



House of Commons  
Northern Ireland Affairs  
Committee

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**The Work of the  
Committee in 2006**

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**Second Report of Session 2006–07**

*Report, together with formal minutes*

*Ordered by The House of Commons  
to be printed on 31 January 2007*

**HC 294**

Published on 7 February 2007  
by authority of the House of Commons  
London: The Stationery Office Limited  
£0.00

## 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).

### Current membership

Sir Patrick Cormack, MP (*Conservative, South Staffordshire*) (Chairman)  
Mr David Anderson, MP (*Labour, Blaydon*)  
Rt. Hon John Battle, MP (*Labour, Leeds West*)  
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Mr Christopher Fraser, MP (*Conservative, South West Norfolk*)  
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Sammy Wilson, MP (*Democratic Unionist Party, East Antrim*)

### 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](http://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:

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### Committee staff

The current staff of the Committee are Mr James Rhys (Clerk), Dr Aileen O'Neill (Committee Specialist), Paul Derrett (Committee Assistant), Jennifer Kelly (Secretary), Laura Kibby (Media Officer), Jim Lawford (Senior Office Clerk).

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# 1 Introduction

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1. This report reviews the work of the Committee during 2006. The Committee's remit includes not only examining the expenditure, administration and policy of the Northern Ireland Office, but also, for the duration of the continued suspension of devolution, scrutiny of the work of the Departments of the Northern Ireland Executive. The Committee also maintains an ongoing oversight of political and constitutional developments in Northern Ireland.

2. On 6 April 2006 the British and Irish Governments issued a joint statement of their intention to restore an Assembly to Northern Ireland in May with responsibility to elect a First Minister and Deputy First Minister and elect Ministers for the Executive. The Assembly was given the deadline of 24 November 2006 to agree on a new executive.

3. In the event, no agreement on a restored Executive was reached before the 24 November deadline. However, following talks with each of the Northern Ireland political parties at St Andrews, the British and Irish Governments had outlined new proposals on 13 October 2006 providing for Assembly elections on 7 March 2007 and the restoration of devolved powers to the Northern Ireland Executive on 26 March 2007. This timetable was conditional on nominations being made by 24 November 2006 of candidates for First and Deputy First Minister, by the two largest parties in the Assembly. Legislation giving effect to these proposals received Royal Assent on 22 November 2006.<sup>1</sup> In the event of a successful restoration of devolved powers to a Northern Ireland Executive in 2007, this Committee will see its remit reduced accordingly, with responsibility for scrutiny of the work of the Northern Ireland Executive returning to the Northern Ireland Assembly.

4. Regular visits to Northern Ireland are integral to the Committee's work. During the year, visits were made to Belfast and South Armagh in May and to Armagh City in July in connection with the inquiry into Organised Crime. Two Members of the Committee travelled to Northern Ireland as guests of the PSNI and the Northern Ireland Office (NIO) to observe police and security operations surrounding the parades of 12 July 2006. The Committee is extremely grateful to the PSNI officers and NIO officials who made the visits possible. The Committee visited Northern Ireland again in October 2006 in connection with its Tourism inquiry when it held a range of meetings across Northern Ireland with representatives of the tourist industry and Departmental officials. It visited Belfast, the Antrim Coast, Newcastle, Londonderry, Omagh, Armagh and Fermanagh. The Committee also travelled to Northern Ireland in December in connection with its inquiry into Community Restorative Justice, taking oral evidence in Belfast and visiting restorative justice schemes in both Bangor and West Belfast. Visits proposed for March and April regrettably had to be cancelled due to Northern Ireland business being scheduled in the House. However, the Chairman did go to Belfast in March and fulfilled a commitment to address a dinner at the Reform Club. Lady Hermon was also present and spoke at the dinner.

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<sup>1</sup> Northern Ireland (St Andrews Agreement) Act 2006

5. The Committee also believes that it is important for it to visit the Republic of Ireland on a regular basis. We were extremely grateful to Ambassador Stewart Eldon and all of the staff of the post who organised an extremely useful visit to Dublin in January 2006. Although the visit coincided with a visit to Dublin by the Prime Minister and the Secretary of State for Northern Ireland, the Committee met an Taoiseach, Mr Bertie Ahern TD in addition to Mr Michael McDowell TD, Minister for Justice, Equality and Law Reform, Mr Dermot Ahern, Minister for Foreign Affairs and leading officers from an Garda Síochána, the Revenue Commission and the Criminal Assets Bureau. We again visited the Republic of Ireland in January 2007, in connection with our inquiry into Tourism. We hope that we will be able to make visits to Dublin a regular feature of our work programme.

## 2 Committee Activities

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6. The Liaison Committee has proposed a set of “core tasks” for select committees, which were approved by the House on 14 May 2002.<sup>2</sup> We report below on how our activities during 2006 have worked towards meeting the core tasks.

### To consider major policy initiatives

#### *Education in Northern Ireland*

7. In January 2004, the then Minister for Education, Jane Kennedy, MP, announced the Government’s decision to end academic selection in Northern Ireland’s secondary schools. The last transfer test for primary school pupils (formerly known as the 11 Plus) was to take place in autumn 2008; admission to post-primary schools was thereafter to be on the basis of a set of admissions criteria.<sup>3</sup> In autumn 2005, the committee held a number of evidence sessions to hear from groups and individuals representing both sides of the education debate in Northern Ireland. It also visited schools in Northern Ireland. The Committee also took evidence in December 2005 from the then Minister for Education, Angela Smith, MP.

8. The Committee decided not to undertake a full inquiry, but produced a short report in February 2006, expressing a hope that the points raised by those who had submitted written and oral evidence to us, would be given careful consideration by the Government.<sup>4</sup> The Committee noted that education was a formerly devolved responsibility, and it expressed a hope that a restored Assembly would be able to give detailed scrutiny to the implementation of the changes.<sup>5</sup> Section 21 of the Northern Ireland (St Andrews Agreement) Act 2006 defers the provisions to abolish academic selection until 26 March 2007. In the event of a restoration of devolution in accordance with the timetable set out in the St Andrews Agreement, the Amendment of Education (Northern Ireland) Order 2006 would be subject to approval by the restored Assembly.

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<sup>2</sup> Select Committees, Committee on Modernisation of the House of Commons, First Report Session 2001-02, HC 224, paragraph 34.

<sup>3</sup> New Post-Primary Arrangements: A Statement by Angela Smith, MP, Minister for Education, December 2005

<sup>4</sup> Education in Northern Ireland, First Report 2005-06, HC 726

<sup>5</sup> Ibid., paragraph 10

## ***Community Restorative Justice***

9. The Committee also decided in October 2006 that it would contribute to the Northern Ireland Office's consultation on its draft Protocol for Community based Restorative Justice Schemes. The draft Protocol replaced previous Guidelines that had been the subject of a consultation exercise, during which a number of serious concerns were raised. The Committee's report was published on 25 January 2007.<sup>6</sup>

## **To consider the Government's response to major emerging issues; and to propose changes where evidence persuades the Committee that present policy requires amendment**

### ***Organised Crime in Northern Ireland***

10. The Committee's major inquiry of 2006 was into Organised Crime in Northern Ireland.<sup>7</sup> The Committee commended the progress of the law enforcement agencies in responding to organised crime and noted the damaging effect that organised crime had on communities and businesses in Northern Ireland, particularly given the continuing involvement of paramilitaries in such activities. In the course of the inquiry, the Committee visited South Armagh and Belfast, and met a number of victims of organised crime. The Committee found it necessary on several occasions, in both London and Northern Ireland, to take evidence anonymously in private with no transcripts being taken. Such is the fear engendered by paramilitary and other organised criminal gangs in some local communities in Northern Ireland that these conditions were necessary to gain the confidence of some witnesses. The Committee pays tribute to the courage of those who came forward to meet them in the course of this inquiry. The Report was published at a press conference held at the Navan Centre, Armagh, on 5 July 2006, which was attended by six Members of the Committee, and which received wide coverage in the Northern Ireland and national media.

11. The Committee's inquiry, whilst supportive of the work done by the law enforcement agencies did draw attention to a number of areas in which regulation was either inadequate or non-existent, providing opportunities for organised criminals to exploit. In response to concerns raised by the Committee about the inadequacy of regulation in certain areas, a number of Northern Ireland Departments have taken steps to bring forward new legislation. In some cases, the Committee's inquiry seems to have introduced a note of urgency into preparations for regulation, whilst in other areas, it has clearly proved the spur to rectifying deficiencies.

12. The Committee's recommendation that the Government introduce legislation to give the PSNI powers to detain vehicles suspected of transporting waste<sup>8</sup> has been incorporated into the draft Waste (Amendment) (Northern Ireland) Order 2007 which was approved by the House on 23 January.<sup>9</sup>

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<sup>6</sup> Draft Protocol for Community-based Restorative Justice Schemes, First Report, Session 2006-07, HC 87

<sup>7</sup> Organised Crime in Northern Ireland, Third Report, Session 2005-06, HC 886

<sup>8</sup> Organised Crime in Northern Ireland, Third Report, Session 2005-06, HC 886, paragraph 50

<sup>9</sup> Article 9 of the Order provides for search and seizure of vehicles by authorised officers.

13. The Committee echoed the concerns of the Independent Monitoring Commission about the involvement of paramilitaries in the taxi trade.<sup>10</sup> The draft Taxis (Northern Ireland) Order 2007 was laid before Parliament on 9 January 2007 and the Department of the Environment expects to introduce regulations for taxi operator licensing within a year.<sup>11</sup>

14. The Committee also called for a system for training and registration of door supervisors to be put in place and for a review of legislation governing the private security industry to be carried out as a matter of priority.<sup>12</sup> The Northern Ireland Office has included provision for extending the remit of the Security Industry Agency to Northern Ireland in clause 46 of the Justice and Security (Northern Ireland) Bill 2006.

15. The Committee was alarmed at the failure to bring forward proposals to improve the regulation of Charities in Northern Ireland.<sup>13</sup> The Department for Social Development laid the draft Charities (Northern Ireland) Order 2007 before Parliament on 29 January.

16. The Department of the Environment has also indicated that it will launch a consultation exercise on bringing the road haulage licensing system in Northern Ireland into line with that in Great Britain during 2007. This was also in response to a recommendation from the Committee.<sup>14</sup>

17. We also note that in response to the Committee's inquiry, the Government has adopted campaigns to publicise the work of its Organised Crime Task Force and also to highlight the risks of purchasing counterfeit goods.<sup>15</sup>

18. The Committee's report was the subject of a debate in Westminster Hall on Thursday 30 November<sup>16</sup>. The Committee welcomed the additional opportunity for discussion of this important issue.

### ***Tourism in Northern Ireland***

19. The Committee has also embarked on an inquiry into Tourism in Northern Ireland. The Committee visited Northern Ireland in connection with the inquiry and also visited Dublin in January 2007 (see paragraph 5 above). The Committee has so far taken oral evidence from the Chartered Institute of Marketing, the Northern Ireland Tourist Industry Confederation, People 1<sup>st</sup> and Professor Stephen Boyd from the University of Ulster.

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<sup>10</sup> Organised Crime in Northern Ireland, Third Report, Session 2005-06, HC 886 paragraph 200.

<sup>11</sup> Organised Crime in Northern Ireland: Government Response to the Committee's Third Report of Session 2005-06, Ninth Special Report, 2005-06, HC 1642, page 19

<sup>12</sup> Organised crime in Northern Ireland, Third Report, Session 2005-06, HC 886, paragraph 203

<sup>13</sup> Ibid., paragraph 210

<sup>14</sup> Ibid paragraph 212

<sup>15</sup> Organised Crime in Northern Ireland: Government Response to the Committee's Third Report of Session 2005-06, Ninth Special Report, 2005-06, HC 1642, pages 5-6

<sup>16</sup> HC Deb, 30 November 2006, cols 143-180WH

### **Decision to Cease Stormont Prosecutions**

20. On 8 December 2005, the Director of the Public Prosecution Service for Northern Ireland decided not to proceed with the prosecutions of those alleged to have been involved in an IRA spy ring at Stormont. The Committee wrote to the Prime Minister on 15 January to ask for as much information as possible to be put in the public domain; the Committee published its letter, together with a reply from the Attorney General, in the form of a Special Report.<sup>17</sup>

### **To conduct pre-legislative scrutiny of draft bills**

21. The Committee noted in its report on its work for 2005 that the then Parliamentary Under-Secretary of State, Shaun Woodward MP, had undertaken to provide for pre-legislative scrutiny of proposals to replace the Diplock Courts.<sup>18</sup> The Committee urged the Government to ensure that proposals were published in draft in good time for the Committee to consider them.<sup>19</sup> The Committee was disappointed that the Government was unable to meet this commitment to provide legislation in draft for the Committee to examine. The Committee met the Secretary of State and the Attorney General in July and in September to discuss outline proposals to replace the Diplock Courts. On the second occasion, the Committee was able to discuss the draft Statutory Test for non-jury trial with the Ministers. The Committee raised a number of concerns with the Secretary of State concerning the proposals, including calling for the Attorney General to retain at least a consultative role in certifying cases for non-jury trial and questioning how provisions in the Statutory Test for non-jury trial relating to defendants “otherwise associated with” proscribed organisations will be interpreted. We publish the exchange of correspondence as Appendix 4 to this Report.

### **To examine and report on main Estimates, annual expenditure plans and annual resource accounts**

22. The Committee has raised questions in correspondence with the Department concerning its Resource Accounts for 2005-06 and its Spring Supplementary Estimates. Our questions to the Department and the responses are published at Appendices 1 and 2.

### **To monitor performance against targets in the public service agreements**

23. The Committee has again carried out examinations by correspondence of the Northern Ireland Office’s performance against its Public Service Agreement targets (PSAs) and its performance in achieving efficiency savings in the course of its scrutiny of the Spring Supplementary Estimates and the Department’s Annual Report for 2006. Our questions to the Department and the responses provided are reproduced at Appendices 1 and 2.

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<sup>17</sup> Decision to Cease Stormont Prosecutions, Eighth Special Report Session 2005-06, HC 814

<sup>18</sup> The work of the Committee in 2005, Second Report of Session 2005-06, HC 928, paragraph 15

<sup>19</sup> Ibid.

## To take evidence from each Minister at least annually

24. As noted above, the year has seen significant developments in the political situation in Northern Ireland, which the Committee follows closely in both formal and informal meetings with Ministers and others. On 10 May, the Committee took evidence from the Secretary of State on political and security developments in Northern Ireland; the evidence Session proved a valuable opportunity to discuss the deadline set in April by the British and Irish Governments for the restoration of the Northern Ireland Executive, although the Secretary of State's evidence was subsequently overtaken by the St Andrews Agreement.<sup>20</sup> The Committee has also taken evidence from Mr Paul Goggins MP, Parliamentary Under Secretary of State at the Northern Ireland Office, in connection with the inquiry into Organised Crime and Mr David Hanson MP, Minister of State, in connection with the inquiry into Community Restorative Justice. The Committee has also held a number of private meetings with the Secretary of State. During the course of the year, the Chairman has also had a number of private meetings with the Secretary of State, the Attorney General and Members of the Northern Ireland Office's Ministerial team.

## Follow-up of previous recommendations

25. In our review of the Government's performance on our past recommendations, we sought updates on the implementation of recommendations from the previous Committee's reports on Compensation Agency in Northern Ireland; Social Housing Provision in Northern Ireland; Air Transport Services in Northern Ireland; the Parades Commission and Public Processions Act (Northern Ireland) 1998; and the Challenge of Diversity: Hate Crime in Northern Ireland. The Department's response to the questions raised is published at Appendix 3.

26. The Department has provided further details on progress in the application to review the Planning Agreement at Belfast City Airport and also on progress of proposals for the redevelopment of City of Derry Airport.<sup>21</sup> We shall continue to take a close interest in these important issues.

27. In its report on the Parades Commission and Public Processions Act (Northern Ireland) 1998, the Committee had called for the Parades Commission's involvement in mediation to be revitalised, and in February 2005 the Government launched a consultation exercise on how best to provide and support mediation for contentious parades.<sup>22</sup> We note that the consultation was first extended and then delayed due to the appointment of a new Commission<sup>23</sup>. While welcoming the relatively peaceful parades season of 2006, some of which were witnessed by Members of the Committee, we will continue to examine the progress of work to make the Parades Commission's mediation work more effective.

28. The Department's response to questions raised about the implementation of recommendations made by the previous Committee in its report on the Challenge of

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<sup>20</sup> HC 1107

<sup>21</sup> Appendix 3, pages 28-29

<sup>22</sup> The Parades Commission and Public Processions (Northern Ireland) Act 1998, Second Report, Session 2004-05, HC 172, paragraph 95

<sup>23</sup> Appendix 3 page 31

Diversity: Hate Crime in Northern Ireland<sup>24</sup> are also published at Appendix 3. We welcome the reported substantial improvement in clear-up rates for crimes with a racist or homophobic motivation but note also the substantial increases in rates of such crimes.<sup>25</sup> We are disappointed that consideration is still being given to how best to monitor the effectiveness of the Criminal Justice (No. 2) Northern Ireland Order 2004; the legislation has now been in force for over two years, and a full assessment needs to be made of whether the legislation is serving the purpose for which it was intended.

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<sup>24</sup> The Challenge of Diversity: Hate Crime in Northern Ireland, Ninth Report, Session 2004-05, HC 548

<sup>25</sup> Appendix 3, page 38

# Appendix 1

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## **Memorandum submitted by the Northern Ireland Office on 23 May 2006 in response to Questions from the Committee relating to the Northern Ireland Office Spring Supplementary Estimates 2005-06**

General points:

1. PSA targets and comparative figures

All movements in resource spend contributed to the Department's PSA targets but, due to the nature of the Department's business, it is not always possible to quantify the exact link. Along with other Departments, we are working with HM Treasury, as part of the Comprehensive Spending Review process, to ensure that our Performance Management Framework (of which PSA targets are a part) is refined so that the exact link between funding and PSA targets is more transparent.

Comparative figures for previous and future year's Departmental Expenditure Limit (DEL) and Administration Budget will be included in all future Estimate Memorandum.

2. Transfers to NIE

All technical transfers to and from the NIE are pre-agreed with the Spending Team in HM Treasury before they are actioned in the Estimates.

Specific questions:

Question 1:

Although the NIO's Efficiency Technical Note (October 2005) outlines six efficiency programme delivery groups, only Criminal Justice has decreased its Estimate. Why have five of the six efficiency programme delivery groups asked for extra funding in the Supplementary Estimate? What impact will this have on the NIO's efficiency commitments?

Response 1:

The additional funding required in SSE 2005/6 related to specific pressures identified within the Department. These pressures had no impact on the savings that the Department has committed to deliver under the Efficiency programme, evidenced by the fact that, at the end of 2005/6 financial year, the Department reported an overall overachievement on expected progress. The department is currently on target to achieve the £90m savings required by March 2008 under its Efficiency programme.

Question 2:

Central Administration has received an increase of 19% in the Estimate (including £6m from Departmental Unallocated Provision) but there is little explanation in the Estimate Memorandum. This is on top of an increase of £11m in the Winter Supplementary Estimate (WSE) 2005/06 and £14.7m in Spring Supplementary Estimate 2004/05. The

Committee would like to know what the increased expenses in Central Administration are for and how they relate to the Department's PSA targets. Are further increases for Central Administration anticipated for future Estimates?

Response 2:

The increase in the SSE 2005/06 mainly related to drawdown of DUP to create a small contingency and net easements identified in other subheads within the department that were transferred to the Central Administration line. The increase of £11m in WSE 2005/06 was also due to the centralisation of easements within the Department and a movement of expenditure from non voted to voted. The increase of £14.7m in SSE 2004/05 also related to the centralisation of easements identified within the department. Therefore there were no major pressures identified within the Central Administration Directorate during 2004/5 or 2005/6 and there are no significant increases anticipated for future Estimates.

Question 3:

The Political Directorate has requested £5.3m for the establishment of the Cory Inquiries (this is in addition to the Spring Supplementary Estimate 2004-05 requesting £1.86m and the Winter Supplementary Estimate 2005-06 requesting £6m for 'three new political inquiries'). Additionally, the continuation of the Bloody Sunday tribunal has cost a further £1m (although delayed publication costs have postponed the spending of £0.5m). The Committee would be grateful for further details on what the likely future costs of inquiries will be, and how the Office will ensure spending on future inquiries is not excessive.

Response 3:

The Hamill, Nelson and Wright inquiries are at an early stage and forecasts are still being finalised. There are no forecasts available for the Finucane Inquiry as it has not yet been established.

In order to ensure that spending on future inquiries is not excessive, a Management Statement and Financial Memorandum has been agreed with each Inquiry. This document sets out the broad framework within which the Inquiry operates and includes the conditions under which any public funds are paid to the Inquiries and how they may account for their expenditure. The sponsoring unit within the Department meets regularly with each inquiry to discuss financial issues and the robustness of its financial forecast.

Additionally, an upper maximum limit is in place in respect of the hourly legal fees that may be paid to Counsel and Solicitors who represent the various interested parties. There is also a cap on the number of hours that can be paid each week in respect of legal fees.

The Bloody Sunday Inquiry is due to report its findings in 2006/07 and is forecasting expenditure for this year of £5.7m.

Question 4:

The £14m increase of Departmental Unallocated Provision by the Compensation Agency (46%), on top of an increase of £5.5m in Winter Supplementary Estimate 2005/06 and £2.1m in Spring Supplementary Estimate 2004/05 is significant. The Departmental Report 2005 reported 17% fewer claims awaiting a decision (para. 10.6), and a fall in the overall

claims under the Terrorism Act 2000 from 7,800 to 210 over the past two years due to the introduction of revised procedures (para 10.8). In the light of these figures, the Committee would like to know why such substantial increases in provision for the Compensation Agency have been requested.

Response 4:

At the time of the publication of the 2005 Departmental report (June 2005) the Compensation Agency was able to report a reduction in claims awaiting a decision and a fall in the overall claims under the Terrorism Act 2000 over the past 2 years. This was an indication of how quickly the Agency had cleared cases thereby improving their service. A movement in the number of claims however cannot be taken as the sole contributor to changes in provisions. An unexpected rise in the value of claims proved to be the main cause of the increase in provisions.

An increase of £6.5m in the SSE 2004/05 (not £2.1m as stated in the NIAC letter), was due to an increase in the value of the claims originally predicted, resulting from the bombing campaign against business premises in Lisburn, Newtownabbey, Strabane, Londonderry and Ballymena.

The £19.5m increase in provisions in 2005/06 (£5.5m increase in WSE and £14m increase in SSE) was due to an unexpected increase in the settlement values of the remaining claims under the 1988 Order. When the 2006/7 budget was originally established, the average value of an award made under this Scheme was £7,028 but by 31 March 2006, this had risen by over 110% to £14,840. The provisions then further rose as a result of the influx of Criminal Damage claims arising from the civil disturbances following the Whiterock parade in September 2005.

Question 5:

The memorandum should have noted that not all of the £1m for the capital project for the Probation Board for Northern Ireland is coming from Criminal Justice capital: £304k is from grants for the victim support scheme. I would be grateful if you could clarify where funding for the £1m capital project is being drawn from.

Response 5:

A total of £1.045m was paid to the Probation Board for Northern Ireland (PBNI) from the Criminal Justice Directorate as a capital grant in SSE 2005/06. An additional £304k programme grant (not capital) was paid to PBNI in WSE 2005/6 to fund pressure identified within the victim support scheme.

Question 6:

The Estimate indicates a decrease due to slippage of £1.643m for Community Safety Partnerships, although the Departmental Report for 2005 reports 'substantial progress' on this (para 6.15). The Committee would be grateful for an explanation of the reasons for this slippage.

Response 6:

The Community Safety Partnerships (CSP) declared an easement during the SSE 2005/06 as a result of correspondence from Councils who reported that they would not be invoicing CSP for work they carry out on their behalf.

## Appendix 2

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### **Memorandum submitted by the Northern Ireland Office on 4 December 2006 in response to Questions from the Committee relating to the Northern Ireland Office Departmental Report 2006, and the 2005-06 Resource Accounts**

#### *Efficiency Savings*

1. *The NIO told the Committee last year that it forecast cumulative efficiency gains of £39.8 million by the end of 2005/06.<sup>26</sup> However, the Departmental Report notes gains of £37.8 million at the end of the period.<sup>27</sup> Why have gains in 2005/06 fallen short of the forecast given to the Committee in October 2005, and what is the implication for the Department's overall efficiency target of £90 million by 2007/08?*

The figure included in the Departmental Report <sup>(2)</sup> is described as “Interim results for 2005/06”. The actual results delivered in 2005/06 were cumulative savings of £46.5m of which £37.6m was cash releasing. The Department is still on course to meet its target by March 2008.

2. *The Departmental Report states that the NIO has established contingency plans to meet potential shortfalls against the efficiency targets.<sup>28</sup> What form do these contingency plans take?*

The Department's current forecast savings by March 2008 are £98.5m. The forecast overachievement of £8.5m represents the contingency. The contingency is a sensible precaution against some of our plans not producing the anticipated level of efficiency savings.

3. *The Departmental Report notes that the headcount reduction target of 1,318 public servants was based on the assumption that all FTR officers in the PSNI would leave by March 2008, but that the Chief Constable decided in September 2004 to retain 680 officers.<sup>29</sup> Does the Department still expect to meet its public servant headcount reduction target? What action is the Department taking to meet this target?*

The Department is continuing to seek other headcount reductions to offset some of the public servant shortfall. It is unlikely that the target will be met but the Department has discussed this with HMT who acknowledge that the original target was based on all FTR officers leaving by March 2008. HMT have also noted that the main headcount target is civil service staff reductions and the Department is on course to exceed this.

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<sup>26</sup> Second Report from the Northern Ireland Affairs Committee, Session 2005–06, *The work of the Committee in 2005*, HC 928, Appendix 1, p11

<sup>27</sup> *Departmental Report 2006*, Table 3.1, p20

<sup>28</sup> *Departmental Report 2006*, para 3.21, p19

<sup>29</sup> *Departmental Report 2006*, paras 3.24–3.26, p20

4. *The National Audit Office (NAO) reported at the start of 2006 on the progress of departments against their efficiency targets. The report found that the methodologies specified in the NIO's Efficiency Technical Note (ETN) for measuring performance against its efficiency targets contained "some risks", with the measures stated being "fairly broad, making it difficult to judge their appropriateness". For example, the report questioned how the recruitment of additional staff translated directly into an efficiency saving.<sup>30</sup> What action has the Department taken to improve its measurement of performance against efficiency targets?*

The Department has placed greater emphasis on measuring performance against efficiency targets through the internal structures put in place to monitor efficiency performance. These include individual efficiency delivery groups and an Efficiency Steering Group chaired by the Director of Resources. The Department has also liaised with HMT and OGC both of whom have provided positive feedback on the effectiveness of the Department's efficiency structures. In relation to the NAO's question, the recruitment of additional staff does not translate directly into an efficiency saving. The Department agreed with HMT at the beginning of the SR04 efficiency programme that staff increases in areas of frontline growth, for example Probation Board and Youth Justice Agency, could be excluded from headcount reduction targets. The Department has ensured that staff recruited into areas included within the target are utilised as efficiently as possible and that they are aware of the need to contribute to the overall departmental efficiency agenda. This is evidenced by the fact that the Department is on course to over achieve on both its efficiency savings target and, after excluded areas, its headcount reduction target.

5. *The NAO report also identified "some risks" with regard to the appropriateness of the NIO's account of its service quality, citing the use of "vague methods such as 'Benchmarking' and 'Crime Statistics' for balancing quality measures".<sup>31</sup> What action has the Department taken to improve its measurement of service quality and the impact on service quality of cost savings measures in response to the NAO's report?*

Revised OGC measurement guidelines have been applied to initiatives to ensure that service quality is measurable, quantifiable and that service has not declined. This has included collating independent information on the service quality of bodies delivering efficiency savings, including internal audit assessments of Compensation Agency performance targets and HM Inspectorate of Prison reports.

### ***Performance Management***

6. *PSA Target 1 seeks to increase confidence in the police in Northern Ireland by 3 per cent by April 2008. The baseline of 73 per cent is a composite constructed from four questions asked in the Northern Ireland Crime Survey (NICS) and three questions asked as part of the Northern Ireland Omnibus Survey. All seven questions have been asked as part of the NICS since 2005, and progress of the target is now based on the NICS only. The Department reports that its "judgement at this stage is that the baseline will not be*

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<sup>30</sup> National Audit Office, *Progress in improving government efficiency*, Session 2005–2006, HC 802–I, 17 February 2006, Figure 36, p80

<sup>31</sup> *Progress in improving government efficiency*, Figure 36, p81

***affected by the change in survey method”.<sup>32</sup> How did the Department reach this judgement?***

During the 2004 Spending Review, the Department decided that similar survey methods used by the Home Office (i.e. the British Crime Survey) should be used to measure the level of public confidence in policing and policing arrangements in Northern Ireland. In adopting the Northern Ireland Crime Survey (NICS) the Department made a professional statistical judgement to construct a baseline from the information that was available at that stage and a pragmatic decision was taken to utilise the April 2004 Omnibus Survey rather than wait until 2006 before forming a baseline entirely drawn from the NICS.

While recognising the differences between the surveys, it was felt that they had sufficient similarities to justify the decision. Both surveys are conducted independently by NISRA, using the same, representative sampling frame and face-to-face interviewing in people's homes. The NICS produces more robust results that are less susceptible to the impact of very recent events (the NICS 2003/04 achieved sample size was 3,104 whereas the April 2004 Omnibus Survey sample size was 1,301). In addition, the NICS focuses entirely on crime and justice, and is likely to generate more fully considered opinions than the Omnibus Survey, which covers topics sponsored by a range of departments.

***7. The Departmental Report notes that “success in measuring this target is heavily dependent on many influencing factors”.<sup>33</sup> What is the Department’s assessment of the extent to which the performance of NIO staff drives this performance measure? What are the main other “influencing factors”?***

The performance of the NIO isn't measured as part of the seven key 'confidence' indicators so it is not possible to quantify the Department's contribution to this target. As described below that contribution is an enabling one in respect of the PSNI and the two other bodies – Policing Board and Police Ombudsman – which are most directly responsible for the achievement of the target. The independence of these bodies from Government is a key aspect of the Patten reforms and the NIO's handling of its relationships with them is also a factor in confidence in policing. NIO's role therefore is to provide the policy and legislative framework and the financial resources necessary for effective policing. While the delivery of efficient and effective policing is primarily a matter for the Policing Board, the NIO exercises a 'sponsorship' role in respect of the Board and maintains regular contact with senior officials to monitor performance. The NIO has allocated resources to address this target through a dedicated project team and work is ongoing to inform a co-ordinated strategy for improving public confidence. Influences on the delivery of this target are extremely complex and extend beyond the sphere of policing as confidence figures are largely based on public perception. Although the main police accountability structures are well established, some communities in Northern Ireland do not support the police and high profile incidents and continuing political uncertainty can have a negative impact on public confidence. Public perceptions of performance are measured and tracked by all the key stakeholders and enhanced partnership working will contribute significantly to meeting this target.

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<sup>32</sup> *Departmental Report 2006*, Appendix B, p111

<sup>33</sup> *Departmental Report 2006*, Appendix C, p117

8. *The Departmental Report describes progress against this target as “steady” and states that latest figures show the confidence has increased by 3 per cent from the baseline, meaning that the NIO is on course to meet this target.<sup>34</sup> Given that the target has already been met, how will further progress to 2008 be encouraged?*

Recent performance is encouraging with the latest in-year figures from the NI Crime Survey showing that levels of public confidence have remained consistent. However, maintaining levels of confidence remains a significant challenge as such figures reflect public perception which in turn can be influenced by a range of factors, many outside how police actually deliver policing. Improving public confidence remains a key strategic objective for all the stakeholders involved and targets and milestones have been set by the Policing Board for the police service within the Policing Plan. The NIO will continue to monitor progress and dedicate resources to the confidence project. Consideration will also be given to the development of a joint action plan with the key stakeholders.

9. *While the composite measure was up 3 per cent in 2005 on the previous year, performance varied across the seven indicators. The percentage of respondents saying that the Policing Board helped ensure that the PSNI does a good job was down 2 per cent year-on-year.<sup>35</sup> Why has this indicator weakened and what is the Department doing to improve perceptions of the Policing Board?*

Although this decrease is not statistically significant follow-up questions have been incorporated into the NI Crime Survey covering the period July to December 2006 to help us better understand what influences public confidence in policing and policing arrangements. Improving public confidence is a shared target across the wider policing family and all the key stakeholders, including the Policing Board are represented on the ‘Confidence’ Working Group (chaired by NIO). The aim of this Group is to improve information sharing and to identify any gaps in public confidence to help inform the development of a future co-ordinated strategy. Given the history of policing in Northern Ireland, the relationship between Government and policing accountability bodies is highly sensitive. Therefore the NIO fully recognises the statutory independence of the Policing Board, including the Board’s statutory role to assess the level of public satisfaction with the performance of the police and District Policing Partnerships. The NIO supports the Board through a corporate governance framework which includes regular meetings at ministerial level with the Chairman and Vice-Chairman of the Board and meetings with senior officials where Board performance is considered. In order to gauge public satisfaction and consider the views of the public on policing, the Board itself conducts an extensive programme of consultation and research activities involving a range of groups and organisations. All survey material, including research studies are published regularly on the Board’s web site.

10. *The percentage of respondents saying that the PSNI does a good job in Northern Ireland as a whole was 61 per cent. By contrast, the percentage of respondents saying that the Police Ombudsman helps the PSNI do a good job stood at 85 per cent.<sup>36</sup> How are the*

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<sup>34</sup> Departmental Report 2006, Appendix C, p117

<sup>35</sup> Departmental Report 2006, Table 5.1, p33

<sup>36</sup> Departmental Report 2006, Table 5.1, p33

***seven indicators weighted to achieve the composite measure? Are any of the indicators considered more or less reflective of public confidence?***

These indicators reflect all the different elements and aspects of public confidence in the police and new policing arrangements which are important in Northern Ireland. The three police indicators (i.e. police do a good job / police provide ordinary day-to-day policing service/police treat Catholics and Protestants equally) collectively are given a higher weighting as they account for four parts of the composite measure (4/6ths). The remaining four indicators relating to the accountability arrangements (i.e. the Policing Board and Police Ombudsman) account for 2/6ths of the composite measure.

***11. The NIO told the Committee last year that confidence figures in Northern Ireland were not directly comparable with those recorded in England and Wales because of differences in the survey methods, but that once figures in Northern Ireland were captured using the NICS, comparisons would be easier.<sup>37</sup> What comparison has the Department now made of confidence in the PSNI with forces in England and Wales?***

The NIO has not made any formal comparison with confidence figures recorded in England and Wales as the PSA 1 indicators are not included in the British Crime Survey. However, as part of the 2007 Spending Review, the NIO will consider adopting the national indicators being used by the Home Office to measure confidence in the police, and assess local police performance.

A shortly to be published NIO statistics and research bulletin entitled 'Perceptions of crime: findings from the 2005 Northern Ireland Crime Survey' will contain comparisons with England and Wales on composite concerns about crime and perceptions of anti-social behaviour indicators, which are currently used as Statutory Performance Indicators within the Policing Performance Assessment Framework in England & Wales.

***12. PSA Target 2 seeks to increase confidence in the criminal justice system in Northern Ireland by 3 per cent by 2008, from a baseline of 39 per cent. The technical note accompanying the target states that confidence will also be “supported by measuring the proportion of crimes which are brought to justice” and that this will be reported annually in the Departmental Report.<sup>38</sup> Why has the Department not incorporated this measure into its target or established a separate PSA target? Will this measure be reported in the next Departmental Report?***

The Causeway Programme is a joint undertaking by the criminal justice organisations (CJO's) in Northern Ireland. It aims to improve the administration of criminal justice and consequently, increase public confidence, through the development of new ways of working and better information systems. Causeway will address these issues by replacing paper-based records with systems based on electronic storage, transfer and retrieval of information. Information will be captured once and then shared and reused by all the CJO's.

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<sup>37</sup> Second Report from the Northern Ireland Affairs Committee, Session 2005–06, *The work of the Committee in 2005*, HC 928, Appendix 1, pp14-15

<sup>38</sup> *Departmental Report 2006*, Appendix B, p112

The Programme was scheduled to deliver in four phases. Joint on-line electronic access to the Northern Ireland criminal record for participating organisations was established in 2004 in line with the Programme timescale. The first full phase of the Causeway Programme – Electronic Case Preparation: delivered information sharing between the Police Service Northern Ireland, (PSNI) the Public Prosecution Service, (PPS) and the Forensic Service Northern Ireland, (FSNI) successfully, if approximately 6 months behind schedule, reflecting the challenge of bringing together different organisations' systems and working methods. This release has already provided benefits to the criminal justice system.

The second and most complex phase of the Programme has been re-planned for delivery by June 2008 and will extend data sharing mechanisms further to include courts (NICtS) and the prison (NIPS) services. The third and final phase of the Programme provides additional functionality to prisons (NIPS) and connects probation (PBNI) service with other criminal justice organisations is now scheduled to complete by December 2009.

Consequently, as end-to-end reporting is presently not available, the production of the PSA measurement has taken longer than anticipated. Due to a delay in the full implementation of the Causeway Programme, the production of this measure has taken longer than anticipated. Consequently, the timescale has had to be extended. The Causeway team is currently liaising with its technology partners, Fujitsu, data suppliers in PSNI as well as NIO statisticians regarding the optimum means of and timescale for generating the correct data. It is the Department's intention, therefore, to generate, validate and publish this measure as soon as practicable after the relevant elements of Causeway become fully operational. An update on progress will be reported in the next Departmental Report.

13. ***The Departmental Report states that confidence in the criminal justice system is currently 4 percentage points above the baseline.<sup>39</sup> What was the rationale for setting the target for improvement at only 3 percentage points? How will further progress to 2008 now be encouraged?***

The rationale for setting the target at 3 percentage points came from an inexplicable and significant dip in confidence figures prior to the target negotiation with Treasury. Both Treasury and the NIO team felt that it would be prudent, given the enigmatic nature of the dip, to set a target that was both realistic and statistically significant.

While we are encouraged by the upturn in confidence, we intend to use the rest of the PSA period to push this even further by focusing on the reasons why people are more, or less, confident. This information will be evidenced through separate survey results, which are presently being evaluated.

14. ***Unlike for PSA Target 1, no breakdown of the indicators making up the composite figure is provided in the Departmental Report. Could the Department please provide figures for each of the six indicators underpinning PSA Target 2?***

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<sup>39</sup> Departmental Report 2006, Appendix C, p117

**PSA 2 Confidence in the Criminal Justice System**

	% Confident <sup>1</sup>				
	Baseline 2003/04	Jan-Jun 2005	Jan-Sep 2005	Jan-Dec 2005	Apr-Mar 2005/06
Bringing those who commit crimes to justice	38	42	41	43	42
Meeting the needs of victims of crime	33	37	36	35	35
Respecting rights of people accused and treating them fairly	77	79	78	79	78
Dealing with cases promptly and efficiently	33	38	37	38	38
Reducing crime	28	33	33	34	34
Dealing with young people accused of crime	26	28	28	29	29
<b>Unweighted Composite Measure</b>	<b>39</b>	<b>43</b>	<b>42</b>	<b>43</b>	<b>43</b>

Source: Northern Ireland Crime Survey

All figures exclude don't knows and refusals.

**15. For both PSA Target 1 and PSA Target 2, 'don't knows' and 'refusals' are omitted. Why is this done? Does it not artificially inflate reported confidence levels?**

These responses are normally omitted from BCS and NICS analyses of attitudinal questions. This results in the focus being on those respondents who have voiced an opinion. The net result is that both confident and not confident responses are normally slightly higher than had 'don't knows' and 'refusals' been included. For the same reason, the ratings for both worried and not worried about crime are typically higher as a result.

For most questions, because the proportion of don't knows and refusals is typically very low, say 1% or 2%, this makes little material difference. However, where many respondents don't have a clear perception on a question, it can have an impact. This was, for instance, an issue for the PSA 1 indicator relating to equal treatment by the police. In actual fact, the understandable exclusion of the larger proportion of respondents who had never heard of the Policing Board or the Police Ombudsman from the indicators relating to those organisations is likely to have had more of an impact than the exclusion of a few 'don't knows' and 'refusals'.

Rather than focusing on differences in the level of confidence brought about by the inclusion or exclusion of 'don't knows and refusals', it is the trend in confidence and our understanding of what drives confidence that are key. From this perspective, the NICS produces more robust results that are less susceptible to the impact of very recent events.

**16. PSA Target 3 is split into two parts. The first part seeks to reduce domestic burglary (by 2 per cent by April 2005, and 15 per cent by April 2007), and theft of and from vehicles (by 6 per cent by April 2005, and 10 per cent by April 2007). The Departmental Report states that figures for 2004/05 show that domestic burglary had reduced by 19.5 per cent against the baseline, while vehicle crime had reduced by 37 per cent against the baseline, and that the Department is therefore on course to meet or exceed both targets.<sup>40</sup> What was the basis for setting the levels of the original targets,**

<sup>40</sup> Departmental Report 2006, Appendix C, p118

*which have already been exceeded by such a wide margin? To what extent is the improvement on these measures influenced by forces beyond PSNI control?*

The targets were agreed by the Departmental Board following statistical analysis by NISRA staff and after consultation with delivery agents including PSNI. The key factors taken into account included consideration of the crime types that:

- contributed to a significant volume of the overall recorded crime figures;
- had high levels of reporting and recording, to establish robust baselines;
- were amenable to being affected by a range of interventions from a number of agencies;
- had been on the increase;
- people are most likely to worry about;
- would be targeted in England and Wales; and
- had been largely unaffected by changes to Home Office counting rules.

The Northern Ireland target percentage decreases were set at a time when the PSNI was in the process of re-organising after the publication of the Patten Report and as an organisation they were losing a large number of experienced officers. The reported crime rates for both these crimes were rising and in the first year of the PSA the level of crime actually rose when compared to the baseline year.

Whilst it is not possible to identify precisely which interventions, other than those implemented solely by the PSNI and in partnership with others, contributed to the reductions in the targets, research indicates that improvements in security design of both homes and vehicles has been a contributory factor, as have factors such as decreases in value of a wide range of electrical goods.

There is also evidence that targeted public information campaigns linked with domestic burglary and vehicle crime have made significant impact on targets, particularly in relation to confrontational burglaries and theft of goods from vehicles. Multi-agency projects such as *Lock Out Crime* and *Operation Clean Up* have also contributed to the overall reduction in PSA target 3.

**17. *The second part of PSA Target 3 seeks to reduce the rate of reconviction by 5 per cent relative to the predicted rate by April 2008. The predictor model has been created by Northern Ireland Statistics and Research Agency statisticians working within the NIO.<sup>41</sup> What external validation has this model received? What is the predicted change in the rate of reconviction by April 2008? How will progress towards the target be measured?***

The predictor models were peer reviewed by Mr Mike Stevenson, Senior Statistician, Queen's University of Belfast in 2005. The reviewer took receipt of the original datasets

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<sup>41</sup> *Departmental Report 2006, Appendix B, p113*

and systematically evaluated all aspects of the modelling exercise. He was satisfied with the statistical analysis carried out on the data and that the models were robust.

The target is to reduce the rate of reconviction by 5% compared to the predicted rate. NIO statisticians are currently working to produce a predicted rate of reconviction for the 2005 cohort of offenders – this is calculated based on the offending characteristics of those contained within the cohort. Actual two-year reconviction rates for this 2005 cohort will be determined by April 2008.

Progress towards the target is measured on an annual basis with actual two-year reconviction rates compared to the predicted re-conviction rate for earlier cohorts. NIO Research and Statistical bulletin 3/2006 reports on the 2002 cohort of offenders. A multi-agency steering group has been established to co-ordinate work and monitor progress of the NIPS/PBNI. Northern Ireland is also represented on the national Reducing Re-Offending Inter-Ministerial Group and has recently commissioned work on a new re-offending strategy for Northern Ireland.

18. ***PSA Target 4 seeks to reduce the annual cost per prisoner place in Northern Ireland to £82,500 by 2007/08. The technical note accompanying the target states that, to maintain comparability with Great Britain, “specific items of expenditure unique to the Northern Ireland Prison Service may be excluded from the cost per prisoner place calculation”.<sup>42</sup> What are these specific costs, and what proportion of the overall costs do they account for? What is the Department doing to monitor and reduce these specific costs to ensure value for money?***

The specific items of expenditure unique to the Northern Ireland Prison Service and excluded from the cost per prisoner place calculation with Treasury agreement are separately reported in the Prison Service Annual Report & Accounts. The specific items include consolidation of the Northern Ireland governor allowances, Billy Wright Inquiry costs, costs from the staff reduction programme arising on closure of the Maze, expenditure following security breach, Prison Service Trust funding and Prisoner Ombudsman costs. In 2005/06 expenditure excluded from the cost per prisoner place calculation totalled 2% of resource. These costs are actively monitored and challenged to ensure value for money through normal procurement and financial governance processes.

19. ***The Departmental Report states that, at the time of publication, the outturn figure for the cost per prisoner place had not been verified and audited.<sup>43</sup> Has this figure now been published? How does it compare to the interim target for 2005/06 and what is the Department’s latest assessment of the likelihood of meeting the overall target?***

The interim target for 2005/06 was £86,900. The actual cost per prisoner place in 2005/06 was £85,900. This figure was published in the Northern Ireland Prison Service Annual Report on 11<sup>th</sup> July 2006.

As previously reported, the NIPS is unlikely to achieve the interim target of £85,250 in 2006/07. This is because, for sound reasons, the number of prisoner places has not

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<sup>42</sup> *Departmental Report 2006*, Appendix B, p113

<sup>43</sup> *Departmental Report 2006*, Appendix C, p119

increased as planned at the time the target was set – public funds have been saved thereby. However, steps are being taken to meet the target in future years.

Work continues on the 6 strands of the NIPS Strategic Development Programme – ‘Blueprint’ and these measures should have the effect, with others, of ensuring the achievement of the Cost Per Prisoner Place target in 2007/08 and will deliver further reductions in the CPPP in future.

#### Resource Accounts

20. *The Resource Accounts detail one “significant internal control issue” within the NIO over the course of 2005–06, relating to Forensic Science Northern Ireland (FSNI). The Resource Accounts report that “both FSNI and Internal Audit were unable to agree a sufficiently robust audit programme for the period in an adequate timeframe to allow the programme to be completed in year”, and that “management have agreed that a more extensive programme will be agreed and completed in the 2006–07 year”.<sup>44</sup> Internal Audit provided limited assurance to FSNI in the 2004–05 Resource Accounts as well.<sup>45</sup> Why has the FSNI received only limited assurance from Internal Audit in both the 2004–05 and 2005–06 Resource Accounts?*

The Internal Audit Programme in 2004/05 and 2005/06 was not able to be agreed by FSNI in sufficient time to allow Internal Audit to complete their necessary work early enough for year end reporting.

This resulted in Internal Audit giving limited assurance in both years. While some progress was made between 2004/05 and 2005/06 it was not considered significant enough to improve the assurance provided.

Internal Audit also advised FSNI that some of the internal targets set were not specific enough to allow for adequate measurement of performance and it was therefore not possible to audit them. This issue also resulted in limited assurance being provided in 2005/06.

20a *What specific measures is the Department putting in place to ensure that the problem is resolved in 2006–07?*

The specific measures that the Department have put in place to ensure that the problem is resolved in 2006/07 are:

- The NIO Departmental Audit Committee’s concerns on this matter have been highlighted as being a priority issue with the recently appointed new Chief Executive of FSNI;
- The Head of Internal Audit within the Department is engaging closely with the new Chief Executive to ensure that the problem is rectified in 2006/07;

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<sup>44</sup> The Stationery Office, *Northern Ireland Office Resource Accounts 2005–06*, HC 1483, p23

<sup>45</sup> The Stationery Office, *Northern Ireland Office Resource Accounts 2004–05*, HC 537, p9

- The 2006/07 Internal Audit programme has already been agreed between Internal Audit and FSNI and is currently being worked on; and
- The matter of limited assurance has been raised at the FSNI Audit Committee by Departmental Officials.

21. *The Departmental Report set out an estimated resource outturn for the NIO in 2005/06 of £1,434 million. This compares with actual outturn reported in the Resource Accounts of £1,292 million. Can you explain what the difference of £142 million between the forecast resource outturn in the Departmental Report and the actual Outturn in the Resource Accounts relates to? Why were the Department's forecast so significantly overstated?*

The Departmental Report estimated outturn is a resource outturn, measured against the Department's resource budget. The outturn reported in the Resource Accounts is an Estimate based outturn, measured against the Department's Spring Supplementary Estimate. The resource budget and Estimate differ in a number of ways. For example, the resource budget includes the resource expenditure of NDPBs (including depreciation, cost of capital and increases in provisions) whereas the Estimates only include cash grants to NDPBs. The resource budget also includes annually managed expenditure (AME) - in the case of the NIO this relates to interest on police pension liabilities - but this is not included in the Estimates.

The Department's final resource budget for 2005/6 was £1,457,494k. But this included Departmental Unallocated Provision (DUP) of £9,271k. So the actual resource budget allocated to the Department was £1,448,223k. This was set in December and approved by Parliament in the Spring Supplementary Estimates. When the Annual Report was published and the Department had a clearer understanding of actual outturn for the year, estimated resource expenditure had reduced to £1,433,966k.

The final resource budget reconciles to the Estimate figure in the Resource Accounts as follows:

	<i>£k</i>
<b>Final Resource Budget</b>	<b>1,457,494</b>
Less	
DUP	(9,271)
NDPB resource expenditure	(862,243)
AME	(221,965)
Add	
Cash grants to NDPBs	970,212
<b>Estimate per Resource Accounts</b>	<b>1,334,227</b>

The outturn of £1,292,038k in the Resource Accounts is measured against the Estimate figure.

## Appendix 3

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### **Memorandum submitted by the Northern Ireland Office on 4 December 2006 in response to Questions from the Committee in connection with recommendations made by the previous committee**

SESSION 2003-04

#### COMPENSATION AGENCY IN NORTHERN IRELAND (HC 271-1)

The Committee asked last year whether the Department was in a position to report on its reviews of the compensation schemes and was told that discussions with the Treasury were ongoing, and that these discussions needed to be completed before decisions on changes to the current schemes could be made. (*Recommendation 11*). *Is the Department able to report further on its reviews of the compensation schemes? (Recommendation 11)*

#### Response

In early 2006 the NIO initiated a number of Value For Money exercises at the request of HMT. One of these exercises is looking at the compensation schemes in NI. Whilst we had been preparing to take forward discussions on the earlier reviews with HMT that work has now been subsumed in the wider VFM exercise. The VFM work is ongoing and its finalisation will be subject to discussions and agreement with HMT. This work will need to be completed before Ministers are able to decide on any changes to the current schemes.

#### SOCIAL HOUSING PROVISION IN NORTHERN IRELAND (HC 493-1)

The Committee noted, in response to the Department's reply to questions raised, that the "target for new build units is well below the Northern Ireland Housing Executive's latest assessment of annual need for new units. *What is the most recent assessment of the balance between supply and demand for social housing, and on what basis this assessment is made?*

#### Response

The assessment of annual need is kept under regular review by the Northern Ireland Housing Executive. For the past three years the target of 1500 starts has been met but waiting lists are still increasing - although some 50% of the list is made up of singles and the programme tends to focus on families. A Review into Affordability is being undertaken by Sir John Semple and he will be producing an interim report for consultation in mid December. Meanwhile the target starts figure has been reviewed in the context of the Comprehensive Spending Review and no change will be made until the outcome is known.

SESSION 2004-05

AIR TRANSPORT SERVICES IN NORTHERN IRELAND (HC 53-1)

Q1. The Committee had urged an early decision on the application to review the Planning Agreement at the Belfast City Airport. *What progress has been made on this application and when is a decision expected? (Recommendation 2, paragraph 22)*

Response

Following publication of the 2003 White Paper on Air Transport which invited a review of the Belfast City Airport Planning Agreement, the airport authorities wrote to Department of the Environment in July 2004, requesting an increase in the existing limit of seats for sale/passenger numbers.

Following clarification on a number of related control issues, included in the planning agreement, the Department initiated a public consultation process on a review of the existing planning agreement which culminated in an Examination in Public (EIP) in June 2006. The consultation process had been delayed consequent to a Judicial Review brought by Belfast International Airport in relation to the legal process and procedures for reviewing planning agreements. The Judicial Review was subsequently withdrawn. The EIP panel considered all the key controls and obligations included in the existing planning agreement (Noise; ATM's; Opening Hours; and seats for sale) and reported to the Department in early September 2006.

The Department is currently finalising its consideration of the panel report, including a handling plan for the publication of the report, and hopes to make an announcement within the next few weeks recommending a way forward. The panel report would be published at that stage and work would proceed towards drawing up and finalising a revised planning agreement..

The Department for Regional Development together with the Planning Service of the Department of the Environment has published in final form Transport Assessment Guidelines for Development Proposals in Northern Ireland. This follows consultation on the draft document.

In February 2005 the Planning Service published Planning Policy Statement (PPS) 3 (Revised) – 'Access, movement and Parking' in a joint launch with the Department for Regional Development (DRD) who published Planning Policy Statement 13 – 'Transportation and Land Use'.

Both Departments also took the opportunity afforded by the publication of the PPSs to issue jointly prepared draft Guidelines on Transport Assessment for public consultation. The policy context for the guidelines is provided by the above PPSs. It is the objective of the guidelines to assist in the preparation of Transport Assessments for development proposals in Northern Ireland.

Q2. The Committee had welcomed the decision in principle by the two Governments to provide £10 million for redevelopment at City of Derry Airport subject to certain conditions and had called for this to be finalised as quickly as possible. *What progress has been made on this issue? (Recommendation 6, paragraph 34)*

## Response

The British and Irish Governments' decision in principle to provide joint funding for runway improvements at City of Derry Airport was given State Aid clearance by the European Commission on 16 May 2006.

Since then, Derry City Council has sought additional grant to meet an increase in project costs of £5.15 million. This overrun is due to inflationary increases in property and engineering prices and an underestimation in the costs of necessary railway signalling works. Grant support for City of Derry Airport has been to date on a shared basis by the two governments and the Council. The two governments are currently considering increases in their contributions to meet the additional costs.

Derry City Council is required by the two governments to reform the governance of the airport to improve its commercial focus. The Council has recently appointed consultants to carry out a review of the options for reform. The Strategic Investment Board and the Department for Regional Development are assisting in this project. The Council expects to receive a report by the end of December 2006.

Q3. The Committee had called for an urgent study into passengers from Northern Ireland who use Dublin Airport and those from the Republic of Ireland who use the Belfast Airport including a detailed analysis of the factors which influence those decisions. The Government response indicated that a joint Departmental investigation was underway into the issues involved, the impact on passenger forecast modelling, and the need for a regional/all-Ireland co-ordination strategy. *What has been the outcome of this investigation and what further steps have been taken or considered to improve the competitiveness of Belfast airports and reduce the flow of passengers to Dublin? (Recommendation 9, paragraph 43)*

## Response

The joint Departmental investigation found that the Irish Government did not hold and had no plans to collect the data on passengers departing from Dublin airport necessary to assist with passenger forecast modelling and analysis of the "leakage" issue. The Department of Transport (Dublin) has recommended an approach to the new Dublin Airport Authority.

Meanwhile, information about passengers departing from Northern Ireland airports is being collected by the Civil Aviation Authority on an on-going basis during 2006. When this data becomes available in the Spring of 2007, and in the light of passenger forecasts available in the recently published Master Plans for Belfast International Airport and the George Best Belfast City Airport, the Department for Regional Development will consider further research into the issues involved.

In relation to the competitiveness of Belfast airports, the introduction of the Northern Ireland Air Route Development Fund has assisted the establishment of a total of 9 new routes to North America, Europe and other regions of the United Kingdom, mainly from Belfast International Airport. This has offered a choice of direct services for Belfast passengers, some of whom might otherwise have chosen to fly via Dublin. In the last 10

years, passenger numbers at Belfast International Airport have grown by 8.2%, compared with an average growth of 5.9% for UK airports as a whole.

Q4. The Committee had recognised that the Route Development Fund was a valuable Government initiative at a time when air services to Northern Ireland were very poor but expressed concerns about its application and had called for a thorough, robust and independent review of the operation of the scheme before any additional funding is provided. The Government response referred to an internal review being undertaken by Air Route Development Ltd which had aimed to complete its work by 30 April 2005. *What has been the outcome of this review and what further assessment has been made of the overall effectiveness of the Route Development Fund? (Recommendation 17, paragraph 62)*

#### Response

Since the establishment of the Route Development Fund in September 2003, offers of assistance have been made (under the provisions of the scheme) to all 3 commercial airports in Northern Ireland (NI) for a total of 9 new routes to North America, Europe and other regions of the United Kingdom.

The Route Development Fund, which is administered by Air Route Development Ltd. (ARDL), (a company established by Invest NI and funded by DETI) is fully committed in budgetary terms and the internal review, referred to above and in the Government's response to Recommendation 17, of the Committee's report (HC 53-1), was designed to assess the overall position of NI in the air route development marketplace.

The Review, which was principally a stock-taking exercise, covered recent trends in the aviation industry, regulatory developments, network benchmarking, structural issues, and an analysis of network gaps and new routes. Professor Brian Graham, University of Ulster and ARDL Board

Q5. The Committee had recognised the crucial importance for Northern Ireland of maintaining access to Heathrow and had urged the Minister to explore and develop contingency plans to protect the service. *What further progress, if any, has been made on this issue? (Recommendation 19, paragraph 68)*

#### Response

In December 2005, the Government published new guidance on protecting regional air access to London through the use of Public Service Obligations (PSOs). This guidance is still framed by the European legislation, which would not allow a PSO to be imposed where there is already an adequate service between two cities or regions. However, the Government has undertaken to review all PSO applications on a case-by-case basis.

The guidance also introduced a new voluntary "early warning system" whereby airlines are asked to give the regions and Government at least four months notice of any intention to withdraw services. This would include services from Belfast to Heathrow. It would then be for the Northern Ireland administration to make the case to the Secretary of State for Transport for the imposition of a PSO to protect Belfast slots at Heathrow. The Government believes this system provides a suitable time to find a solution which aims to ensure services to London are maintained.

On 18 July 2006, the European Commission published for consultation its proposals for the reform of the Third Aviation Package. These proposals, inter alia, aim to clarify the conditions attached to PSOs and the airports to which PSOs can apply. The consultation, therefore, provides an opportunity to seek a review of the European legislation on PSOs. In responding to this consultation, the Government will aim to ensure that any amendments recognise the importance of regional access to London airports.

#### THE PARADES COMMISSION AND PUBLIC PROCESSIONS (NORTHERN IRELAND) ACT 1998 (HC 172-I)

Q1. The Committee had expressed concern about the disruptive effect of some band parades and encouraged the Commission to make its proposed discussions with the police about establishing a register of bands a priority. It recommended that on the conclusion of these discussions, the government consider exercising its power under section 12 of the Public Processions (Northern Ireland) Act 1998 to introduce a scheme of registration for bands. *What progress has been made towards establishing a scheme of registration for bands? (Recommendation 24, paragraph 90)*

#### Response

This has been considered both by Ministers in the past, and more recently by the recent Parades Commission Review of Procedures. Having considered all the information and views before it, the Commission concluded, as had ministers previously, that there would be serious practical difficulties in establishing and operating a scheme. While the PSNI has indicated that it would be in favour of a registration scheme, the Commission concluded that parade organisers should take account of behaviour of bands and to work to ensure their compliance with the Commission's Code of Conduct.

Q2. The Committee had called for the Commission's involvement in mediation to be revitalised and for the Commission's Authorised Officer Cadre to be strengthened. In February 2005, the Government launched a consultation exercise, seeking views on the most effective way to provide and support mediation for contentious parades. *What were the results of consultation and what steps have been taken to revitalise the Commission's involvement in mediation and strengthen the Commission's Authorised Officers? (Recommendation 29, paragraph 95)*

#### Response

The consultation exercise was extended to the autumn to allow a number of key respondents to submit. Given the proximity at this stage to the appointment of the new Commission, it was decided to wait until these appointments had been made before making any announcement. This Commission has actively encouraged and facilitated mediation, which in no small way contributed to the peaceful parades season this year. As things have moved on in this way, we will now be considering the mediation proposals in this context. Before finalising these proposals, we have asked Roger Poole to indicate how he would like to see mediation taken forward.

On Authorised Officers, the Commission is currently reviewing these arrangements as the contacts for the current cadre are due to expire at the end of this financial year. While the Commission has not yet made a final decision, it remains committed to strengthening the

focus and function of Authorising Officers, in a way which best meets the needs of the organisation.

THE CHALLENGE OF DIVERSITY: HATE CRIME IN NORTHERN IRELAND (HC 548-I)

Q1. The Committee had recommended that the NIO take the lead in ensuring that the diversity training provided by criminal justice agencies for their staff is founded on common principles; that there is collaboration between the agencies in delivering training; and that this is developed in conjunction with the representative bodies of the minority communities. The Government undertook to refer this matter to the Criminal Justice Board who would “set in place systems to monitor this”.<sup>46</sup> What systems have the Criminal Justice Board put in place to monitor the diversity awareness training provided by criminal justice agencies in Northern Ireland? *What training has been undertaken by the main criminal justice agencies since publication of the Committee’s report? (Recommendation 16, paragraph 55)*

Response

***What systems have the Criminal Justice Board put in place to monitor the diversity awareness training provided by criminal justice agencies in Northern Ireland?***

The Criminal Justice Board is made up of heads or senior representatives from the seven main statutory criminal justice agencies in Northern Ireland; these comprise the Northern Ireland Office, the Northern Ireland Court Service, the Northern Ireland Prison Service, the Police Service of Northern Ireland, the Probation Service for Northern Ireland, the Public Prosecution Service, and the Youth Justice Agency .

The Board is alive to the need to provide an effective mechanism to meet the needs of the full diversity agenda but recognised that the individual organisations had to develop their own processes to cover the specialised areas they cover. This approach was endorsed by Lord Clyde, the Justice Oversight Commissioner.

The inter-agency Human Rights/Diversity subgroup of the CJ Board was established to provide a central point to share best practice to maximise consistency across the organisations. It monitors training across the agencies and reports to the Board on a two-monthly basis and shares information on agency training plans, the effectiveness of current programmes and the development of future training. Increasingly it is reporting on specific aspects of human rights/diversity training as commissioned by the Board.

***What training has been undertaken by the main criminal justice agencies since publication of the Committee’s report?***

Specific training on diversity is provided in all agencies through induction and continuous development programmes and details are listed below. The agencies are also keen to make clear that principles of diversity underpin much more than these specific courses.

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<sup>46</sup> Northern Ireland Affairs Committee, *The Challenge of Diversity: Hate Crime in Northern Ireland: Government Response to the Committee’s Ninth Report of Session 2004-05*, Fourth Special Report of Session 2005-06, HC 396

Details of training since 14 April 2005 are as follows:

Name of Organisation: Police Service of Northern Ireland

Course title / Theme*	Length of programme (Day, week, etc.)	Frequency of delivery (one-off, monthly, quarterly, induction, etc.) since 14 April
<b>'Diversity Works'</b> – Cross Border Training with Officers from An Garda Siochana (developed in conjunction with the representative bodies of the minority communities from all over Ireland)	One day course offering four training modules	Initial Course ran from Feb – June 2006 – 55 sessions training 1000 officers and Garda.
<b>'Diversity Works Part 2'</b> PSNI Officers only. This programme uses the same material developed for the cross border diversity programme that was developed in conjunction with members of minority groups in Ireland.	This is a two year programme offering an intensive one day Diversity Training Course	This programme started in Sept 2006 and will run for 2 years and is available to all officers.
<b>'Legacy of the Past and Managing the Diversity of the Future'</b> – Foundation Programme for Student Officers this course examines why policing has become contentious and also includes <b>specific anti-homophobic and anti-racist training.</b>	3 days residential	Programme is delivered every five weeks to PSNI Student Officers in a residential setting (Lorne House)
<b>'Community Fayre'</b> This is an evening event that is delivered to Student Officers that involves representatives of minority communities speaking to Student officers and sharing their experiences.	Evening Programme	This is a module of foundation training that is delivered every 5 weeks at the Police College.
<b>Student officer</b>	Half day for each	These are modules of

<p><b>Foundation Training</b> Diversity elements to <b>Personal Safety</b> (PSP's) and <b>interviewing classes</b> (SAE's) using role players drawn from minority groups (faith, race, disability, sexual orientation). New recruits are assessed on these role playing scenarios</p>	module	Student Officer Foundation training commenced in 2006 and are run every five weeks.
<p><b>NICEM – Anti-Racist Training</b></p>	Half day module	Commenced in 2006 This course of 18 sessions was commissioned delivered to officers in South Belfast District.
<p><b>Cultural Awareness and Language Classes</b> for all new recruits (Mandarin Chinese, Polish &amp; Portuguese)</p> <p>Irish Language Classes are also available to <u>all</u> officers who express an interest in learning Irish</p>	5 nights x 3 hours	This course is delivered in conjunction with BIFHE and commenced in 2006 and is available to all Student Officers
<p>Community Safety Branch HQ provide <b>support for DCU Hate Incident and Minority Liaison Officers.</b></p>		This is done by circulation of information documents, details of outside agencies' events and drafting policies. A bi-annual conference is held for these officers.

\* All in-house training is provided by the PSNI Equality and Diversity Unit.

Name of Organisation: NORTHERN IRELAND PRISON SERVICE

Course title/ Theme	Length of programme (day, week, etc.)	Frequency of delivery (one-off, monthly, quarterly, induction, etc.) since 14 April
<b>Culture and Diversity Awareness</b>	<b>2 hours</b>	<p>Delivered to all new recruits to NIPS during induction.</p> <p>Delivered to all staff working with female prisoners.</p> <p>Delivered to all staff working with Foreign National prisoners.</p> <p>Delivered to all Nursing Staff and Diversity Officers and PE Instructors.</p> <p>A total of 119 staff have been trained since 14 April 2005.</p>

Name of Organisation: Probation Board for Northern Ireland

Course title/ Theme	Length of programme (day, week, etc.)	Frequency of delivery (one-off, monthly, quarterly, induction, etc.) since 14 April
<b>Induction of new staff</b>	Half-day	3 sessions since April 05.

Name of Organisation: Northern Ireland Court Service

Course title/ Theme	Length of programme (day, week, etc.)	Frequency of delivery (one-off, monthly, quarterly, induction, etc.) since 14 April
Diversity & Equality Induction	½ day	To all new entrants, within first 6 months of employment
Diversity Information Pack – Information across 9 groups available to all staff on intranet. All staff have access to intranet.	Reading material	On demand
Disability awareness sessions provided/ organised locally	½ day	As arranged by local learning advisors 8 x ½ day sessions during period

Name of Organisation: Public Prosecution Service

Course title/ Theme	Length of programme (day, week, etc.)	Frequency of delivery (one-off, monthly, quarterly, induction, etc.) since 14 April
Equal Opportunities	3 hours	For all new staff as part of induction programme
Code of Ethics /Code of Practice	½ day awareness session for all prosecutors	On going as required and to form part of induction programme for all newly recruited legal staff.
Domestic violence	½ day awareness session	For all prosecutors and staff in community liaison held during June 2006
Victim & witness policy	½ day session during legal induction	Victim Support & NSPCC

Victim support training	One day session delivered by Victim Support to community liaison staff	31 <sup>st</sup> August 2005
Hate Crime Policy.	On PPS intranet.	Continuous.

The PPS has additionally been in the process of arranging with NICEM to deliver diversity training to all lawyers, community liaison staff and Regional Business Managers. The training will commence in the New Year.

Name of Organisation: Youth Justice Agency

Course title/ Theme	Length of programme (day, week, etc.)	Frequency of delivery (one-off, monthly, quarterly, induction, etc.) since 14 April
Restorative Practice training	3 weeks – for new coordinators – Diversity underpins the training	Initial induction for new starts – delivered as required Sept 2006
Equal Opportunities & Diversity Training	½ day awareness session	Forms part of the Agency's Corporate Induction for new staff 21 November 06
Community Group Awareness and Training Seminars	Can be anything from 2 hour sessions in the evening to formal workshops	This work is continuous throughout the year and forms part of the Agency's PR strategy

Q2. What are the latest PSNI clearance rates for racially motivated crimes and homophobic crimes? (Recommendation 8, paragraph 30).

Response

During 2004/05 the Police Service of Northern Ireland established a baseline measure of crimes with a racial or homophobic motivation and the figures for 2005/06 now provide directly comparable information for a second year.

Incidents, Recorded Crimes and Clearance Rates with Racial or Homophobic Motivation 2004/05 and 2005/06 Summary*				
	Racial		Homophobic	
	2004/05	2005/06	2004/05	2005/06
Total number of incidents	813	936	196	220
Total number of crimes	634	746	151	148
% clearance rate	15.9	20.5	22.5	32.4

\* Figures taken from Police Service of Northern Ireland Statistical Report 1 April 2005 – 31 March 2006.

Commentary on Figures

- During 2005/06 there were 936 racial incidents, an increase of 123 (+15.1%) compared with 2004/05.
- There were 746 racially motivated crimes during 2005/06, an increase of 112 (+17.7%) compared with the previous year. Violent crime (offences against the person, sexual offences and robbery) accounted for 45.7% of these crimes (341 offences) while property crime (burglary, theft and criminal damage) represented 52.3% (390 offences).
- The clearance rate for racially motivated crimes in 2005/06 was 20.5%, 4.6% points higher than that in 2004/05.
- The number of incidents with a homophobic motivation recorded during 2005/06 was 220, which is 24 (+12.2%) more than in 2004/05.
- The number of crimes with a homophobic motivation decreased by 3 (-2.0%) from 151 in 2004/05 to 148 in 2005/06. Violent crime represented 68.2% of all crimes with a homophobic motivation (101 offences), with property crime accounting for 31.1% (46 offences).
- The clearance rate for crimes with a homophobic motivation in 2005/06 was 32.4%, which was 9.9% points higher than that achieved in 2004/05.

The Policing Board continues to work with PSNI to address this important area. The 2005-2008 Policing Plan contained targets which sought to increase the clearance rates for racist and homophobic crimes and to establish a baseline clearance rate for religious and sectarian motivated crimes and crimes against persons with a disability. All targets were successfully achieved with clearance rates for racist crimes increasing from 15.9% in 2004/05 to 20.5% in 2005/06, clearance rates for homophobic crimes increasing from 22.5% in 2004/05 to 32.4% in 2005/06 and baseline clearance rates being set for the remaining three categories of hate crime.

The 2006-2009 Policing Plan contained 2 targets which sought to increase the Clearance Rates for racist and homophobic crimes by 2 percentage points compared to 2005/06. These targets along with all other Policing Plan targets continue to be monitored by the Board. Monitoring of PSNI performance against Policing Plan targets is carried out in the public session of the Board meeting at quarterly intervals. Though acknowledging that more work needs to be done by PSNI to achieve these targets the Policing Board remains fully committed to ensuring that the PSNI continues to improve its performance in relation to tackling hate crime.

Q3. (A) What progress has been made in implementing the Racial Equality Strategy for Northern Ireland published in July 2005?

*(B) How will the government assess its effectiveness?*

*(Recommendations 21 and 22, paragraphs 76 and 77)*

Response

#### **A. What progress has been made?**

Since the publication of the Racial Equality Strategy OFMDFM has developed (in consultation with all other Government departments, PSNI and the NIO) the **First Racial Equality Annual Implementation Action Plan (REIAP)** which give effect to specific, measurable actions to ensure that the strategy makes a difference to all the people of Northern Ireland.

The **(REIAP) which** contains over 200 actions was drawn up with the help of the Racial Equality Forum and published on 27 April 2006 when it was also placed in the Library of the House. The REIAP was published in tandem with the Government's first Triennial Action Plan to implement 'A Shared Future' which commits Government and others to address the full scope of strategic priorities and headline actions identified in both policy documents.

The Racial Equality Forum, (along with helping draw up the action plan) was set up to support implementation of the strategy and monitor and review progress. Membership of the Forum, along with minority ethnic organisations also includes representatives from the statutory sector, Churches and the community/voluntary sector and it has also been augmented in the past year to include representatives from both the trades unions and from business.

As part of the process of ensuring the strategy's progress the Minister David Hanson recently asked for a report confirming the action taken to fulfil commitments given by Department's in both the 'A Shared Future' and 'Racial Equality Strategy' action plans.

A copy of the progress report will be available and can be viewed at <http://www.ofmdfmi.gov.uk/index/equality/race.htm> [in early 2007].

### **B. Assessing the effectiveness of the Strategy?**

OFMDFM will produce an annual report on the Strategy, to Ministers, the Northern Ireland Assembly or, as in this case, the Northern Ireland Affairs Committee, in the absence of devolution, which will take account of the Racial Equality Forum's comments. The first report is due in April 2007.

In preparing for this and future reports, OFMDFM established a '*Good relations indicators working group*' with representatives from relevant Departments, other organisations and external stakeholders. The purpose of this group is to identify a set of high level, outcome focussed indicators to reflect the state of good relations in Northern Ireland and through these indicators to monitor change over time.

Given the close links between A Shared Future and the Racial Equality Strategy good relations and racial equality indicators to monitor the success of the Racial Equality Strategy have been developed by the group and incorporated in the overall set of indicators.

Eleven high level priority outcomes have been identified. These clearly link to the aims and objectives of both strategies. A set of indicators has been developed which underpin each of the priority outcomes. These indicators measure the progress being made towards achieving each priority outcome (and hence achieving the aims and objectives of the two strategies). This will enable Government to identify specific areas where progress is not being made and to remedy this through the Triennial Action Plan rolling process and the Racial Equality Strategy Implementation Action Plan.

A baseline indicator report is due to be published in December. This will provide a current picture of Good Relations and Racial Equality in Northern Ireland. Historic data will also be included, where available, to show trends in recent years. The indicators will be refined and developed on an ongoing basis, monitored annually and

fed into the Annual Report on progress to Ministers, the NI Assembly and the NI Affairs Committee.

At present, the indicators rely on data that is currently available and are measured using a range of qualitative and quantitative data sources. The working group will develop suitable data sources to facilitate the measurement of high level indicators identified as missing (in conjunction with Departments and other organisations). In addition, indicators will be developed over time to monitor new issues arising from the implementation of the strategy.

It has been recognised that little data exists in relation to minority ethnic people. This is evident for the priority outcome '*Minority ethnic people will benefit from equality in health and welfare*'. The Census of Population is the main data source and this is not

useful for annual monitoring. Obtaining information on this small but increasingly diverse group of the population in Northern Ireland is difficult.

The Equality Commission has developed Draft Guidance on Monitoring for the purposes of Section 75 of the Northern Ireland Act, which includes guidance on ethnic monitoring classifications. The Commission intends to publicly consult on the draft Guidance beginning in December 2006 with final guidance issued by the end of March 2007. The effective development/enhancement of administrative systems to collect information on minority ethnic people and migrant workers will benefit greatly from further guidance on classifications.

A number of public sector organisations have already developed monitoring systems in line with Section 75 requirements. However we recognise it is important that meaningful, comparative data is available and benchmarking is possible and public sector organisations have indicated their willingness to work towards this goal/common objective.

Monitoring and evaluation also extends beyond the indicators framework to include the commissioning of specific research projects. As an example OFMDFM has commissioned research on service delivery to minority ethnic people entitled 'Improving government service delivery to minority ethnic groups in Northern Ireland, Republic of Ireland and Scotland'. This is available in the Library of the House.

Q4. The Gender Equality Unit within the OFMDFM was due to issue a Strategic Sexual Orientation Action Plan for consultation in July 2005 – at what stage of development is the Action Plan? How will it be implemented? (Recommendation 21, paragraph 76)

Response

A Draft Sexual Orientation Strategy and Action Plan was issued for formal consultation during the period July to October 2006. The Consultation document was based on extended discussions and informal consultations with representatives of lesbian, gay and bisexual (LGB) people.

The consultation responses are now being reviewed, and will be published on OFMDFM website. OFMDFM has commissioned independent research on the issues facing LGB people and this will inform the finalisation of the strategy and the content of the action plan which are to be published in Spring 2007.

The main emphasis of the action plan is on what can be done through policy and practice to tackle the key issues facing LGB people, such as, social exclusion, education and awareness, and health related matters. . Departments and their agencies will report annually on the progress of their outcome focused targets, their effectiveness in tackling specific issues and their progress towards achieving the strategic objectives. Engagement with representatives of LGB people will be continued to enable them to advise and assist in the finalisation of the strategy and its action plan.

Progress on the implementation of the Action Plan will be monitored by the OFMDFM who will co ordinate and submit for Ministerial approval an annual progress report and revised action plans which will be published.

In July 2006 the Secretary of State for Northern Ireland announced a package of short term financial support to the sector to enable capacity building. OFMDFM are currently finalising the appropriate authorisations for this funding to be made available.

Q5. The strategy to promote greater social and economic inclusion of people with disabilities was due to be published in 2006. Has the strategy been published? What are its main provisions?

Response

The Promoting Social Inclusion Working Group on Disability (PSI Disability) was established in 2004 to examine the barriers to participation experienced by people with disabilities in Northern Ireland which contribute to their relative poverty, disadvantage and social exclusion. A report outlining recommendations on how the barriers might be removed is expected to be made to Ministers by March 2007.

In addition OFMDFM via the PSI Working Group has commissioned the Northern Ireland Statistics and Research Agency (NISRA) to carry out a major survey of people with disabilities. This survey is the first of its kind for over 15 years and will help provide a better understanding of the requirements and circumstances of people with disabilities here. We asked for questions on community safety and hate crimes to be factored into the Survey. Any issues arising including victimisation and community safety will be addressed as part of the work of the PSI Group.

Q6. How many applications for places at integrated schools were made in 2005/06?

Response

Under open enrolment arrangements parents have a right to apply to any school and to have their child admitted where there are places available within the approved admissions and enrolment numbers.

Approved admissions and enrolment numbers are set by the Department, in consultation with school authorities, having regard to the physical capacity of the school accommodation and other factors. Admissions criteria and decisions are entirely a matter for the Board of Governors of each individual school.

School Type	Number of places available	Total Applications	Final Admissions	Pupils Not Admitted	Unfilled Places
<b>Primary</b>	1164	997	969	28	195
<b>Post Primary</b>	1920	2226	1787	439	133

Has the Government made more funding available for integrated education?

In March 2006 the Department donated an additional £750k to the Integrated Education Fund (IEF) bringing the total donation to £4.3million. The latest funding was provided to allow the IEF to receive matching funding of up to £2.25m from the Atlantic Philanthropies (AP). This additional funding will be used to deliver an agreed plan with the emphasis on support for existing schools choosing to transform to integrated status.

The Government has also allocated £25.2m for capital development costs in grant-maintained integrated schools in the 2006/07 financial year. Under the Local Management of Schools (LMS) funding arrangements, the General Schools Budget for 2006/07 for GMI schools is £56,054,000.

Q7. What arrangements have been put in place to monitor the effectiveness of the Criminal Justice (No.2) (Northern Ireland) Order 2004? What assessment has there been of the effectiveness of the Order thus far? (Recommendation 29, paragraph 100).

Response

We are considering how best to monitor the effectiveness of these legislative provisions. As an initial step, it is necessary to understand the extent of the problem that the legislation seeks to address. In this context, a pilot project has been established in South Belfast for six months - Project RIOH (*Recording Incidents Of Hate*) is a multi-Agency project led by the NIO Community Safety Unit through which it is possible to report incidents to a range of organisations within the statutory, voluntary and community sectors.

The project was launched in June 2006 with 15 organisations established as Reporting Centres. The pilot project will end on 19 December and an evaluation of the pilot will be carried out to inform thinking on the way ahead. Project RIOH in isolation will not solve the problem of hate crime - it is however key to ensuring that we tackle this problem in the right way. We need the information that it will provide to ensure that we adopt an appropriate approach to solving this problem. The data collected from RIOH and the subsequent evaluation will provide important baseline information to allow officials to consider how best to monitor the effectiveness of these legislative provisions.

## Appendix 4

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### **Correspondence between the Chairman of the Committee and Rt Hon Peter Hain, MP, Secretary of State for Northern Ireland**

*Letter from the Chairman to the Secretary of State, dated 11 October 2006*

I am grateful to you and the Attorney General for meeting the Committee to discuss your proposals for replacing the Diplock Courts. You said at the meeting with the Committee on 14 September that you would be grateful for the Committee's contribution to the consultation process.

In view of the fact that the present provisions could be extended to 2008, the Committee was concerned that the preparation of this legislation had been rushed and that time was not allowed to enable it to carry out detailed pre-legislative scrutiny. The Committee was also disappointed that it was not possible for you to publish a draft bill for it to consider as had been promised by the Parliamentary Under-Secretary of State during the passage of the Terrorism (Northern Ireland) Bill in November last year. This would have enabled the Committee to explore and examine the views and concerns of interested organisations before reaching conclusions on the proposals. The Committee was also surprised that no external consultations had been carried out before the proposals were drafted.

The Committee agreed at its meeting on 11 October 2006 that it wished to raise the following specific points regarding the proposals, and would urge you to take these into account during the drafting of the legislation.

1. The Committee raised a number of questions with you about how Condition 2 of the Statutory Test will be interpreted, in particular provision for defendants "otherwise associated with" proscribed organisations. This condition is quite open in its terms and the Committee believes that more detail should be included in the bill to specify what assessments need to be made to make this decision. At our meeting on 14 September, you seemed satisfied that this should just be a matter for the judgment of the Director of Public Prosecutions.
2. The proposals would change the system from one in which scheduled offences are presumed to be tried before a non-jury court, to one in which the presumption is that all trials are non-jury trials. During your meeting with the Committee on 14 September you acknowledged the continuing involvement of paramilitaries in a range of criminal activities, a point made strongly by the Committee in its recent report on Organised Crime. The Committee wishes to be satisfied that the proposed legal presumption for jury trial will not lead to pressure on the DPP not to certify certain cases, and that each case will be carefully considered on its merits.
3. Given the concerns outlined in points 1 and 2, the Committee would have preferred the decision on whether to certify an offence for non-jury trial to rest with the Attorney General. However, if the decision is to rest with the DPP, it believes that a statutory consultative role for the Attorney General should be included in the legislation.

4. The Committee welcomes the fact that, unlike the present Diplock system, the power to certify cases will include the flexibility to modify or withdraw a certificate at any time before arraignment, thus enabling account to be taken of additional intelligence that may come to light at a late stage.

5. The Committee is concerned that judicial review of decisions to certify cases could lead to very substantial delays in the administration of justice. It is likely that a high proportion of defendants in certified trials will apply for judicial review of the decision to certify the case. The Committee believes that this point needs to be given careful consideration before the legislation is introduced.

The Committee believes that it is of paramount importance that the new provisions provide an effective protection for the administration of justice in Northern Ireland in a context of continuing widespread paramilitary involvement in criminality. To provide such protection, the provisions need to inspire the confidence of the people of Northern Ireland. Since it did not prove possible for a draft Bill to be produced for detailed scrutiny, it is all the more important that scrutiny of the bill is effective. The Committee expects there to be adequate time to be given for each stage of consideration of the Bill in the Commons, and for adequate intervals between stages of the bill, in particular between Committee and Report stages. The Committee also calls for sufficient time for debate on Third Reading.

The Committee believes that getting this legislation right is of paramount importance. As I indicate at the beginning of this letter it also notes that the existing arrangements could be extended for a further year. The Committee would urge you to consider carefully the potential merits of this course of action.

*Letter from the Secretary of State to the Chairman, dated 26 October 2006*

Thank you for your letter of 11 October, setting out your Committee's response to the public consultation on our Diplock replacement proposals. It is helpful to have a response to the formal consultation from the Committee in addition to the helpful discussions we had on both 19 July and 14 September. You make a number of points in your letter which I thought I wanted to respond. No doubt they will also be discussed during the passage of the Bill.

Your Committee calls for a delay in this work until 2008. Though I have given serious thought to the possibility of extending the existing system I am convinced that we are in a position to introduce effective and thoroughly thought through legislation. Not to do so would break a public commitment, made on 1 August 2005, when detailed security normalisation plans were published, and would have significant political ramifications. I can reassure you that the safety and security of the people of Northern Ireland is, as ever, my first and overriding priority in considering these issues.

Whilst I understand your Committee's disappointment at not being able to consider draft clauses, I hope that the information that I and the Attorney have shared with Committee, and our attendance at two meetings with the Committee, shows our commitment to pre-legislative scrutiny.

Your letter refers to the Committee's belief that the second condition of the draft test which we shared with you (that of association with a proscribed organisation) needed to be more explicitly defined. At our meeting we discussed the circumstances where we believe such a condition would apply. This is an area where myself and the Attorney believe any attempt to provide an exhaustive definition would inevitably lead to cases being unnecessarily included and other cases being wrongly excluded. We believe this is an area where the DPP's judgement, based on police intelligence, will be essential to ensure the test is effective.

You also refer to pressure being put on the DPP not to certify certain cases. I can provide you with absolute assurance that the Director of Public Prosecutions will not be put under any political pressure in reaching his decisions on certifying trials. The Public Prosecution Service is an independent organisation, and the Director an independent figure; both the Director and his department are rigorous and professional in their approach to their work. I have no doubt that each case will be dealt with on its merits. As was mentioned when we met, the independence of the office will continue and will be further strengthened after the devolution of justice and policing.

Both I and the Attorney General are of the firm opinion that the Director of Public Prosecutions is the person best placed to make these decisions. As an independent authority that already makes mode of trial decisions the DPP is well fitted to the role. He already works closely with the police, and, importantly, is a Northern Ireland figure. It is also worth noting that the Attorney General's role in Northern Ireland will change to one of being Advocate General once policing and justice are devolved.

I recognise, and share, your concerns in relation to judicial reviews. We believe that a suitably focussed test will effectively limit the scope for judicial review. This is an issue which we are giving our attention to, but we believe we can continue the success of the current scheme in limiting the scope for judicial review.

I can also provide assurance that I will be working closely with the Whips to make sure that there is sufficient time for, and between, all debates. As you recognise, this is an important Bill for Northern Ireland and it deserves effective parliamentary scrutiny.

Finally, I thought it may be helpful to give you an overview of the responses to the public consultation on the Diplock replacement proposals, — I had been questioned specifically on this point at our last meeting. Generally there has been a positive and constructive response to the proposals, though some non-governmental organisations continue to believe that non-jury trial should be abolished completely. The Northern Ireland Human Rights Commission response was broadly positive, noting that our proposals contained some suggestions they had previously made. The Alliance Party reluctantly recognised the need to retain a form of non-jury trial and endorsed the broad thrust of the proposals. The PSNI response recognised the need for non-jury trial, expressed the opinion that the statutory test should be inclusive of public order and organised crime, and welcomed the jury reforms. Jury reforms were broadly welcomed by all, though NGOs criticised some of the elements as balancing the system in favour of the prosecution.

# Formal minutes

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**Wednesday 31 January 2007**

Members present:

Sir Patrick Cormack

Mr David Anderson  
Rt Hon John Battle  
Mr Christopher Fraser  
Mr John Grogan  
Mr Stephen Hepburn

Dr Alasdair McDonnell  
Mr Denis Murphy  
Mr Stephen Pound  
Mr Sammy Wilson

The Committee deliberated.

Draft Report (The Work of the Committee in 2006), 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 28 read and agreed to.

*Resolved*, That the Report be the Second Report of the Committee to the House.

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

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

[Adjourned till Wednesday 7 February at 2.30 p.m]

# Reports from the Northern Ireland Affairs Committee since 2005

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The following reports have been produced since the start of the 2005 Parliament.

## Session 2006-07

First Report                      Draft Protocol for Community-based Restorative Justice Schemes (HC 87)

## Session 2005-06

First Report                      Education in Northern Ireland (HC 726)

Second Report                      The Work of the Committee in 2005 (HC 928)

Third Report                      Organised Crime in Northern Ireland (HC 886)

First Special Report                      The Work of the Committee in 2004: Government Response to the Committee's Fourth Report of Session 2004-05 (HC 393)

Second Special Report                      The Functions of the Office of the Police Ombudsman for Northern Ireland: Responses by the Government and the Office of the Police Ombudsman for Northern Ireland to the Committee's Fifth Report of Session 2004-05 (HC 394)

Third Special Report                      The Parades Commission and Public Processions (Northern Ireland) Act 1998: Government Response to the Committee's Second Report of Session 2004-05 (HC 395)

Fourth Special Report                      The Challenge of Diversity: Hate Crime in Northern Ireland: Government Response to the Committee's Ninth Report of Session 2004-05 (HC 396)

Fifth Special Report                      Air Transport Services in Northern Ireland: Government Response to the Committee's Eighth Report of Session 2004-05 (HC 529)

Sixth Special Report	Ways of Dealing with Northern Ireland's Past: Interim Report – Victims and Survivors Government Response to the Committee's Tenth Report of Sessions 2004-05 (HC 530)
Seventh Special Report	The Functions of the Northern Ireland Policing Board Responses by the Government and the Northern Ireland Policing Board to the Committee's Seven Report of Session 2004-05 (HC531)
Eight Special Report	Decision to Cease Stormont Prosecutions (HC814)
Ninth Special Report	Organised Crime in Northern Ireland: Government Response to the Committee's Third Report of Session 2005-06 (HC 1642)
Oral Evidence	Political and Security Developments in Northern Ireland: Rt Hon Peter Hain MP, Mr Jonathan Phillips and Mr Nick Perry – Wednesday 26 October 2005 (HC 621)
Oral Evidence	The Police Service of Northern Ireland: Sir Hugh Orde and Mr Paul Leighton – Wednesday 9 November 2005 (HC 665)
Oral Evidence	Political and Security Developments in Northern Ireland: Rt Hon Peter Hain MP, Mr Nick Perry, Mr Robert Hannigan – Wednesday 10 May (HC 1107)