development of a new community pharmacy contract. The intention is to make provision within the contract for enhanced services.

Conclusion/Recommendation 15

The regional Drug and Alcohol Strategy Co-ordinator post is central to providing drive and momentum to the strategy, as well as to ensuring its smooth running. We are pleased to learn that a new co-ordinator has now been appointed (Paragraph 108).

What progress has been made by the Co-ordinator since his appointment?

The appointment of the replacement co-ordinator in October 2003 provided a new opportunity to reaffirm the Government's commitment to the continued successful implementation of the Drug Strategy.

The Regional Co-ordinator has had three key tasks since his appointment. Firstly to act as Conference Director to the 16th International Harm Reduction Conference which the Department of Health, Social Services and Public Safety is hosting from 20–24 March 2005 and to develop a programme for the conference which is both responsive to and reflective of the local situation. This has imposed a significant burden of work on both the Regional Co-ordinator and his Team.

The second task has been to develop and consult widely on the Terms of Reference for the Review of the Drug & Alcohol Strategies and the Joint Implementation Model. Alongside of this the Regional Co-ordinator has undertaken a series of meetings with key stakeholders to ensure that their commitment to both Strategies and the implementation structures established under the Joint Implementation process was maintained.

The third major task has been to oversee the development and implementation of the Regional Substitute Prescribing Scheme which was introduced across Northern Ireland on target on 1 April 2004.

Conclusion/Recommendation 18

A thorough evaluation of the drug and alcohol strategy would provide valuable information on how effective it has been to date in achieving its objectives as well as pointing to any changes necessary in planning for the future. We welcome the planned evaluation and urge the Minister to ensure that it is thorough and independent and takes place without further delay (Paragraph 111).

What steps have been taken to evaluate the drug and alcohol strategy?

The Terms of Reference for the Review of the Drug and Alcohol Strategies, the Joint Implementation Model and the Northern Ireland Drug and Alcohol Campaign were developed in January 2004 and consulted upon widely. A Steering Group has been established to oversee the work of the Review and a small Project Review Team has been established to assist with the operational aspects of the process.

Both an independent expert consultant and external management consultants were appointed in October 2004 to carry out the Review. The evaluation will be comprehensive and extensive, taking into account the various elements involved—the Drugs and Alcohol Strategy, the Joint Implementation Model and the Northern Ireland Drugs and Alcohol campaign. As well as the usual consultation methods of focus groups and one to one interviews, a web-based “E-Consultation” has been developed and will be launched shortly in an attempt to reach the wider population. In addition a number of questions have been inserted in the Omnibus Survey scheduled to run in January 2005.

The Review is on target to be completed by March 2005 and will help inform a new strategic direction for drugs and alcohol.

Conclusion/Recommendation 20

We remain concerned that the Government is underestimating the impact of cannabis reclassification may have upon enforcement activity along the routes of supply into Northern Ireland. Although the PSNI have experienced major successes in targeting the cannabis trade, they will continue to need support from external agencies in blocking this source of income for Northern Ireland's organised criminal and paramilitaries. We urge the Government to monitor the situation very carefully in the months following reclassification (Paragraph 120).

What monitoring of cannabis has taken place since reclassification and what results have been uncovered?

The Criminal Justice Working Group, one of the six Groups established to deliver the drug and alcohol strategies, carried out a survey to review the situation three months after reclassification, to ascertain, from a criminal justice aspect, what impact this reclassification may have had and to determine whether confusion existed regarding its legal position.

Despite a small response to the survey a number of conclusions were drawn:

- the general view was that reclassification had little impact on overall attitudes towards cannabis, both among young people and adults;
- there was no evidence to suggest that cannabis use had increased;
- there were no conclusive views about whether people were more open about their use of cannabis, though those who responded felt reclassification made no difference in attitude towards its use; and
- there was a view that young people did not fully understand the terminology used, such as reclassification, decriminalisation or legalisation.

The PSNI have also provided a number of statistics about cannabis:

- the number of seizures in 2003–04 increased by over 31%—cannabis is the most commonly seized drugs;
- the actual number of seizures of cannabis rose in 2003–04 from 1,487 to 1,984;
- the weight of cannabis resin seized in 2003–04 rose from 709kg to 1,487kg; and
- the number of arrests for drug related offences (the majority for cannabis) rose from 1,295 to 1,754.

The Police Service has assured the Government that they will continue to investigate those engaged in the supply and distribution of cannabis at all levels. Future PSNI statistics will more fully reflect any impact of reclassification. The Drug Squad will continue to assess and monitor all supply routes and will be in a position to monitor any changes in this area. Should reclassification lead to changes in supply routes, new operational strategies can then be implemented to address these changes.

The Government views supplying and dealing in all illegal drugs, including cannabis, very seriously and the introduction of higher penalties for trafficking of cannabis reflects that.

Further, information on the reclassification was included in the revised version of the Misuse of Drugs Guidance for schools which was issued in May 2004.

Conclusion/Recommendation 22

Any steps which can be taken to release skilled police officers for front line policing are welcome. Acknowledging the potential value of more effective enforcement, we believe that the Drugs Squad is a suitable candidate for additional human resources (Paragraph 122).

Is the Government satisfied that the present deployment is sufficient to meet its policy aims? Has the number of officers deployed in the Drug Squad increased?

The Government is committed to ensuring the Police Service of Northern Ireland has resources to provide an efficient and effective police service, and will continue to look to the Chief Constable for advice on policing requirements. Deployment of police officers is, however, an operational matter and is solely for the Chief Constable. Ian Pearson, in his capacity as Chair of the Organised Crime Task Force, receives regular briefings from the PSNI on the progress being made to tackle those organised criminals who supply and traffick all classes of illicit drugs in Northern Ireland.

The Police (NI) Act 2003 addresses the concerns that surround police numbers and strengthens policing by providing for the designation of civilian support staff, including contracted-out staff, as Investigating Officers, Escort Officers and Detention Officers, thereby freeing up more officers for frontline policing.

This year the Government has provided the PSNI with a baseline of £726.3 million which is an unprecedented level of funding for policing in Northern Ireland.

While the PSNI Drug Squad have a strategic role to play in the efforts to tackle illicit drugs it is important to recognise that police at District Command Unit level have an important role to play in reducing the supply and local availability of drugs.

Conclusions/Recommendations 24–26

We welcome the effectiveness of the assets recovery powers provided by the Proceeds of Crime Act 2002 and we commend the energy and commitment demonstrated by the staff of the new Assets Recovery Agency in its first months of operation (Paragraph 125).

The Assets Recovery Agency should be a crucial, and powerful, tool in the Government's efforts to disrupt and dismantle organised crime in Northern Ireland. Its early progress has the potential to make or break its reputation as an authority to be feared by the criminal fraternity. We urge the Government to continue in dialogue with the Agency and to consider very carefully any further requests for resources—whether for trained staff, additional or amended powers, or other provision—which would support the Agency's work (Paragraph 127).

Continued community support for the assets recovery process can best be served if the community sees actual benefit from it. Yet under the changes announced by the Home Office to the distribution of recovered assets, Northern Ireland's enforcement agencies will see only a limited return for their efforts, and Northern Ireland's communities nothing at all. The Home Office previously acted in good faith by establishing an Assistant Directorship for the Assets recovery Agency in Northern Ireland, and we welcomed that move. But by restricting Northern Ireland's access to the recovered assets in the new funds it is failing to follow through the assets recovery process to its logical end—converting criminal gains into positive outcomes for Northern Ireland's communities. Many of these communities are in real need and would, by such action, see some point in joining the fight against organised crime. This action by the Home Office is therefore unacceptable and directly counter-productive. There is too much at stake in terms of restoring a stable society and economy, and rooting out serious and organised criminality in Northern Ireland. The Minister must take steps as a matter of urgency to ensure that the assets recovery process in Northern Ireland is not compromised by the Home Office's decision, and that Northern Ireland has the same rights to access recovered assets as England and Wales (Paragraphs 131–133).

What has been the outcome of the NIO's approach to the Home Office on the distribution of money received through the recovery of assets to Northern Ireland communities?

Northern Ireland has secured funding from the Recovered Assets Incentivisation Fund for three years. This funding will employ four additional financial investigators. The Home Office indicated that the PSNI would be included in a new incentivisation scheme on asset recovery which will be introduced in 2005. Under this new scheme the police, together with other enforcement agencies would secure a 50% share of some of the recovered assets from 2006–07. No conditions would be attached to this funding, which would permit the police to support crime prevention projects.

Treasury have also agreed as part of the NIO's 2004 Spending Review Settlement to the principle that some of the proceeds of criminal assets recovered in Northern Ireland may be recycled for the purposes of supporting anti-crime initiatives (including anti-drug programmes). This is essentially in line with the agreement made in the previous Spending Review with the Home Office in England and Wales. Officials are still in discussion with Treasury as to how this will work in practice. The first year in which recycled proceeds may be used in this way will be 2005–06 and we shall be developing a more detailed strategy over the coming months to ensure that best use is made of this funding opportunity.

The Northern Ireland Office has also actively contributed to the debate on this issue within the Concerted Inter-Agency Criminal Finance Action group (CICFA) and the Home Office Assets Recovery Committee.

Conclusion/Recommendation 28

We welcome the success of the experimental Drug Arrest Referral Schemes established in Northern Ireland and hope this approach will be consolidated and extended to other areas with significant drug-using communities, such as South Belfast. The potential benefit of extending the remit of such schemes to include those arrested for alcohol-related offences should be explored (Paragraph 145).

What further research has been undertaken, and what results have been obtained?

The Government has secured independent evaluation reports from the two current arrest referral projects. The conclusions indicate that the availability of these services in two PSNI custody suites is having an impact in reducing the level of crime perpetrated by offenders who have sought treatment, and in improving their quality of life.

Against this background, officials are now directly discussing with the police and relevant Health and Social Service Trusts, the feasibility of developing an arrest referral scheme in Belfast

The Government recognise that the scope of arrest referral schemes should extend to include alcohol related offending, but the volume of referrals is likely to demonstrate a significant need for additional health resources, which are not currently available.

Conclusion/Recommendation 29

We are very concerned that the DARS scheme and, as we understand it, a number of others maybe put in jeopardy through a lack of financial commitment. We urge the Minister to provide stable funding for DARS and to make decisions on any other outstanding projects as quickly as possible (Paragraph 146).

The Committee has asked to be updated on the five criminal justice projects which were projected to be in funding deficit from March 2004. Will the remit of the schemes be extended to include those arrested for alcohol related offences? Are there outstanding projects under consideration? If so, when will decisions in these cases be made? Has DARS been evaluated? If not, are there plans to do so?

The Government was pleased to announce before the end of January 2004 that agreement had been reached to fund all five criminal justice projects until March 2006. This early decision led to continuity in the delivery of all projects.

There are no projects awaiting outstanding decisions on core funding.

Both arrest referral projects (Derry and Ballymena) have been evaluated, and reports were finalised in August 2004. The evaluations indicate good progress being achieved during the last 12 months.

The Derry project has seen the percentage of those being offered access to the service increase to around 40% of all offenders coming into the PSNI custody suite, and that over 50% of all referrals completed medical assessments. During the last two years improved mechanisms have been established to track clients and measure their medical and criminal progress. While this involves self-reporting by offenders, which is not always reliable, information from a range of other sources provides confidence in the conclusions reached. In an examination of financial aspects of the Derry project, the most conservative estimates suggest that the project provides very good value for money.

The Ballymena drug arrest referral scheme is part of a much larger drug project. The type of offender in Ballymena is much different to the one in Derry; being primarily a Class A drug user. After a slow start the number of contacts and referrals has increased over the last six months. Figures now indicate a high number of offenders have never had any contact with addiction services in the past. The Government anticipate further improvements in the level of service provided by this project.

Conclusion/Recommendation 30

We believe that investment in the resources necessary to extend the existing supervised licence scheme to sentences of 12 months or more would provide value for money by reducing the risk of ex-prisoners relapsing into problem drug or alcohol misuse, with its health risks and social costs. The Government should discuss the feasibility of the proposal with the prison and probation services, with a view to implementing an extension at the earliest opportunity (Paragraph 160).

The Committee has asked for an update.

The Review of the Criminal Justice System in Northern Ireland recommended that the current sentencing framework for adults be reviewed. This has now been completed and in early 2005 the Government will produce proposals for consultation, which will seek comments on a wide range of issues including post release supervision.

Conclusion/Recommendation 32

We can see benefits in making available to Northern Ireland provisions which would, as in England and Wales, make the granting of bail exceptional in serious cases, including murder, attempted murder and rape. We would like to see drug trafficking added to the list of cases covered by this provision. Similarly, we can see potential value in Northern Ireland of provisions which would require the court to give reasons for granting bail when representations have been made against it. The Government should consider these suggestions as part of a full consultation on the operation of bail in Northern Ireland, with a view to making further statutory provision at an early stage (Paragraph 166).

The Committee has asked what progress has been made?

The Government consider that good progress has already been made in this area. Under provisions taken in the Justice (Northern Ireland) Act 2004 the legislation provided for new offences for absconding from court and prison bail, powers of entry for police to arrest an individual for breach of bail and a prosecution right of appeal to the granting of bail in a Magistrates Court, where bail has been opposed by the prosecution.

The Government are also considering further bail reforms in the course of 2005, including provisions already in force in England and Wales. The provisions under consideration include requiring the court to give reasons for granting a defendant bail in circumstances where the prosecution has made representations against it and providing that bail will only be granted in exceptional circumstances for the most serious offences. Draft proposals will be the subject of consultation in the coming months.

Conclusion/Recommendation 33

We believe that both the options of a drug court and a drug briefing programme for magistrates merit further exploration, jointly by the Northern Ireland Office and the departments of the Northern Ireland Executive (Paragraph 171).

What further evaluations have been considered, if any?

During 2003–04 the Criminal Justice Working Group on Drugs and Alcohol considered the implementation of drug courts in Northern Ireland. Acting on the advice of Judge David Smyth the Group's concluded that drug courts should not be introduced to Northern Ireland at present. But it was also agreed that the issue should remain on the Group's agenda; that it should carefully look at, and consider any published independent evaluations that emerged on drug courts in other parts of the UK and in Republic of Ireland.

While no further evaluation reports have been considered a further visit to the Glasgow Drug Court was undertaken in November 2004. It was evident that this Court targeted prolific drug offenders on high levels of Class A drugs and that a major administrative support network of social workers (rather than probation staff) and medical staff assisted the Courts. The visit concluded that it was unlikely that, at this time, Northern Ireland had sufficient offenders with drug related problems to justify the introduction of drug courts.

Conclusion/Recommendation 34

We believe that there would be advantages in making Drug Treatment and Testing Orders available as an option for use in Northern Ireland. The Government should take whatever further steps are necessary to activate Article 8 of the Criminal Justice Order 1998 and to agree the necessary protocols with the court service and other agencies (Paragraph 172).

What further consideration has been given to applying these orders in Northern Ireland?

Officials have completed a range of visits to Great Britain to examine how Drug Treatment and Testing Orders (DTTOs) are used and whether they would be a useful tool in tackling drug related crime IN Northern Ireland.

The learning from these visits will be brought back to the Criminal Justice Working Group on Drugs and Alcohol together with a recommendation for further work. At this stage we anticipate providing final advice to Ministers during the summer of 2005.

Conclusion/Recommendation 37

Although we appreciate the need for security, particularly in view of the prevalence of attacks on pharmacies, a balance needs to be found between the need for measures to deter attacks and the need to provide a discreet and confidential environment for needle exchange (Paragraph 185).

Conclusion/Recommendation 38

In Ballymena we were shocked to learn that individuals seeking to conduct needle exchange transactions in private had to resort to hiding behind the pharmacy sunglasses rack (Paragraph 186).

Conclusion/Recommendation 39

The development of a comprehensive and effective exchange scheme for needles and other paraphernalia is a crucial element in discouraging a culture of sharing among drug users, particularly very young users, and thereby helping to reduce the level of Hepatitis C and other blood-borne viruses in the community. We urge the Minister in her review of the current needle exchange service to ensure that it is made as accessible as possible to all injecting drug users and that it is provided in a discreet and confidential environment. The scheme must not be limited to community pharmacies and the aim must be to discourage high-risk behaviour amongst injecting drug users and provide a gateway to other support and treatment services (Paragraph 191).

The Committee has asked in respect of Conclusion/Recommendation 37, 38 and 39: What conclusions have been reached as a result of further monitoring undertaken by the government to identify areas for improvement in needle exchange schemes?

The Government recognises the importance of promoting and supporting the non-sharing of needles and paraphernalia among injecting drug users and continues to monitor carefully the Needle and Syringe Exchange Scheme both as a service and as a process. To help inform the development, accessibility and areas for improvement of the scheme a formal evaluation is planned for Spring 2005. Any such evaluation must

be considered in the light of any proposed changes to the role of the community pharmacist within the wider Health and Personal Social Services field including the development and extension of the community pharmacy role as outlined in Recommendation 12 above.

A draft report on the Drug Use Patterns and Risk Behaviours of Injecting Drug Users received recently has identified a number of issues such as training for community pharmacists and their staff and an increase in the number of needles issued. These issues are under active consideration.

Conclusion/Recommendation 40

It would appear that the Hepatitis C strategy had been planned for issue by early summer 2002 and we are concerned that the spread of the SARS virus, which did not appear until early 2003, may be used as an excuse for a lack of action. We urge the Minister to explore more fully the reasons for the unacceptable delay in developing the strategy and to take steps to ensure that it is produced and implemented as a matter of urgency (Paragraph 197).

What is the status of the Hepatitis C Strategy? Is it fully operational?

A Strategic Framework and Action Plan for the Prevention and Control of Hepatitis C in Northern Ireland was published on 1 July 2004. Following a three month consultation period which ended in October 2004, 20 responses were received. These are currently being considered and a revised Action Plan will be issued in the New Year.

Recent service developments include the appointment of a second consultant hepatologist at the Royal Group of Hospitals Trust (RGHT); the provision of funding to support the use of combination therapy with pegylated interferon for the treatment of people aged 18 years, and over, with moderate to severe chronic hepatitis C, in line with the guidelines by the National Institute for Clinical Excellence (NICE) and the appointment of a specialist nurse in the RGHT to supervise drug treatment and make pre-treatment assessments.

Conclusion/Recommendation 41

Northern Ireland has been in the unique position of having advance warning of an impending injecting drug problem. While substitute prescribing is not an appropriate form of treatment for every injecting drug user we were very concerned to find that action has not been taken much earlier to plan and introduce this service. We urge the Minister to ensure that an equitable and structured substitute-prescribing scheme, with appropriate training, as well as financial and other resources, is put in place across Northern Ireland as a matter of urgency for all appropriate clients (Paragraph 208).

The Government said that the substitute prescribing scheme "should be implemented fully by 1 April 2004". Can you confirm that this is the case and provide details of the scheme?

A comprehensive Substitute Prescribing service was developed and put in place in each of the four Health and Social Services Board areas on target on 1 April 2004.

The service is structured, accessible and equitable and is supported by a rigorous evaluation and monitoring process which was developed in consultation with key stakeholders including service users. Accredited training was provided for both the statutory addiction service staff and the Prison medical staff involved in the scheme.

Interim results from the monitoring data supplied shows that almost 200 clients are in receipt of substitute treatment.

Conclusion/Recommendation 43

The effectiveness of a residential rehabilitation centre or therapeutic community in helping clients confront drug addiction problems is well established and there are clearly a number of people in Northern Ireland who can benefit from this treatment. The Minister should undertake urgent research to establish the level of need and to make appropriate arrangements for the provision of this service (Paragraph 218).

What progress has been made in researching residential rehabilitation and therapeutic community methods in assisting those facing drug addiction? Has the slippage in the timetable been made up?

The slippage in the timetable has not yet been made up. However, the position remains that the majority of drug rehabilitation can and does take place in the community. The Government acknowledges however that for a small number of users the approach of a residential rehabilitation centre/therapeutic community can be effective (but only with appropriate referral/selection criteria). The need to research this issue, in order to better assess the level of need and demand for such a service was highlighted as part of the Drug and

Alcohol Regional Action Plan. The Treatment Working Group considered that whilst this activity remained a priority area with all current resources committed, it is not possible to commission this research at this time.

Conclusion/Recommendation 44

We note and encourage the research currently planned by DHSSPS into the service needs of young vulnerable groups. The Minister should ensure that the specific needs of women, and young people under 18 years, with drug addiction problems are addressed in her evaluation of the drug strategy. In particular, childcare facilities need to be available to enable parents with drug addiction problems to access services (Paragraph 223).

What has the result been of the research into the treatment needs of young people with drug treatment problems and has the planned consultation gone forward?

The research into the treatment needs of young people was completed in May 2004.

Seven recommendations were made which included the development of a coordinated, multi-sectoral, long-term specific strategy for substance misuse services for young people under 18 years of age, underpinned by recurrent funding and supported by appropriate implementation structures and the development of a standardised screening and assessment tool. All of the recommendations are under consideration, and will help inform the new strategic direction for drugs and alcohol.

The consultation referred to, is that consultation which is currently taking place as part of the Review of the Drug and Alcohol Strategies, the final report of which is expected in March 2005.

Conclusion/Recommendation 45

We urge the Minister to consider what more can be done to make drug education and prevention programmes a higher priority within primary schools in view of the younger age at which children are experimenting with solvents and illegal drugs (Paragraph 227).

Have the proposed Guidelines for Personal Development been adopted? What was the result of the pilot Personal Development Programme?

The Department of Education is committed to enhancing the status of Health Education within a revised curriculum. Guidelines for Personal Development are being proposed at both primary and post-primary key stages and these will recommend that drug education should be delivered through a co-ordinated and planned Personal Education programme. A pilot Personal Development Programme, which includes drugs education, is now in its second year and has been extended into additional schools. An evaluation is planned once the pilot phase is completed. The intention is to develop this further into Key Stages 3 and 4 in line with the revised guidance materials.

Conclusion/Recommendation 46

We urge the Minister to consider how a more comprehensive response can be developed to the issue of young people in schools who become involved in drug use. We believe that it should not be a matter for schools alone to provide sanctions or counselling. The provision of appropriate support services at this stage could help to prevent more severe drug addiction problems later (Paragraph 228).

Has the Guidance produced by the Council for the Curriculum, Examinations and Assessment issued as planned in early 2004? If so, what feed back has been received?

The revised guidance for schools prepared by the Council for the Curriculum, Examinations and Assessment (CCEA) and an associated Department of Education (NI) circular were issued in May 2004.

The NI Drug and Alcohol Strategy Campaign has made available through the Education and Prevention Working Group, £85,000 to train 550 teachers across the five Education and Library Boards on the revised guidance. An evaluation is not yet available.

Annex D

Memorandum on PEACE II (HC 653)

The Committee Clerk has asked for a memorandum updating the Committee on matters covered in its Peace II Report. The following memorandum aims to meet this request and endeavours to answer the various questions posed by the Committee in the order in which they appear in the letter dated 29 November 2004.

Question 1

What progress has been made in applying the nine recommendations set out in paragraph 10 of the Government's response to the Committee's report? (HC 1077, page 3)

Recommendation 1: 60 Day Action Team

Following receipt of the PWC report on the reviewing of PEACE II implementation systems and processes in July 2003, the Minister established a "60 Day" Action Team to oversee delivery of the nine areas of simplification. The Action Team completed its work in November 2003 and a copy of their final report making 47 recommendations on simplifications was issued to NIAC on 8 December 2003. The Minister asked that implementation of these simplifications is taken forward by the SEUPB in 2004. 45 of the 47 recommendations have been implemented. The two not yet fully implemented were numbers 15 and 40. Number 15 was to create a consultancy call off list and is no longer considered necessary. Number 40 was for a full review of accountability arrangements that is partially completed. A new financial memorandum reflecting this work is expected to be agreed before March 2005.

Recommendation 2: Application Process

A new registration process, grant application form and small grant application form became operational in December 2003. Application forms were redesigned with the objective of simplification. The new registration process strongly highlights "Distinctiveness criteria" to avoid unnecessary work by applicants and implementing bodies in considering projects which fail to meet these essential criteria. The aim is to ensure that information requested from the applicant is commensurate to the stage achieved in the process. The SEUPB held management workshops in early 2004 to introduce the changes.

Recommendation 3: Assessment Process

The SEUPB has introduced minimum service delivery standards for project applicants established for all implementing bodies in relation to processing and assessing applications. The establishment of formal complaints and suggestions procedures for project applicants/promoters, with minimum service delivery standards for the SEUPB and implementing bodies.

SEUPB held workshops for all implementing bodies in early 2004 on guidance to and best practice of Assessment Panels. SEUPB issued a Service Delivery Standards Paper to all implementing bodies in December 2003.

Recommendation 4: Support for Decision Making Process

SEUPB revised procedures in respect of economic appraisals and issued updated guidance on value for money assessments, also devised step-by-step guidance, proformas and flow charts/checklist to clarify and ensure principles of appraisals are applied with appropriate and proportionate effort. A simple flowchart was developed to provide an overview of the appraisal process. A checklist which standardises the requirements accompanies this. The checklist provides a standard programme-wide pro-forma for use on economic appraisals which has been extended to all the EU funds operating in Northern Ireland.

Recommendation 5: Standardisation on Letters of Offer

SEUPB issued a standard model Letter of Offer and associated guidance in all implementing bodies in December 2003. A management workshop was held in January 2004.

Recommendation 6: Agreed approach to audit and verification

SEUPB issued guidance on financial controls for the PEACE II Programme to all implementing bodies. This states clearly the financial control requirements of the EU and represents the minimum financial control requirements for the Programme consistent with EU regulations and proper management of public money. Project organisations with multiple projects (funded from the same EC fund) will not normally receive more than one Article 4 audit check in a 12-month period. Implementing Bodies are now permitted to apply the principle of materiality to expenditure claims. This revised guidance has been incorporated into the EU Structural Funds Manual and is used across all four EU programme funds operational in Northern Ireland.

Recommendation 7: Clarification of Monitoring Requirements

SEUPB issued guidance on monitoring and reporting requirements in December 2003 and a workshop was held in early 2004. Equality monitoring requirements reduced to one form per year. Monitoring information now collated from projects on a six monthly basis rather than quarterly. Projects not now required making formal return with respect to PEACE II distinctiveness monitoring. Other aspects of monitoring reviewed and clarified.

Recommendation 8: Development of the Interface between SEUPB and Government Departments

Accountability arrangements between SEUPB and Departments as specified in Terms and Conditions of Payments of Grant documents have been simplified and clarified to allow scope for SEUPB to seek cash from Departments to measures based on projected need rather than solely on the basis of payments to a pre(set limit as previously. Virement procedures have also been put in place. This reduces the number of payment claims from SEUPB to Departments that are necessary and ensures cash balances are minimised.

Recommendation 9: Communications and Publicity

A PEACE Programme communication strategy has been put in place which establishes clear and consistent objectives and set of actions to redress the balance between the positive and negative image of the Programme. SEUPB held conferences in December 2003 and December 2004 to communicate the success of the Programme to date via projects and to announce the "60 Day" Action Team changes. The PEACE Programme was presented in Brussels in September as part of a wider Commission/Committee of the Regions event.

Question 2

What further steps have been taken to simplify the application forms? (Government's response, HC 1077, paragraphs 12–18)

Part A of application form significantly shortened and redesigned to become more user friendly. SEUPB introduced a mandatory registration process for all applicants prior to completing full application form. Registration process strongly highlights "Distinctiveness criteria" to avoid unnecessary work by applicants. The Part B has been shortened and redesigned to simplify completion. Additionally a Small Grants application form was shortened and simplified in terms of presentation and language, and on basis of minimum core information necessary to assess an application. In the extension period the reduced number of Measures and Implementing Bodies will allow further simplification of the application process and make it simpler for potential applicants to access relevant Measures.

Question 3

What is the average time currently taken to process application forms? (Government response, HC 1077, paragraph 20)

On 1 January 2004 the SEUPB introduced minimum service delivery standards for project applicants established for all implementing bodies including minimum processing times for assessing applications. Since this date the average processing time for approved PEACE II applications in Northern Ireland has been reduced from an average of 93 working days to 58 working days. The table below provides a more detailed analysis for both approved and rejected applications is received on or after 1 January 2004.

APPROVED APPLICATIONS

		<i>Number of applications</i>	<i>Total working days processing time</i>	<i>Average working days processing time</i>
Type of funding body	NI Govt Dept	401	26,020	65
	NI IFB	118	6,669	57
	LSPs	482	25,384	53
	All NI Ibs	1,001	58,073	58

Note: Processing time for approved projects is the difference between the date the signed Part B is received and the date the LOO is issued.

REJECTED APPLICATIONS

		<i>Number of applications</i>	<i>Total working days processing time</i>	<i>Average working days processing time</i>
Type of funding body	NI Govt Dept	196	11,932	61
	NI IFB	36	2,495	69
	LSPs	172	4,813	28
	All NI IBs	404	19,240	48

Note: Processing time for approved projects is the difference between the date the signed Part B is received and the date the application is rejected.

Source: CSF Central Database, 10 December 2004 (NB Central Database is reliant on funding bodies to provide information. In addition it is live and dynamic and subject to change.

Question 4

What success has the Government had in pressing for “simplification” of audit procedures in the context of Northern Ireland? (Government response, HC 1077, paragraph 22)

Following the PEACE II Programme’s “60 Day” Action Team simplifications DFP has issued revised guidance on audit and verification. The revised guidance ensures consistent and streamlined procedures are applied by all Departments and Implementing Bodies.

DFP in consultation with other Departments has provided comments and views to DTI and has attended EU technical seminars to help develop the UK position on audit matters for the post 2006 Structural Funds Regulations. It is hoped that these simplification proposals will be reflected in the new regulations that are expected to be agreed in mid-2005.

Question 5

Progress on N+2 spending targets. How much was spent at 31 December 2003? (Recommendations 18–22; Government response, HC 1077, paragraphs 23, 24)

At the end of December 2003 the PEACE II Programme met and exceeded all of its N + 2 target. In 2004 N + 2 targets for the PEACE II Programme in Northern Ireland will be met with total expenditure to the end of November 2004 of €346 million.

Question 6

Peace II Extension (The Committee has asked for an update on the arrangements and timetable for the proposed extension of Peace II and has asked specifically what risk is there that there will be a funding gap between the current and any extension programmes)

Good progress has been made to secure the necessary National and EU agreements to extend PEACE II but final European Parliamentary Ratification is not expected until mid/late January. Agreement by the European Council on the budget was delayed until early December and is now less than that first proposed and its composition in terms of National and EU money is also different. The proposals that we made to the Commission at the end of September to allocate these resources now need amendment to reflect these changes. It is hoped that these can be finalised by end January 2005 and Commission approval obtained before end March 2005. Contracts to Implementing Bodies can issue after that. We hope that first expenditure allocations can begin before summer 2005. As projects with current offers can claim expenditure until 2006 there is only limited risk of any funding gap period.

SESSION 2003-04

NORTHERN IRELAND AFFAIRS COMMITTEE SECOND REPORT INTO THE SEPARATION
OF PARAMILITARY PRISONERS AT MAGHABERRY PRISON

CONCLUSIONS AND RECOMMENDATIONS (HC 302)

<i>Report Paragraph Number</i>	<i>Recommendations</i>	<i>May 2004 Response</i>	<i>Update December 2004</i>
Para 41	We feel it is important to establish the full facts of such decisions and this can only be done by questioning the officials concerned in No 10.	The Government notes the Committee's view that it should have access, in exceptional circumstances, to staff in No 10.	No change
Para 42	We welcome this sympathetic response from the Prime Minister, and his commitment to reassess the policy on the appearance of his staff, in exceptional circumstances, before committees such as ours.	The Prime Minister has informed the Liaison Committee that the Government are looking further at the Select Committee rules.	The Government is currently consulting both Houses on proposed amendments to the "Guidance on Giving Evidence to Select Committees" (the Osmotherlys). The amendments make no change to the lines of Ministerial accountability: Civil servants give evidence on behalf of Ministers and under their directions and it is therefore for Ministers to decide which official or officials should represent them. The presumption will be that Ministers will agree to meet requests from Select Committees for named civil servants but that the final decision on individual civil servants giving evidence rests with the Minister concerned. As now, requests for evidence from named civil servants will be determined on a case-by-case basis.
Para 44	We believe that the separation of paramilitary prisoners at HMP Maghaberry was demanded by dissidents for political reasons and acceded to by the Government for (other) political reasons. We accept that the prevailing political conditions in Northern Ireland in the summer of 2003 placed the Government in an extremely difficult position. Nonetheless we have to record our belief that the decision—taken, as we see it, contrary to the balance of the facts and arguments presented to us—was a dangerous	The Government notes the Committee's conclusions. The Ministerial decision was taken, against the background of an extremely difficult situation faced by the Prison Service at Maghaberry and following an independent review, which recommended separation. The Government's view remains that, contrary to the Committee's belief, the decision to separate paramilitary prisoners was on balance the right one taking into account the political pressures for such a move, the challenges being	No change

<i>Report Paragraph Number</i>	<i>Recommendations</i>	<i>May 2004 Response</i>	<i>Update December 2004</i>
	one, most especially for the public servants who will have to implement it and live with its consequences.	presented by some prisoners and the need to provide a safe environment for all staff and inmates in the prison.	
Para 45	In our judgement, it seems very likely that the new policy of separation will have to remain in place for as long as there are any prisoners in Northern Ireland who can reasonably claim a paramilitary affiliation. This may be a very long time. The Government's decision is therefore also a very significant one, regardless of the political environment of the time, although it was made very quickly. Having made that decision—from which we accept there is now no turning back—the Government must accept full responsibility for the implementation of separation, and the additional demands it will place on the resources of the Northern Ireland Prison Service.	The Government accepts that separation will place additional demands on the resources of the NIPS and accepts full responsibility for the implementation of this policy.	No change
Para 58	It is essential that the staff and Governors at HMP Maghaberry should receive the full and unwavering support of both Government and Prison Service Headquarters, now and in the future, in implementing the level of separation which has been determined following the Steele Review. This means that current Government policy on separation must be asserted publicly, unambiguously and transparently, and the line must be upheld by all concerned regardless of the pressure which will be exerted by the paramilitaries for further concessions.	The Government has publicly endorsed the development and publication of a prisoner compact, which sets the parameters of the regime in the separated facilities. On announcing the publication of the compact the Government expressed its determination that there would not be a return to Maze style regime. The additional security measures that have been incorporated at Maghaberry, taken together with the Compact will ensure that this does not happen.	The Prison Service continues to manage separation to ensure prison staff remain in control. The use of the Prisoner Compact, the introduction of physical security measures and strong, resolute management both in HMP Maghaberry and at Prison Service Headquarters, has supported staff in doing their job. The management of separation is monitored by the re-establishment of the Good Order Steering Group with representatives from senior staff at HMP Maghaberry and Headquarters.

<i>Report Paragraph Number</i>	<i>Recommendations</i>	<i>May 2004 Response</i>	<i>Update December 2004</i>
Para 74	It is imperative that the only evidence of an individual's paramilitary affiliation which is accepted for the purposes of separation should be evidence received from, or verified by, police or intelligence sources. On no account should any individual be able simply to claim affiliation for himself or for others. Once the new arrangements are fully operational, if an individual claims affiliation for himself he should be placed in temporary special accommodation in the main prison, rather than in a separated cellblock, until his claim is either verified or rejected.	The Prison Service is in discussion with PSNI to assess the practicalities of this proposal.	A range of criteria was introduced as part of the Compact. This includes the police assessment of affiliation to a paramilitary organization. The final approval for admission to separated conditions rests with Prison Service Headquarters.
Para 76	Since the start of the paramilitaries' separation, conditions for integrated prisoners in Maghaberry have progressively worsened, as staff resources have been diverted to deal with the protests and the new regime. This is creating a considerable amount of resentment which, we were warned, is prompting ordinary prisoners to seek "a bit of the pie" the paramilitaries are perceived to be getting. Unless this is addressed urgently, the separated regime will appear by simple contrast to be much more attractive than in reality it is.	The integrated regime has been affected by the current challenges in the prison. However, despite the difficulties, both the visit complex and the gymnasium have functioned consistently throughout the year. Wing-based educational and recreational facilities and a significant amount of valuable programme work have also been provided. It is not accepted that others regard the separated inmates as being in some way favoured by the regime provided for them.	Since the end of August the workshops and the facilities in the education department have been re-introduced for integrated prisoners. Five separated loyalist prisoners recently made a voluntary return to integrated conditions and it is apparent that they find the integrated regime more fulfilling, stimulating and enjoyable.
Para 80	We believe that the proposal to transfer prisoners to other jurisdictions as a sanction of last resort is very dangerous, and could easily be manipulated by the paramilitaries in their campaign to undermine the Northern Ireland Prison Service and, ultimately, the British	The Government recognises that the compulsory transfer powers should be used sparingly and only when all other options for dealing with the prisoner have been considered. The decision to transfer a prisoner will be a matter for Ministers not officials. Arrangements	It remains the Government's view that this power will be used sparingly and subject to safeguards. To date it has not been necessary to consider exercising the power.

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	Government. We caution against its use in the strongest possible terms.	have been made to ensure that any prisoner transferred is not disadvantaged as regards the duration or number of visits he can receive. The Prison Service has undertaken to meet the reasonable travelling expenses of immediate family members visiting such a prisoner.	
Para 89	The target to reduce the cost per prisoner place in Northern Ireland, and associated objectives, are inappropriate following the decision to implement separation and should be abandoned for the foreseeable future. Any attempt to impose further efficiency savings on the Prison Service while it is dealing with separation are likely to prove counter-productive and to undermine the already fragile relationships between the Government and Prison Service staff. Once separation is firmly established the requirements of the new regime, and the costs associated with it, will be clearer: a review should then be carried out to determine whether costs can be reduced without detriment to the safety of staff and the wellbeing of prisoners.	While separation has increased costs it has not removed the need to seek better value for money in the rest of the Service.	There remains a need within the Service to continue to look at value for money and to deliver efficiencies.
Para 90	We further believe that the direct capital and operational costs of running the separated regime should continue to be calculated, met and publicly recorded as items distinct from the Prison Service's main budget. This is, and will continue to be, vital if the regime for other prisoners is to be protected as the Steele Review recommended.	The Service will seek the most useful way to present the extra costs of separation.	No change

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Para 93	While we understand and have sympathy for the prison officers' concerns, we cannot condone industrial action, which jeopardises the safety and wellbeing of prisoners and other prison staff.	The agreement between the Secretary of State and the POA in January has created an opportunity to rebuild relationships. The Prison Service is now making progress on a number of issues in the improved environment for consultation and negotiation.	The agreement between the Secretary of State and the Prison Officers' Association in January 2004 created an opportunity to rebuild relationships. Further agreements have been made on outstanding issues and consultations continue on any issues arising.
Paras 104 and 105	While we understand entirely the reasons why the Government should have adopted blanket measures to tackle the immediate threat to prison officer' homes, we do not believe that any individual should ultimately receive a less careful assessment of his personal situation than he would have received in other circumstances. Priority must be given to the completion of the current programme of security installations for all staff affected: in the light of the Minister's comments, we expect to receive confirmation that this work has been completed, as indicated, by spring 2004. But once this has been done, any officer who so wishes should be entitled to apply additionally for a personal threat assessment which would indicate whether or not security at his home should be upgraded further. Clearly, if many officers avail themselves of this option there will be further delays in meeting the demand. A degree of patience on the part of prison officers and their families will therefore be required.	<p>When the information was received that the personal details of prison officers had been compromised, Ministers immediately asked the Chief Constable to generally assess the level of threat pertaining to those involved. They agreed to a generic, rather than the normal individual, assessment in order to allow the Key Persons Protection Unit (KPPU) to deal with the situation as quickly as possible. All officers were considered to be under a significant level of threat. There is no disparity between prison officers and any other public servant assessed to be under the same level of threat. The measures that are being provided are exactly the same as is the amount of money that is available for each case.</p> <p>Due to the number of individuals involved the KPPU had no alternative but to carry out the work in a phased way to ensure that each officer was given a degree of protection and reassurance as quickly as possible. A three-phased programme of work commenced early in January 2003. To date phases one and two have been completed. Under phase 3 consultants have</p>	<p>When we were advised that the personal details of some 1,426 prison officers had been compromised, Ministers immediately asked the Chief Constable to assess the level of threat pertaining to those involved. They agreed to a generic, rather than the normal individual assessment in order to allow the Key Persons Protection Unit (KPPU) to deal with the situation as quickly as possible. All officers were considered to be under a significant level of threat. There is no disparity between prison officers and any other public servant assessed to be under the same level of threat. The measures being provided are exactly the same, as is the amount of money available for each case. 669 officers have been admitted to the scheme.</p> <p>Due to the number of individuals involved the KPPU had no alternative but to carry out the work in a phased way to ensure that each officer was given a degree of protection and reassurance as quickly as possible. A three-phased programme of work commenced early in January 2003. To date phases one and two have been completed. Under phase 3, work is either complete or well underway in 78% of the cases.</p> <p>During negotiations with the POA the Secretary of State agreed to reassess the package of measures that have been recommended for, or provided at, the homes of those admitted to the scheme to determine if the protection of additional ground floor windows is necessary. To do this, the Secretary of State agreed to appoint, in agreement with the POA, an independent adviser.</p>

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		<p>surveyed 530 homes. Work is either complete or well underway at over 200 of these and work is progressing as quickly as possible.</p> <p>During recent negotiations with the POA the Secretary of State agreed to reassess the package of measures that have been recommended for, or provided at, the homes of the 649 officers to determine if the protection of additional ground floor windows is necessary. To do this, the Secretary of State agreed to appoint, in agreement with the POA, an independent adviser. Two advisers have been appointed and commenced work on 1 March 2004.</p>	<p>Two advisers have been appointed and commenced work on 1 March 2004.</p> <p>To date 271 officers have applied to have their cases reviewed. The Independent Advisers have considered 91% of these cases and the additional windows recommended will be installed when the Phase 3 work has been completed. Work under Phase 4 will commence in January 2005.</p>
Para 108	<p>We welcome the steps which have been taken by the Prison Service to address the problems of the inefficient shift system and high sickness absence at HMP Maghaberry. We believe that finding a solution to these problems would ultimately be beneficial for management, staff and prisoners alike and we are particularly pleased that the Prison Officers' Association have been willing to work on these problems with management. Nonetheless we accept that it will be difficult to make substantial progress in addressing the shift system in the short term, when other changes are already placing a significant new burden on the staff. While these changes may be put on hold, they have been a long time coming and we hope that all concerned will seek to make further progress at the earliest opportunity.</p>	Accepted.	<p>Work on introducing new staffing deployment and a more efficient shift system is currently underway and, subject to discussions with staff associations, it is hoped to implement new arrangements during 2005. Sick absence procedures have been tightened up and during the 2005/06 business year the key performance indicator for sick absence will be further reduced.</p>

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Para 118	Having investigated the claims put to us about problems with the provision of Time Off In Lieu (TOIL) at HMP Maghaberry, we have concluded that the amounts of TOIL currently owed to staff by the Prison Service, while not “earth shattering” (to use Mr Russell’s words) are nonetheless unacceptably high. Urgent efforts must therefore be made to verify the amount of additional leave, which is owed to each member of staff, and to facilitate early repayment of at least a significant part of the debt. Attention should also be focused on how to ensure that this issue, which has damaged relations between management and staff, does not recur.	In recent months the trend in the average has been down and it is continuing to decrease. This is despite the difficulties in staffing due to the increased pressures brought about by separation and the poor industrial relations climate. The current situation is that only Maghaberry and the Prisoner Escort Group have AVH levels significantly above the Framework agreed levels. In the Prisoner Escort Group the current level is approximately $\frac{1}{3}$ less than one year ago, while at Maghaberry it is the same level as one year ago.	The trend in the average continues to decrease. Maghaberry and the Prisoner Escort Group remain above the Framework agreed levels. Agreement has been reached with the Prison Officers’ Association to recruit Prisoner Custody Officers who will replace the Prisoner Escort Group. This new category of staff will not accumulate Additional Voluntary Hours.
Para 121	It is particularly poor management practice when individuals have direct and privileged access to Prison Service Headquarters and can thus bypass the management systems within the prison. The Minister has told us that the policy on telephone access is being reviewed. It must be changed.	New arrangements were put in place with effect from 29 January 2004. During office hours the representatives have been asked to contact the Prison Service Director of Services. Out of hours the representatives have been advised to contact the NIO duty officer. The new arrangements appear to be working satisfactorily.	The new arrangements continue to operate in a broadly satisfactory manner. In the 8 months following introduction of the new procedures, the Director of Services had a total of 13 meetings with representatives of various separated prisoner factions and had a total of 133 telephone discussions with them. On 27 August 2004, EPIC and PANG formed a new group, Prisoners Human Rights Watch, to represent the interests of all loyalist separated prisoners at meetings with the Northern Ireland Prison Service. Notes of all meetings and telephone calls with representatives of paramilitary prisoners are prepared by the Director of Services and sent to the relevant prisoner group. Copies are also sent to the Governing Governor at HMP Maghaberry and the Governor in charge of the separated prisoners. Copies are available for reading by staff at HMP Maghaberry under controlled conditions.

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Para 122	Disputes and a lack of confidence between Prison Service staff and management play directly into the paramilitaries' hands. Urgent steps must be taken to resolve the breakdown in communication as quickly as possible.	We accept that communications have been unsatisfactory in recent times. Following the discussions made on 15 January with the POA, discussions are progressing using the Labour Relations Agency (LRA) to develop a better structure for the conduct of negotiations and communications with the POA. Both parties have now detailed to the LRA those issues they would wish to be addressed. The LRA are considering these at present and are expected to convene a further meeting of both parties in the near future. Informal meetings with representatives of the other Trade Unions have been introduced to improve the flow of information and to enable the identification of potential issues at an early stage. We believe these are working well and an improvement in communication has been acknowledged by NIPSA.	The poor relationship with the Prison Officers' Association has been actively addressed using the conciliation services of the Labour Relations Agency. An agreement has been reached on the introduction of Night Custody Officers and an interim solution on pay issues. As a result of this normal working has been resumed, relationships have improved and communication channels have been restored.
Para 125	Peter Leonard, the Director of Operations, gave us a clear undertaking that all staff would receive the initial package of training before working in the separated areas. It is essential that this undertaking is fulfilled. On the question of continuing psychological support, we welcome the provision of regular group "debriefing" sessions for staff in the separated wings, but we believe that officers must be able to have individual meetings with psychologists as and when they need them. We look to the Government for assurances that this will be the case.	Training for staff working in separated conditions has been delivered to 252 staff at the Prison Service College. Further training is being developed for a second week, which will include Control & Restraint. The present arrangements to provide Staff Support have been reviewed. The Prison Service, through its Occupational Support Unit has now extended counselling availability to include an out-of-hours Emergency Counselling Helpline.	Specific training has been delivered to 252 staff and this training was independently evaluated earlier this year. The training was well received and considered to be extremely effective and relevant. All staff required to work in the separated houses will normally receive full training before and during deployment. Regular de-briefing sessions have been held and staff have participated enthusiastically. Staff have had, and will continue to have, access to psychological support.

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Para 130	<p>Given the staffing problems at Maghaberry, any increase in resources must be welcome. We accept of course that there must be a proper restraint in the spending of public monies. But we remain concerned that the employment of support staff rather than fully trained prison officers—which is freely acknowledged to be a measure of economy—may be a false economy which will create difficulties for the effective rotation of prison officers and the provision of respite, where necessary, to those coming out of the separated areas. The Government must keep this under review over the first two to three years of separation and, if necessary, provide the resources to enable appropriate support staff to be retrained as prison officers, and remove the barrier to rotation.</p>	<p>The Prison Service acknowledges the need for the rotation of prison officers. That is still practical with the introduction of support staff.</p>	<p>Support staff have been recruited to make efficiencies. These staff will cover only a small part of a prison officer's work for which they will undergo a 3 week training period. This will free up a number of fully trained, under-utilised officers to complete the full range of prison officer duties. The first support grade was introduced in October/November 2004 and all staff will be fully implemented into the regime by December 2004.</p>
Para 138	<p>We welcome the Minister's indication that strategic oversight for the integrated regime has not been forgotten. Nonetheless, we had hoped for a more specific assurance that governors have the full and active support of dedicated staff within Prison Service Headquarters in taking forward what is still the mainstream work of the service. We expect the Minister to provide further detail of the work being carried out by Prison Service Headquarters in support of integration in the Response to this Report. It is vital that the vision of Prison Service Headquarters does not become over-focused on the paramilitaries, as</p>	<p>The Prison Service is committed to fulfilling its responsibilities properly in relation to integrated prisoners. We have received positive endorsement of our draft Resettlement Strategy from colleagues in criminal justice and other service providers such as DEL, SSA and the NIHE. We aim to publish the strategy in the next few months.</p>	<p>The Northern Ireland Prison Service remains committed to fulfilling its responsibilities in relation to integrated prisoners. This has been outlined in the recently published Resettlement Strategy. A head of Resettlement has been appointed who, with the Probation Board for Northern Ireland and other strategic partners will oversee the implementation of the Resettlement Strategy.</p>

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Para 139	<p>seems often to have happened before 1998.</p> <p>We agree with the Steele Review panel that the restoration and maintenance of a full regime for ordinary prisoners is vital for the safe and effective management of HMP Maghaberry. Without it, the Prison Service is failing in its duty towards those in its care. The absence of a constructive regime is also liable to prompt a return of the unrest which has troubled the prison in recent months, albeit for different reasons. The Government must therefore provide any additional support and resources necessary in order to restore this regime as an immediate priority.</p>	<p>It is accepted that the only way forward for Maghaberry Prison is through the provision of a meaningful constructive regime for all prisoners and that a constructive and predictable regime is important.</p>	<p>The integrated regime has been improving constantly since August 2004. Recent industrial relations difficulties did impact for a short time but it is hoped that ongoing management/POA discussions will resolve outstanding issues.</p>
Para 142	<p>We welcome the Prison Service's decision to maintain separate provision for remand prisoners.</p>	<p>Within the normal (integrated) population the Prison Service maintains separate provision for remand prisoners. Within the separated regime, however it is inevitable that there will be a degree of amalgamation. This is a direct result of the limited accommodation available for the holding of separated prisoners.</p>	<p>No change</p>
Para 147	<p>We endorse the recommendation of the Steele Review, and other witnesses to our inquiry, that immigration detainees should be dealt with outside the prison system.</p>	<p>The responsibility for immigration detainees falls to the Home Office Immigration and Nationality Directorate and it is their decision which directs where detainees are held in Northern Ireland. The Prison Service is currently legally obliged to hold in safe custody those detained on foot of warrants from the Immigration Authorities.</p>	<p>No change</p>

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Para 148	We cannot endorse any of the Government's proposals for the continued retention of immigration detainees within Northern Ireland's prisons. It would be wholly wrong to integrate them into the prisoner population at HMP Maghaberry; the other options each have drawbacks. We urge the Government to reconsider whether further options may be available.	The Prison Service is actively reviewing the options, given the requirement to hold the detainees.	Following public consultation, female prisoners and female immigration detainees were re-located on 21 June 2004 from Mourne House, Maghaberry, a "Category A" prison environment, to Hydebank Wood, a low risk establishment. At the same time, male immigration detainees were transferred to an Immigration Detainee Unit which is a hostel like environment attached to the prisoner working out facility in Belfast. This is not within the confines of a prison establishment.
Para 155	We welcome the proposal to build additional new accommodation at HMP Maghaberry. We acknowledge the conclusions of both Her Majesty's Inspector and the Steele Review panel concerning the problems with accommodation in the prison: we therefore recommend that, in filling this new accommodation, priority should be given to reducing the level of doubling up among prisoners serving longer term sentences within the integrated regime. The Government should review its timetable for redevelopment of HMP Maghaberry. Redevelopment of those parts of the estate Her Majesty's Inspector found to be potentially unsafe should be accelerated. In addition, it is unacceptable that significant security systems within the prison should be out of order. The Minister should discuss maintenance schedules with the prison's Governors and NIPS senior management, and resolve any problems with this routine requirement.	A review of the security systems at Maghaberry Prison will be undertaken later this year and any improvements identified as necessary will be carried out as soon as practicable. Redevelopment of the prison will be taken forward as part of the capital works programme, progress on which is dependent on a range of factors including the availability of resources. If, due to an increase in the prisoner population, cell sharing becomes unavoidable, due regard will be had to the Committee's recommendation in deciding the criteria for sharing.	A review of security systems has been carried out at Maghaberry and presently a financial appraisal is being completed for the development of a new emergency control room and supporting security infrastructure. A new house block to accommodate 144 prisoners in single cells is presently out to tender. The new accommodation will open in summer 2006.

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Paras 161 and 162	We therefore recommend that a new review of the prison estate should be carried out, to determine whether it would now be prudent either to open a third adult institution in Northern Ireland or to upgrade HMP Magilligan to a higher security level.	There is no immediate need for a further review but if prisoner numbers continue to rise the position may change.	No change
Para 168	The Service should also consider what further steps might be taken to improve the transparency of the process. Ideally, the minutes of the meetings should be published; we recognise that in the current climate in Northern Ireland this may prove difficult to agree. However, there are alternatives: for example, as in other comparable situations an independent observer agreeable to both the Service and the political groups might be invited to monitor the discussion. Given the obvious problems in communication within the service, the NIO and Prison Service Headquarters should also consider running a parallel chain of briefings with representatives of the officers and governors: this would ensure that the content communicated to the political groups was understood within the Service itself.	The Service welcomes the view that greater transparency is desirable, but is anxious to avoid anything, which might reduce the usefulness of the meetings. All of the groups with whom the proposal of publishing the minutes has been discussed were very strongly opposed to it. Further, the Service would have concerns about publishing material which, even if names were deleted, could lead to individuals being identified and placed at risk. The Service will consider other options for communication.	Notes of all meetings and telephone calls with representatives of paramilitary prisoners are prepared by the Director of Services and sent to the relevant prisoner group. Copies are also sent to the Governing Governor at HMP Maghaberry and the Governor in charge of the separated prisoners. Copies are available for reading by staff at HMP Maghaberry under controlled conditions.
Para 171	The creation of a Prisons Ombudsman for Northern Ireland was agreed to in principle by the Government in 1999, and must now be made a priority. We expect to see an Ombudsman appointed by the end of the Parliamentary session 2004–05.	The Prison Service has agreed with Ministers the principles of the scheme, and a public consultation document will be issued shortly seeking comment on the operation of the scheme. The intention is to appoint an ombudsman within the 2004–05 year.	The outcome of the public consultation exercise was published on 21 September 2004. A number of changes have been made to the proposals as a result of the consultation process. A senior official was appointed on 18 October 2004 to take forward the introduction of the Prisoner Ombudsman. The necessary work to amend Prison Rules and appoint the Prison Ombudsman is underway. The Ombudsman will be selected following a

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			public appointment process, in accordance with guidelines published by the Commissioner for Public Appointments and will operate independently of the Northern Ireland Prison Service. It is hoped the appointment can be made by the end of the 2004–05 financial year.

Annex F

THE COMPENSATION AGENCY (HC 271)

The Committee raised a number of questions relating to its May 2004 recommendations on the Compensation Agency. These are addressed, in the order presented, below.

Targets for processing claims

What progress has been made in reviewing targets for processing claims under the new Tariff Scheme? (Recommendation 2, page 17)

During 2004, the Agency has made progress in clearing the claims backlog, which was associated with the Tariff scheme's initial teething problems. In addressing the situation, the Agency has refined its operating practices, including: introducing an initial eligibility sift, re-structuring its administrative support and refining internal in-year targets. This has resulted in an increase in the throughput of cases, up from around 500 to 650 per month.

In addition, the Agency has worked closely with NIO staff to develop new performance targets, focused on capturing activity and outcome data. The revised targets will be incorporated in the Agency's business plan for 2005–06.

Recovery of compensation

The result of a judicial review was awaited before the restrictions on recovery powers was to be taken forward. Are the Department and the Agency in a position to move forward yet? If so, can the Department say what progress has been made? (Recommendation 4, page 17)

The judicial review referred to in the NIO's July update to the Committee is still in prospect. However, the nature of the request for judicial review has changed and it is now unclear as to whether this will proceed.

The overall policy was re-visited earlier this year and, in the light of legal advice, the Agency has now alerted its staff to the dangers of fettering its discretion in this policy area. Such discretion enables staff, in exceptional cases and where there is a strong likelihood of success is obtaining a recovery order, to take steps to seek re-imburement. In practice, the number of such cases arising in an individual year is expected to be very small.

The Committee has expressed great concern that child sex abuse victims were being unintentionally debarred from claiming compensation because of flaws in the law. The Department undertook to "again examine" the relevant legislation. What has been the result of the Department's examination? (Recommendation 5, page 15)

A working group, chaired by a senior official, has been established and is progressing the review. Legal advice has been obtained from the NIO's Senior Legal Advisor and opinion from Junior Crown Counsel. Officials have also met Home Office officials and are seeking to scope the effect of the current legislation. This work should be completed over the next few months and the Minister would hope to be in a position to give the Committee advice on the review's outcome in the spring.

Can the Department update the Committee on the review into the Criminal Damage Compensation Scheme? Has the issue of providing cover for terrorist related incidents been explored with the insurance industry? (Recommendation 8, page 18)

The review, *inter alia*, included discussions with the insurance industry. The review report, which is now being considered by Government, covers the possibility of a greater involvement of the industry in the coverage of terrorist cases. The Minister would hope to be in a position to give the Committee advice on the review's outcome once the Government has arrived at its conclusions on the way forward.

The Department in its response to the Committee has said that all compensation schemes were “currently under review”. Are the Department able to share with the Committee the emerging results of that review? (Recommendation 11, page 18)

The reviews have all reached their final stages and are the subject of discussion within Government. The Minister will be happy to share the reports and the Government’s conclusions with the Committee at the end of this process.

Is the Department fully satisfied that the Agency’s procedures for forecasting resources are robust and that the present forecast of financial resources for 2004–05 is realistic? (Recommendation 13, page 18)

The Compensation Agency now has sufficient experience of the new Tariff scheme to enable it to more accurately forecast likely out-turns. The Agency’s forecast of its resource expenditure for 2004–05 has been critically reviewed in both the August and December Monitoring rounds, and come in close to prediction. The Agency has further engaged with the NIO to ensure that there is a better corporate understanding of the determinants of the Agency’s overall resource expenditure.