

Department of Justice (NI) – Corporate Statement for Module 2C

(Decision making January 2020 – February 2022)

BACKGROUND

1. I am Richard Pengelly and I have been the Permanent Secretary for the Department of Justice ('DoJ, the Department') since April 2022. The Permanent Secretary during the specified period of the inquiry was Peter May, now Permanent Secretary at the Department of Health (DoH). Naomi Long MLA was Justice Minister ('the Minister, Minister Long, the Minister of Justice') from January 2020 (i.e. following the return of the NI Executive) until the collapse of the NI Executive on 28 October 2022.

About the Department of Justice

2. The Department was established in April 2010, on the devolution of policing and justice matters from Westminster to the NI Executive. The Department's functions are set out in the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, these include functions transferred from the Northern Ireland Office and the former Northern Ireland Court Service. The Department is responsible for the resourcing, legislative and policy framework of the justice system. In addition to its statutory responsibilities, the Department supports the NI Executive's Programme for Government as well as the NICS's COVID-19 Recovery Plan.

3. At times of national or local crisis, the DoJ is responsible for resilience planning in respect of excess deaths and mass fatalities, and for providing additional body storage capacity and operational arrangements to ensure respect and dignity for the deceased and bereaved. DoJ therefore accepted responsibility for ensuring these arrangements were in place as part of the NI Executive's response to managing the COVID-19 pandemic. The subsequent establishment of Project Dignity, to establish temporary mortuary facilities, should they be required, was a work stream on behalf of the NI Hub (led by the Executive Office (TEO)).

4. An overview of the work of the Department is provided (Exhibit RP/1 - INQ000103727).

Departmental Structure

5. The Department of Justice comprises the core department and its five executive agencies: Northern Ireland Courts and Tribunals Service, Northern Ireland Prison Service,

Youth Justice Agency, Legal Services Agency Northern Ireland and Forensic Science Northern Ireland. These agencies are responsible for the delivery of front-line services; a short summary of the purpose of each agency is provided (Exhibit RP/2 - INQ000103738). The Department also sponsors a number of Non-Departmental Public Bodies (NDPB) affiliated with policing and justice. A list and short summary of the purpose of each body is provided (Exhibit RP/3 - INQ000103741). An organisation chart is provided at (Exhibit RP/4 - INQ000203406).

Managing the Department - Departmental Board/ Senior Management Team

6. The Departmental Board is chaired by the Permanent Secretary and comprises the five Directors (NICS Grade 3) and two Non-Executive members its role is to provide corporate leadership within the policies determined by the Minister and for the establishment and scrutiny of the corporate governance arrangements. Details of the current Departmental Board, together with details of the Board during the specified period are provided at (Exhibit RP/5 - INQ000103743).

7. In addition to our roles on the Departmental Board I, as Permanent Secretary, and the Directors, also form the Department's Senior Management Team ('SMT'), responsible for the day to day management of the Department. During the specified period, the (then) SMT, under the leadership of Peter May (the former DoJ Permanent Secretary), was the main decision making body, and oversaw the Department's response to the COVID-19 pandemic as it impacted service delivery. The current Departmental Organisational Chart showing the Senior Management Team and our respective areas of responsibility are provided at (Exhibit RP/6 - INQ000103744).

8. Details of the SMT membership during the specified period are also provided (Exhibit RP/7 - INQ000103745).

DoJ ROLE IN DECISION-MAKING AS PART OF THE RESPONSE TO COVID-19

9. The Department's main priority was to keep our staff and users of our public offices as safe as possible, while maintaining front line services across the justice system. DoJ was responsible for two actions arising from the NI Executive's Action Plan:

- To ensure the safe operation of custodial environments; and
- To develop respectful arrangements to respect the dignity of the deceased.

10. DoJ was kept fully apprised of the Executive's management of the pandemic and participated in the Civil Contingency Arrangements stood up by TEO in March 2020. The (then) DoJ Permanent Secretary, Peter May, chaired the ECT (cross departmental) Adherence Working Group.

11. The Department was kept informed of developments and changes to the health protection regulations and other Non-Pharmaceutical Interventions (NPIs) through its representatives on other TEO-led cross departmental working groups such as Junior Ministers/Hospitality Sector forum and TEO-led Task and Finish Group/International Travel Regulations. The process map showing the interlinkages between the various TEO-led fora and the ECT is provided (Exhibit RP/8 - INQ000103746).

12. While the DoJ has responsibility for the strategic objectives of policing in NI, operational matters rest solely with the Chief Constable (see below for further information).

Keeping our Staff Safe

13. Through the pandemic, DoJ followed Executive messaging encouraging working from home if possible. However, for a number of our front line services our staff were identified as 'key workers' and required to attend the workplace throughout the pandemic e.g. courts, prisons, forensic science; for these areas mitigations were put in place such as social distancing, face coverings, good hand hygiene and enhanced cleaning regimes.

14. Immediate action was taken to facilitate working from home where possible. At the start of lockdown (March 2020) the DoJ core staff (450 in number) only had about 20 laptops which were part of a pilot for a new remote working solution on the secure network. By August 2020 all the business areas that could work remotely had been facilitated with over 1,000 laptops issued.

Health Protection Regulations

15. All of the health protection regulations were made by the Department of Health (DoH) and laid by them before the Assembly under section 25Q (Emergency Procedure) of the Public Health Act (NI) 1967. Under the emergency provisions, amendments to the regulations had to be brought forward for approval to the NI Assembly no later than 28 days from the date on which they were made; this was known as the confirmatory debate. DoJ played no particular role in the enactment of the regulations.

16. The Justice Minister however, at the request of the Executive, and recognising the extreme and consistent pressure under which the Health Minister and his Department (unlike any other Minister/Department at that time) were operating, agreed for DoJ to carry out a review of offences and penalties (see paragraphs 23-27 below). The Justice Minister, again in the spirit of collegiality, agreed to lead the confirmatory debate in the Assembly on a small set of amendments to the regulations in December 2020 arising from the review. In February 2021, the Justice Minister further agreed to lead the confirmatory debate in the Assembly on one further set of amendments; these were SR 2021, No.3 The Health Protection (Coronavirus, Restrictions) (No.2) Amendment Regulations (NI) 2021.

Compliance and Enforcement of Health Protection Regulations

17. The Police Service of Northern Ireland (PSNI) was established in November 2001 under the Police (Northern Ireland) Act 2000. Like all UK police forces, the PSNI was responsible for the enforcement of public health restrictions, alongside organisations such as UK Border Force and local councils. The PSNI's approach, consistent with other parts of the UK, was to engage, explain and encourage compliance with the health protection regulations before enforcement action was considered.

18. The Chief Constable of the PSNI was responsible for all operational policing decisions on enforcing public health restrictions. The Chief Constable is accountable to the Northern Ireland Policing Board (NIPB), both are operationally independent from the NI Executive and the Justice Minister. The NIPB is an independent public body also established under the Police (NI) Act 2000; made up of 19 Political and Independent Members, the NIPB aims to ensure an effective, efficient, impartial, representative and accountable police service for all the people of NI. The creation of the NIPB was a recommendation of the Patten Report on policing in Northern Ireland which in itself was an outworking of the Belfast Agreement. The Minister was committed to fully respecting the operational independence of the Chief Constable and the NIPB.

19. DoJ is the sponsor body for the PSNI and the NIPB, and sets long-term, strategic objectives for the policing of NI which must be taken into account by the NIPB in setting its own objectives for policing. The DoJ is the principal legislative authority for policing-related matters in NI. The DoJ did not set any strategic objectives for the PSNI either during or in relation to the pandemic.

20. Prosecutions in NI are taken forward by the Public Prosecution Service (PPS), which is also operationally independent of the Minister and the Department. PPS is a non-ministerial department and is responsible for making objective, fact-based decisions on whether there are sufficient grounds for prosecution and whether a prosecution is in the public interest.

Policing Matters

21. During the course of the pandemic a small number of incidents attracted public, media and political commentary and criticism regarding the PSNI's approach to enforcement of the health protection regulations. These included two 'Black Lives Matters' public protests, and a further 'Protect our Statues' public protest.

22. A further issue that attracted much controversy and criticism was the funeral, and its policing, of senior republican, Mr Bobby Storey on 30 June 2020. The PSNI's approach to the enforcement of the health protection regulations was subject to independent scrutiny by the Police Ombudsman for Northern Ireland; and on 2 April 2021 (at the request of the NIPB) the Justice Minister invited Her Majesty's Inspector of Constabulary (as it then was) to carry out a thematic inspection into the PSNI's handling of the funeral of Mr Bobby Storey. The inspection report into the Police Service of Northern Ireland's handling of the Bobby Storey funeral on 30 June 2020 is provided (Exhibit RP/23 - INQ000203389).

Review of Offences and Penalties

23. The Strategic Enforcement Group, chaired by TEO Junior Ministers, agreed that a review should be undertaken of the existing offences and penalties available in respect of breaches of the public health regulations in September 2020. The Justice Minister was asked to lead the review on behalf of the Executive and in further support of the Health Minister.

24. The offences and fines to be reviewed were contained in the Health Protection Regulations 2020 as made and laid by the DoH.

25. A discussion paper was prepared and shared with PSNI and Departments with a direct interest for feedback (i.e. Economy, Health, Communities and TEO). Subsequently, a review paper was prepared, submitted to, and approved by, the Justice Minister; it went to the Executive for discussion on 8 October 2020 (Exhibit RP/9 - INQ000103747 & Exhibit RP/10 - INQ000103728). The Executive agreed the proposals within that, but requested further work be undertaken on a new offence of arranging large gatherings and unlicensed music events. A further discussion paper was prepared and shared with the PSNI and those other Departments for feedback (9 October 2020). A final version was submitted to the Justice Minister and went to the Executive for discussion and was agreed at its meeting on 15 October 2020 (Exhibit RP/11 - INQ000103729 & Exhibit RP/12 - INQ000103730).

26. DoJ prepared instructions for the legal draftsman for the Regulations (SRs No 250 and 253), which were laid on 13 November 2020 by DoH. DoJ and DoH officials provided an oral briefing to the Health Committee on 26 November 2020. In correspondence during December 2020, the Justice Committee queried the rationale behind the regulations being scrutinised by the Health Committee (and not the Justice Committee), to which DoJ responded to explain the approach being taken (Exhibit RP/13 - INQ000103731).

27. The Minister brought the regulations to the Assembly for the confirmatory debate on 8 December 2020. The motion covered five sets of Regulations being made by DoH, two of which related to the review of offences and penalties. The Minister led the confirmatory debate on DoH regulations given that DoJ had carried out the work on the review and to further support collaborative working across the Executive.

Respectful Arrangements to Respect the Dignity of the Deceased

28. As noted above, the DoJ was responsible for ensuring these arrangements were in place, as part of the NI Executive's response to managing the pandemic. This work was taken forward through the Excess Deaths Working Group ('EDWG, the Working Group') which, chaired by DoJ, comprised members from relevant government departments, agencies and key stakeholders. The Working Group reported directly to the Civil Contingencies Group NI (under the auspices of TEO) as the body with overarching remit for NI resilience.

29. On 3 March 2020, the UK Government issued an Action Plan for managing the response to the COVID-19 pandemic. In line with the existing planning assumptions for a pandemic as outlined in the Northern Ireland Health and Social Care Influenza Pandemic Preparedness and Response Guidance 2013, the reasonable worst-case scenario for deaths was 9,450. The guidance reads *'When planning for excess deaths local planners should prepare to extend capacity on a precautionary, but reasonably practicable, basis. Planners should aim to be able to cope with between 6,300 and 9,450 additional deaths in Northern Ireland, possibly over as little as a 15-week period, with potentially half of these over three weeks at the height of the outbreak. More extreme circumstances would require the local response to be combined with facilitation or other support at a UK level.'* On 23 March, having discussed a number of possible scenarios, DoJ advised the Working Group that for planning purposes the working assumption was 9000 deaths (at that time).

30. On 19 March 2020, the Health Minister announced an absolute worst-case scenario of 14,000-15,000 deaths in the case of an 80% infection rate and 1% fatality rate. The estimated deaths (at that time) suggested there would be insufficient capacity to manage within usual death management arrangements, with a particular issue in relation to respectful body storage pending cremation/burial.

31. DoJ established Project Dignity to provide a dignified and respectful solution to manage the deceased. Senior officials from DoJ briefed the Executive Covid Crisis Management Committee (a Ministerial level group, chaired by the First Minister and Deputy First Minister) on 25 March 2020 on the arrangements needed for managing the deceased in the event that death management capacity was exceeded. A project team supported this work, and the pre-existing EDWG was tasked with providing advice, it became the Project Dignity Steering Group ('the Steering Group') throughout the course of the pandemic. The EDWG reports to the Pandemic Influenza CCG (NI) Sub Group (DoH lead) which in turn reports to the Civil Contingencies Group (NI) (TEO lead).

32. The Department engaged Central Procurement Division, Department of Finance to provide advice on options available to augment Northern Ireland's existing body storage capacity as part of emergency arrangements for the Coronavirus pandemic. The facility is now known as the Northern Ireland Temporary Resting Place (NITRP) and was constructed in compliance with the standards set out in the HMG document 'Managing Deceased during a Pandemic, Guidance for Planners in England'. In relation to costs and timescales, there

was an understanding of the pressing need and urgent nature of the work. Ultimately, the construction of the facility took four weeks and cost approximately £3.5 million.

33. Throughout the pandemic, while specific parts of the death management process were under considerable pressure, due to revised operating arrangements and contingencies deployed, there was sufficient capacity within existing resources to respectfully manage the deceased without recourse to the NITRP. The Steering Group met regularly; reviewing provision and mitigations in place at each meeting, (the schedule of meetings, agendas and minutes can be provided, if necessary). While all remaining COVID-19 restrictions were removed in Northern Ireland during February 2022, the NITRP remains in place as the regional resilience facility for mass fatalities contingency planning purposes.

Safe Custodial Environments

34. The Northern Ireland Prison Service (NIPS), an Executive agency of the DoJ, is responsible for the operation and delivery of services within the NI prison system across the three prison establishments in NI (a geographical location map is provided at (Exhibit RP/14 - INQ000103732).

- HMP Maghaberry (located approximately 20 miles outside Belfast) – a modern high security prison housing adult male long-term sentenced and remand prisoners, both in separated and integrated conditions. At 1 March 2020, its prison population was 992 prisoners and at 1 March 2021 it was 984 prisoners.
- HMP Magilligan (located approximately 70 miles outside Belfast) – a medium to low security prison housing male prisoners who generally have six years or less to serve and meet the relevant security classification. At 1 March 2020, its prison population was 465 prisoners and at 1 March 2021 it was 397 prisoners.
- HMP Hydebank Wood College and Women’s Prison (located in the Greater Belfast area) focuses on education, learning and employment and accommodates young people between the ages of 18 to 21 years and all female remand and sentenced prisoners. At 1 March 2020, its population was 163 prisoners, and at 1 March 2021 it was 96 prisoners.

Health Care in Prisons

35. The South Eastern Health and Social Care Trust ('SEHSCT, the Trust') (one of the five health trusts in NI) is commissioned to deliver primary health, mental health and addictions services to prisoners in the three prison establishments.

NIPS Management Structure

36. The operation of the NIPS is overseen by a Management Board comprising:

- Director General (NICS Grade 3) – also a member of DoJ Management Board and DoJ Senior Management Team
- Two Executive Directors (1 x NICS Grade 5, 1 x Governing Governor)
- Head of Strategy and Governance (NICS Grade 6)
- Two Non-Executive Directors

37. Details of the Management Board during the specified period are provided at (Exhibit RP/15 - INQ000103733).

Management Structure in response to COVID-19

38. In March 2020, NIPS put business continuity structures in place to oversee its organisational and operational response to COVID-19. The NIPS Executive Forum led in this respect and comprised: the Director General (Chair); two Executive Directors, and the senior (in-Charge) Governor of each of the three prison establishments (Exhibit RP/16 - INQ000103734). Schedules of meetings, agendas, minutes and records of decisions can be provided for meetings of the Executive Forum.

39. In March 2020, a COVID-19 Fusion Cell was put in place to support the work of the Executive Forum. The Fusion Cell comprised: three Governor-grade prison staff; Head of Strategy and Governance (HQ post); Head of Prisoner Wellbeing (HQ post); and Head of Operational Support (HQ post). The role of the Fusion Cell was to:

- Communicate the decisions of the Executive Forum and provide advice and guidance to governors and staff on mitigations to curb the spread of the virus;
- Development, implementation and management of the testing and contact tracing arrangements for all prison staff and prisoners; and
- Liaison with the Public Health Agency (NI) (PHA) and the SEHSCT (responsible for prisoner health care).

Measures put in Place to Retain Safe Custodial Environments

40. With a focus on infection control and minimising the risk of transmission within and into the three prison establishments, the following measures were introduced:

- Implementation of shielding arrangements for prisoners identified at higher risk of serious illness from the virus;
- Suspension of all domestic and legal (in-person) prison visits;
- Suspension of accompanied and unaccompanied temporary release (including all releases under the Home Leave Scheme);
- Suspension of the 'working out units' at HMP Maghaberry and HMP Hydebank Wood
- Restriction of access for essential staff to the three prisons (NIPS staff and healthcare staff);
- Introduction of a 'House-based' regime (which included the closing of learning and skills facilities, chapels, and gyms at each prison establishment); and
- All new committals to prison were placed in isolation units for a period of 14 days (based on World Health Organisation interim guidance, February 2020).

41. Access to prison establishments continued to be available with appropriate mitigations to scrutiny bodies including Criminal Justice Inspection Northern Ireland, the Prisoner Ombudsman for Northern Ireland and the Independent Monitoring Board for each prison.

42. The introduction of a 'House-based' regime was considered to be preferable, in terms of prisoner wellbeing, to locking prisoners in their cells for long periods of time. In balance to the above, virtual visits were introduced in April 2020 to provide ongoing family contact, and rehabilitation and resettlement needs of people in custody as far as was possible in the context of the restrictions in place.

The COVID-19 Temporary Release Scheme

43. This temporary release scheme was approved by the Justice Minister and introduced in March 2020 until it was suspended in April 2021. The scheme provided for the temporary release of certain categories of prisoners who had three months or less to serve in custody. The introduction of this scheme did not require any new legislation and used the existing provisions in the Prison and Young Offenders Centre Rules (Northern Ireland) 1995.

44. Prisoners convicted of more serious offences were excluded from being eligible, and other limitations included:

- qualifying individuals had to have a private address available on release;
- Probation Board Northern Ireland (PBNI) were asked to identify those whose release might present a risk to the public; and
- PSNI were provided with updated lists of offenders and their addresses which enabled them to carry out a programme of spot checks to ensure that curfew times and other restrictions on behaviour were being observed.

45. During the life of the scheme 395 prisoners were released temporarily. The benefits of the scheme were:

- A reduction in the prisoner population to assist with the potential for staff shortages (due to virus transmission); and
- A reduction in the need for cell sharing: prior to the pandemic, cell sharing in prisons was commonplace based on the size of the prison population/capacity within establishments at any point in time (as is the case in other jurisdictions). At 1 March 2020 460 prisoners were cell sharing and at 1 March 2021 only two prisoners were sharing a cell.

Impact of the introduction of Prisoner and Staff Testing

46. It is widely accepted that people in prisons are at increased risk from COVID-19. As well as the higher risk of transmission and outbreaks, prisoners often have underlying health problems or other risk factors that increase the risk of severe disease.

47. In NI, prisoner and staff testing was introduced in April 2020. To date, no prisoners have been seriously ill or moved to hospital and there were no prisoner deaths from Covid-19 in NI. This is illustrative of the effectiveness of the measures that NIPS introduced at an early stage, and adapted to keep pace with the prevailing information and guidance as it changed during the course of the pandemic. It also compares favourably with outcomes in other jurisdictions (e.g. from March 2020 to the beginning of January 2023, 306 individuals died in the care of HM Prison and Probation Service having tested positive for COVID-19 within 60 days of death or where it was confirmed post-mortem as a contributing factor. 215 of the 306 individuals were prisoners and 91 died when they were being supervised in the community).

48. Testing and contact tracing also allowed for the early identification of COVID-19 in prison staff and their families; mitigating against the risk of transmission into prisons.

Covid-19 Guidance for Prisons and Places of Detention

49. Working closely with SEHSCT and the PHA, NIPS contributed to the development of the NI version of COVID-19 guidance for Prisons and Places of Detention published 20 April 2020 (Exhibit RP/17 - INQ000103735). In addition, NIPS infection control procedures (in response to COVID-19) were formalised into the NIPS Pandemic Plan and Procedures in June 2020; this has been kept under regular review to remain consistent with the prevailing guidance and context, and the decisions of NIPS' Executive Forum. The most recent version (version 11) issued on 1 July 2022.

Vaccination Programme

50. In respect of vaccinations, responsibility rested with the DoH. Closely working with SEHSCT vaccinations were offered to prisoners in line with delivery in the wider community.

Woodlands Juvenile Justice Centre

51. Woodlands Juvenile Justice Centre (Woodlands, the JJC) is part of the Youth Justice Agency (YJA), an agency of the DoJ. Woodlands is responsible for the operation and delivery of custodial services for under 18 year olds in NI (situated approximately 15 miles outside Belfast). It can accommodate up to 48 young people; at 1 March 2020, there were 16 young people in custody and at 1 March 2021, there were eight young people in custody.

Healthcare in Woodlands

52. During the pandemic, YJA employed three nurses and a part-time nurse manager to provide primary care on site from 8am to 9pm. Out of hours services are provided by a public Out of Hours GP service. Mental health and addiction services are provided by the Forensic Child and Adolescent Health Service for NI, which includes nursing, psychology and psychiatric services.

Senior Management Team

53. Details of the Woodlands senior management team ('Woodlands SMT') are provided (Exhibit RP/18 - INQ000103736).

Management Structure in response to Covid-19

54. In March 2020, business continuity structures were put in place to oversee the response to Covid-19. The membership of this group was the same as the Woodlands SMT (Exhibit RP/18 - INQ000103736). The purpose of this structure was to apply the appropriate guidance and generate information/guidance for staff. Schedules of meetings, agendas and action points arising can be provided if necessary.

Measures put in Place to Retain a Safe Environment

55. The Woodlands SMT applied DoH advice at all times, and responded to the emerging situation by introducing the following measures:

- Suspension of all in-person visits other than court mandated;
- Bubbling of staff groups to minimise staff crossover;
- House based activities to minimise crossover;
- Management of arrival and exit times of staff;
- Management of admissions in line with PHA guidance;,
- Provision of video conferencing for family and professionals;
- Use of video conferencing to maintain case management processes;
- Track and Trace system for visitors to the JJC; and

- Limits on room occupancy levels.

56. The Education Authority removed teachers in late March 2020 but education resumed in May 2020. Prior to closing, work packs were prepared in all subject areas and at a range of different academic levels for young people to avail of. Woodlands remained open for all admissions. Scrutiny visits by Criminal Justice Inspectorate NI, NI Commissioner for Children and Young People and Independent Monitor continued.

Admissions Process

57. In January 2021, Woodlands changed the admission process and identified House 1 as the designated isolation unit for all future admissions. Two further houses were designated as step down units to phase young people out of the isolation unit. For the period April 2020 - March 2021 there were 269 admissions and April 2021 - March 2022 there 207 admissions.

Impact of the introduction of testing of young people and staff

58. Eight young people tested positive on admission over the course of the last three years. One young person tested positive while in Woodlands. Asymptomatic PCR staff testing commenced in March 2021. This initiative was facilitated by the National Testing Programme. Woodlands independently joined this programme, putting in place all the pre-requisites as per national standards. Only five staff tested positive by January 2022. No young people were vaccinated while in custody. Young people due for release were signposted to community resources when vaccinations for under 18 became available. One young person was deemed to be vulnerable and an appointment was made for them to receive a vaccination on release; he/she did not attend the appointment.

Northern Ireland Courts and Tribunals Service

59. The Northern Ireland Courts and Tribunals Service (NICTS) is an Executive Agency of the DoJ. Within its key functions it supports an independent judiciary and provides administrative support to NI courts and tribunals.

60. On 17 March 2020, the (then) Lord Chief Justice issued directions to limit the scope of any risks to health while maintaining the administration of justice. The directions indicated that Judges would not require the attendance at court of persons who did not need to be there, or who expressed individual concerns. By way of example:

- Applications for adjournments would be dealt with administratively by way of correspondence in writing or by email;
- Consent orders would also be made without the attendance of parties; and
- No jury trials would take place for an indefinite period, pending consideration of PHA guidance and advances in terms of social distancing requirements.

61. On 26 March 2020, NICTS moved to a five court “hub” model, maximising the use of staff resource and limiting estate utilisation in line with public messaging at the time. Jury trials did not take place during the period 17 March 2020 to 24 August 2020, however Crown business and case management continued remotely throughout this period.

62. Nightingale Courts – a leasing arrangement commencing on 14 January 2021 for the International Conference Centre (ICC), Belfast as a Nightingale venue was put in place, and ceased in September 2021. The ICC was initially limited to providing accommodation for jury empanelment and back office staff, however, use of the facility quickly extended to include Coroner’s business, pre-hearing consultation space for solicitors and their clients and small claims civil court hearings. In addition tribunal business, such as welfare appeals, were listed to facilitate in-person hearings when requested.

63. The establishment of the Nightingale Courts at the ICC required Executive agreement as it required an amendment to The Health Protection (Coronavirus, Restrictions) (No.2) Regulations (NI) 2020; which at that time designated conference halls and conference venues as premises subject to closure. A copy of the Justice Minister’s memorandum to the Executive (dated 15 December 2020) seeking that amendment is provided (Exhibit RP/19 - INQ000103737 & Exhibit RP/20 - INQ000103739).

INFORMATION GATHERING AND COMMUNICATION

64. The DoJ had no particular role in liaising with, or providing information to the UK Government, other Devolved Administrations in Scotland and Wales, or the government of the

Republic of Ireland in respect of key decisions in response to the pandemic.

65. The DoJ had no particular role to play in the provision of advice and briefings on the use of public communications and the maintenance of public confidence in the response to the COVID-19 virus. The public communication/information/campaigns were led by the Executive Information Service. While the Adherence Working Group would have had an interest in public adherence, the governance of this working group was as part of the TEO/ECT structure.

REVIEW AND LESSONS LEARNT

66. TEO (through the ECT Cross-Departmental Working Group) carried out a lessons learnt exercise during 2022. The DoJ, as for other departments, had the opportunity to input to that review. The DoJ contribution focused on lessons learnt in respect of the NITRP. A copy of the DoJ's contribution to that report is provided (Exhibit RP/21- INQ0001037400).

DOJ ADVICE AND BRIEFINGS TO THE JUSTICE MINISTER AND NI EXECUTIVE

67. DoJ did not have a particular role in managing the pandemic or curtailing the spread of the virus transmission including the introduction of NPIs. DoJ engaged fully in the NI Civil Contingency Arrangements and in the Executive COVID Taskforce fora that were established.

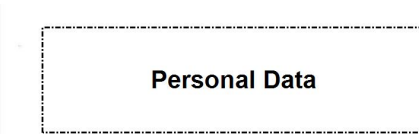
68. As noted above, with the exception of: the review of offences and penalties stated in the health protection regulations and associated amendments to the regulations; the amendment to the regulations to allow the Nightingale Courts to be set up; and the presentation to the NI Executive on Project Dignity, the Minister did not submit any papers to the Executive in relation to the management of the pandemic.

69. Officials did review Executive papers submitted by other Ministers in the first instance – providing the Minister with a resume of the paper and on occasion suggested lines to take, but typically there were no justice angles to the Executive papers on which it was necessary to provide the Minister with briefing/advice. The relevant copies of this advice and/or lines to

take are set out in Exhibits RP/22/101056 - RP/22/93046 (INQ000146998 - INQ000147060 inclusive; INQ000203384; INQ000213385).

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signature  **Personal Data**

Date 21/6/23