



Northern Ireland
Assembly

**COMMITTEE
FOR THE OFFICE OF THE
FIRST MINISTER AND DEPUTY
FIRST MINISTER**

**OFFICIAL REPORT
(Hansard)**

Child Poverty Bill

4 November 2009

NORTHERN IRELAND ASSEMBLY

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DEPUTY FIRST MINISTER**

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Members present for all or part of the proceedings:

Mr Danny Kennedy (Chairperson)
Mrs Naomi Long (Deputy Chairperson)
Ms Martina Anderson
Mr Tom Elliott
Mr Barry McElduff
Mr Stephen Moutray
Mr George Robinson
Mr Jim Shannon

Witnesses:

Ms Patricia Carey)
Dr Gerry Mulligan) OFMDFM
Mr Michael Pollock)

The Chairperson (Mr Kennedy):

We will now hear a briefing from departmental officials, Gerry Mulligan — who is here more often than most of us — Patricia Carey and Michael Pollock, on the amendments to the UK Child Poverty Bill and the legislative consent motion. Members have a copy of a letter from the First Minister and deputy First Minister, the legislative consent memorandum, the notice of amendments and the Department's response, on 16 September 2009, to issues raised by the

Committee.

Good afternoon, you are very welcome. The evidence session will be recorded by Hansard. Perhaps you will make an opening statement and then leave yourselves available for questions.

Dr Gerry Mulligan (Office of the First Minister and deputy First Minister):

I am happy to do that. Thank you for the invitation to further brief the Committee on progress with the UK Child Poverty Bill. You know Patricia and Michael, who are leading the Bill in the Department.

As you know, the First Minister and deputy First Minister wrote to the lead Minister for the Bill, Stephen Timms, on 9 October requesting amendments to the Bill; first, to place duty on OFMDFM to report annually to the Assembly, and, secondly, to extend the scope of the Bill to all Northern Ireland Departments. Minister Timms agreed, and those amendments were included in Government amendments going forward to the Westminster Committee's consideration of the Bill. The Committee Stage is now complete, and the Committee at Westminster has accepted the amendments, which will now be part of the draft Bill.

As well as providing this Committee with a copy of their letter to Minister Timms, our Ministers forwarded, on 23 October, a copy of the legislative consent motion and accompanying memorandum, which is scheduled to be the subject of an Assembly debate on Monday 16 November. Our Ministers would welcome the Committee's views on those and hope to secure the Committee's support for the motion on the day. We expect that the Report Stage at Westminster will be in early December and that the Bill will obtain Royal Assent in early January.

As the Committee will be aware, there is then a duty on our Ministers to bring forward a strategy to the Assembly and to consult with both this Committee and the child poverty commission that is to be established under the legislation. Some preliminary work has already begun in that regard, principally through the child poverty board, a group that meets in Whitehall and is chaired by the Department for Children, Schools and Families. I will be happy to return to this Committee at any stage to consult with it as the work progresses in due course.

The Chairperson:

Thank you very much. Apart from final stages, have the legislative stages at Westminster been completed?

Dr Mulligan:

Other than the final stages, the Committee has completed its consideration of the amendments.

The Chairperson:

Has your Department made its final comments in respect of that?

Dr Mulligan:

The Department has made its final comments in respect of the amendments.

The Chairperson:

Are you content with that?

Dr Mulligan:

We are content that the amendments went forward, as requested by the First Minister and deputy First Minister.

The Chairperson:

Do you mean that you are content that the amendments were incorporated?

Dr Mulligan:

Yes.

The Chairperson:

The perspective of the Department is that it is content that the changes that it wanted are now included in the Bill. The Bill will now complete its passage through Westminster and receive Royal Assent. It will then come back to the Assembly for the consideration of any actions that arise from it.

Dr Mulligan:

That is right. When the Bill is enacted, the duty is in force, and the specific duty on our Ministers

is to bring a strategy to the Assembly within a year of that date. In the course of that work, Ministers will consult the Committee and the new commission that will be set up.

The Chairperson:

In a previous response, the Committee thought that Part 1, clause 11, should refer to junior Ministers rather than the Secretary of State, as it is they who have the policy responsibility for children and young people's issues. How did that ultimately work out?

Dr Mulligan:

Again, we had detailed discussions with our legal advisers and the officials who were briefing Parliamentary Counsel in the Department for Work and Pensions. Given that the term "Department" refers to OFMDFM as a corporate body with Ministers at its head, they took the view that that would be a more appropriate designation, in that it would, by implication, place the duty on our Ministers as the heads of the corporate body that is the Department.

Were we to designate a specific Minister with a particular responsibility, that designation could change over time. In a sense, that would then alter the legislation.

The Chairperson:

It remains a departmental responsibility.

Dr Mulligan:

It remains a departmental responsibility.

The Chairperson:

However, within that, the understanding is that that is where it will likely be referred to and dealt with.

Dr Mulligan:

That is correct.

Ms Anderson:

Gerry, I think that that is a welcome development, given that the Committee argued for OFMDFM to report to the Assembly and thus extend the scope to other Departments. That was

something that the Committee wanted.

At the moment, it may be difficult to envisage, but, in practice, how do you think that the child poverty commissioner, working independently, will liaise and engage with the two junior Ministers who have the specific responsibility in this field? What kind of relationship do you envisage them having? I know that the schedule to the Bill deals with the intent of the commission and what its role and remit will be. However, do you see that as being advantageous to assisting the strategy, putting it on the agenda, and keeping people focused on the issue?

Dr Mulligan:

Access to a commission that is made up of experts from different sectors — and we expect the commission to reflect academia, the voluntary and community sector, practitioners, and so on — provides government with a critical friend in whose interests it is to get things right. The anticipation is that there will be real value added in that process.

As you know, the legislation states that we must consult with the child poverty commission. That could be done through correspondence. However, I suspect that we would want to go beyond that and meet with the commissioners to get their views on our work as it develops. I anticipate that the commissioners would have a duty to see to what extent the strategies within the devolved administrations are consistent with policies elsewhere. For example, the commission could advise us if it felt that there were gaps. I cannot be confident about that.

Ms Anderson:

Will the commission have a consultative role, or will it be able to make an input that could shape the strategy?

Dr Mulligan:

I anticipate receiving written reports on our draft strategy from the commission. Our Ministers must write to them, and they must have regard for their comments. Again, that is in the legislation.

Ms Anderson:

Must they have due regard for what the commissioners say?

Dr Mulligan:

They must have due regard for the opinions of the commissioners. The legislation states that we will be able to nominate one person to the commission. That will guarantee that our interests are reflected.

The Chairperson:

Members have no further questions. Thank you for your presentation. I know that you are looking for the Committee's co-operation when the legislative consent motion is tabled on 16 November.

Dr Mulligan:

Yes.

The Chairperson:

We will think about that and let you know. Thank you.