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Lord Morrow
Chairperson
Adhoc Committee on the Public Service Ombudspersons Bill
Northern Ireland Assembly
Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX

27th May 2015

Dear Lord Morrow

Thank you for your invitation to give evidence to the Committee. We intend to provide an oral briefing, however it may be useful if I set out some of the key points regarding the legislation in writing.

One of the key issues that we wish to draw to the Committee's attention is the need for mutual sharing of information between our offices. The Committee are already aware that the Ombudsman supports the extension of powers to co-operate with other bodies to include the C&AG. I understand members have been provided with copies of the Ombudsman's submission of 28 September 2012 to the OFMDFM Committee Consultation on the Legislative Proposals to reform the office of Ombudsman.

The submission stated that "The Ombudsman welcomes the proposal to have the power to co-operate with other Ombudsman and is of the view that again this should be extended to other Commissioners and regulators (as in the Welsh legislation) carrying out their functions in Northern Ireland and in addition this power should extend to the C&AG."

I fully agree with the Ombudsman's view. Information sharing is essential to ensure there is effective scrutiny of public bodies. The amendment required would be to add the name of the C&AG and the Local Government Auditor to the list of 'persons' at paragraph 42(4) of the draft bill.

The Committee may be aware that Article 27 of the Local Government (Northern Ireland) Order 2005 prevents the Local Government Auditor from sharing information gained in the course of a local government audit. I would encourage the Committee to consider adding a provision to the bill to exempt the Ombudsperson from this article of the Local Government (Northern Ireland) Order 2005. It is important that there are no legislative obstacles to sharing information between our offices.

I note that Schedule 3 of the proposed bill includes both the Comptroller and Auditor General and the Northern Ireland Audit Office as listed authorities that will come under the remit of the new Ombudsperson. In respect of NIAO, the draft Bill should expressly identify its functions under the Audit (Northern Ireland) Order 1987 and the Local Government (Northern Ireland) Order 2005 to ensure that the full range of the NIAO's functions are

covered by the Bill. I welcome this new arrangement and can assure that Committee that I and my staff will provide the Ombudsperson with any assistance required should an investigation ever be conducted under these new powers.

I am happy to explain the above points in further detail to the Committee at its meeting on 28th May.

Yours sincerely

A handwritten signature in black ink, reading "Kieran J Donnelly". The signature is written in a cursive, flowing style.

KIERAN DONNELLY
Comptroller and Auditor General