

CAJ's submission no. S. 247

CAJ's Response to Spending Review 2010

March 2010

Promoting Justice /
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What is the CAJ?

The Committee on the Administration of Justice (CAJ) was established in 1981 and is an independent non-governmental organisation affiliated to the International Federation of Human Rights. CAJ takes no position on the constitutional status of Northern Ireland and is firmly opposed to the use of violence for political ends. Its membership is drawn from across the community.

The Committee seeks to ensure the highest standards in the administration of justice in Northern Ireland by ensuring that the government complies with its responsibilities in international human rights law. The CAJ works closely with other domestic and international human rights groups such as Amnesty International, Human Rights First (formerly the Lawyers Committee for Human Rights) and Human Rights Watch and makes regular submissions to a number of United Nations and European bodies established to protect human rights.

CAJ's activities include - publishing reports, conducting research, holding conferences, campaigning locally and internationally, individual casework and providing legal advice. Its areas of work are extensive and include policing, emergency laws and the criminal justice system, equality and advocacy for a Bill of Rights.

CAJ however would not be in a position to do any of this work, without the financial help of its funders, individual donors and charitable trusts (since CAJ does not take government funding). We would like to take this opportunity to thank Atlantic Philanthropies, Barrow Cadbury Trust, Hilda Mullen Foundation, Joseph Rowntree Charitable Trust, Oak Foundation and UNISON.

The organisation has been awarded several international human rights prizes, including the Reebok Human Rights Award and the Council of Europe Human Rights Prize.

12 March 2010

Dear Sir/Madam

Review of 2010/11 Spending Plans for NI Departments

Please find attached the Committee on the Administration of Justice's response to the consultation on the Review of 2010/11 Spending Plans for NI Departments.

Should you require any further information, please do not hesitate to get in touch.

Yours faithfully

Debbie Kohner
Equality Programme Officer

Consultation Response for Review of 2010/11 Spending Plans for NI Departments

Committee on the Administration of Justice ('CAJ')

1. Summary

CAJ is concerned that there is insufficient transparency and accessibility in the DFP's consultation for its Revised Spending Plans. The lack of detail throughout creates difficulties for meaningful engagement in the consultation process. Also, the consultation document provides no closing date or contact details for response, which greatly impedes effective consultation.

CAJ is disappointed that DFP has failed to comply with its statutory duties under s75 of the Northern Ireland Act. We request that DFP undertake an EQIA of its Revised Spending Plans before reaching any final policy decisions. CAJ is also concerned that the Revised Spending Plans could result in restricted frontline services for those in greatest need.

2. Introduction

The Committee on the Administration of Justice (CAJ) was established in 1981 and is an independent non-governmental organisation affiliated to the International Federation of Human Rights. CAJ works on a broad range of human rights issues and its membership is drawn from across the community. Its activities include - publishing reports, conducting research, holding conferences, monitoring, campaigning locally and internationally, individual casework and providing legal advice.

CAJ's areas of work are extensive and include policing, emergency laws, criminal justice, equality and the protection of rights. The

organisation has been awarded several international human rights prizes, including the Reebok Human Rights Award and the Council of Europe Human Rights Prize. Together with UNISON, we co-convene the Equality Coalition.

For some time CAJ has been involved in the process of furthering the mainstreaming of equality in Northern Ireland and we are keen to forward our views on as many equality related documents as possible. This is particularly the case where the documents concerned have important implications for the delivery of greater equality, as is the case for the Review of 2010/11 Spending Plans for NI Departments ('Revised Spending Plans').

We have read the consultation responses from the children's sector (Children's Law Centre and Save the Children), and support the points raised.

3. Inadequate Consultation Process

CAJ is concerned that there is insufficient transparency and accessibility in DFP's consultation for its Revised Spending Plans. First, the level of detail provided in relation to future spending proposals is insufficient for those outside government to make an informed view on the impact of the spending plans. This makes it very difficult for even well-informed members of the public to engage in effective consultation.

We appreciate that, at para 1.12 of the Revised Spending Plans, the NI departments were asked to set out the implications for the public services they provide. However, several departments have failed to publish any further details on their websites. Also, many public services, and the impacts of budget cuts, derive from cross-departmental initiatives. As a result, overarching impacts to public services must be considered in addition to isolated departmental planning.

Secondly, the Revised Spending Plans do not specify which aspects are open to consultation or even provide any deadline or

contact details for responses. This would likely discourage, or even prevent, potential consultees from taking part in the consultation process.

Finally, the Revised Spending Plans themselves are not wholly accessible. They were not published on the DFP website until 12 January 2010 (despite being agreed on 17 December 2009). Despite the document's self-description as a 'consultation', it still does not appear on the DFP website's consultation zone (in current or archived consultations).

CAJ is concerned that the insufficient transparency and accessibility in the consultation for the Revised Spending Plans would impede the public's ability to comment on the 2010/11 budget.

Although we appreciate the need for consultation with the Assembly Committees, this should not replace or obscure effective public consultation, which ensures openness and accountability. Thorough consultation is particularly important for the revised Spending Plans, given the £376 million public expenditure shortfall for 2010/11.

4. Inadequate application of s75 Northern Ireland Act ('s75')

CAJ is concerned that the DFP has failed to comply with its approved Equality Scheme and s75 in relation to its Revised Spending Plans.

As you will be aware, under s75, the DFP has an obligation to screen all policies for possible equality impacts. Please could you confirm that the Revised Spending Plans have been screened, as described in the DFP's equality scheme at para 4.4, and send through the relevant screening documents. This can be treated as a request under the Freedom of Information Act.

It is without doubt that, were the necessary screening exercise carried out, the DFP would have concluded that an EQIA should

have been carried out for the Revised Spending Review. In this regard, we draw your attention to Annex E2 of the DFP's Equality Scheme, where '*resource allocation*' policy was found to have an impact for all four screening criteria and all seven s75 categories (at page 90).

We note that '*an Equality Impact Assessment will also be carried out on the strategic choices involved in respect of the level of savings proposed for each department*' (at para 1.15). However, this does not allow for the assessment of equality impacts at the stage of resource allocation between departments. Also, there is only an '*intention*' that the above EQIA will be completed before the revised spending plans are finalised.

In order to be effective, the EQIA must be timetabled to ensure that it can inform the policy decision. The Equality Commission Guidance on s75 states that the '*legislation requires that in making any decision with respect to a policy adopted or proposed to be adopted by it, the public authority shall take into account any Equality Impact Assessment and consultation carried out in relation to the policy (Schedule 9 paragraph 9 (2)).*' Please could you confirm that this will be the case in relation to the DFP's Revised Spending Plans.

CAJ requests that DFP undertake a timely EQIA of its Revised Spending Plans in order to assess fully the equality impacts before reaching any final policy decisions.

5. Consideration of Those in Greatest Need

CAJ appreciates the inevitable constraints that the current economic downturn has placed on the public purse. Given the extreme pressures on local public funds, we share DFP's commitment that the Revised Spending Plans should have the least possible impact on frontline public services.

However, CAJ is also concerned that DFP's budgetary priorities may not ensure the continued frontline public services for those in

greatest need. While we appreciate the importance of growing the local economy, we are concerned that this overriding aim does not allow for sufficient consideration of the actual needs of individuals.

Indeed, several of the DFP's recent policies provide net benefits for those with least need, while restricting public services for those who depend most upon them. Examples include the rates freeze, fully covered prescription charges and the deferral of increased water and sewerage charges.

We note that each department has been asked to provide '*summary details of the implications in respect of Equality, Good Relations and Anti-Poverty*' (at 4.12). This information has not yet been made available, and so it is difficult to comment on the impact the Revised Spending Plans will have on those in greatest need.

We are also concerned that no consideration has been given to the different levels of efficiencies that may be possible in each department. The Revised Spending Plans suggest that, as each department has already achieved 3% efficiency savings since the 2008-11 budget began, '*all departments have at least some scope to go further*' (at 4.5). However, this is a *non sequitur*, as the completion of the original efficiency savings targets cannot inform the level of efficiencies that could still be achieved for each department.

If proper consideration is not given to realistic future efficiency savings, an already efficient department may have to cut important frontline services in order to meet new targets. Please could you confirm that resource allocation restrictions for efficiency savings will be based on possible future efficiencies, rather than past achieved efficiencies.

Finally, we note that the Northern Ireland Assembly ('NIA') is the only 'department' not to be imposed with '*additional savings*' in the Revised Spending Plans (at pages 26 and 27). We find this surprising given that NIA is the only department not to provide

frontline services. Also, it is not clear why the NIA cannot achieve further efficiency savings, as is the case for all other departments.

CAJ is concerned that the Revised Spending Plans could result in restricted frontline services for those in greatest need.

Should you require any further information in relation to any of the above, please don't hesitate to contact Debbie Kohner, Equality Programme Officer.

CAJ
12 March 2010