Thank you for giving evidence to us on young adults and the youth custodial estate on 7 November. We will shortly be writing to you asking for information following up discussions during that session. There is however one matter of concern which we would like to raise with you immediately. We are concerned about your evidence in the following exchange:

"Q.85 Chair: We have the DPP coming to give evidence, so I might raise that with her as well. Was there any involvement between the Ministry and the Courts and Tribunal Service in the establishment of young adult court pilots?

Dr Lee: I will answer that by saying that I requested that an official with responsibility for that be here today. We were not granted permission to have that person here. I recognised that it was a potential blind spot on the panel in advance, and I asked for somebody.

Chair: I am grateful to you for doing that. Out of interest, when was that decision on whether or not the official would be available made, Minister?

Dr Lee: I wanted that person to be here on the panel today, but I was told it was not possible.

Chair: I think it was at about four o'clock in the afternoon or something; we had a problem, but perhaps we can return to that issue in another format, if you are happy to check.

Dr Lee: I want to make these sessions as productive as possible.

Chair: I understand and I am grateful to you for that. That is useful to know."

I am concerned that these remarks give rise to the implication that Committee staff had blocked the Ministry’s request. The first point I would make is that Committee staff act under our authority and if there are any concerns about the way they are dealing with the Ministry or your officials then the established practice is to raise them privately with me rather than make public apparent criticism of them. The second point is that in this instance your suggestion was without substance and unfortunately misleading information was given to the Committee in evidence, I am sure wholly inadvertently on your part.

My Clerk was in contact with the Ministry’s parliamentary branch on 13 September to arrange the evidence session “following up the previous Committee’s Report on young
adult offenders, but also considering at that session the state of the youth custodial estate in light of HM Inspectorate of Prisons' concerns. A reply was received on 18 September from them confirming your availability for a meeting on 7 November.

In the morning of 2 November our staff received a request from the Ministry’s parliamentary branch that you be accompanied by Michael Spurr and Clare Toogood. That request was agreed to. Your private office was briefed by the Committee team on the likely broad areas to be covered during the session in the usual way over the phone on the afternoon of that day. A further call was received from your private office by the inquiry manager at approximately 3.45pm on Monday 6 November, the day before the evidence session, requesting that an (unidentified) official also attend the session. The inquiry manager said that such a late request was “poor form” and “a bit late in the day”, but added that if you decided that you wished to proceed with this request she would need details of who the witness was to run it past me. At no point were your officials refused permission to have a third official alongside you, or told it would not be possible. During the conversation the inquiry manager was informed that another option being pursued was whether the already agreed witnesses could cover the brief. At 4.20pm on 6 November your private office confirmed by e-mail that you had decided to do this, saying that given how unlikely it was that the request would be accepted it had been agreed that Clare Toogood will cover the area. Had we been aware you intended to raise this in public our staff would of course have corrected this misinterpretation of the advice they had given over the phone.

The Committee secretariat wish to ensure harmonious working relationships between them and your officials—if there is anything they can do to enhance this relationship (including reciprocal training on how both organisations work) please do arrange for the Ministry’s parliamentary branch to contact the Committee team.

I am copying this letter to the Secretary of State because I would like all private offices and your parliamentary branch to be aware as to how best to handle any issues of this kind, and to prevent any future inappropriate criticism of staff in public evidence sessions. In addition, since the misleading assertion was made during the public evidence session, we therefore need to publish this letter.

Bob Neill MP
Chairman
Justice Committee