



**Northern Ireland
Assembly**

COMMITTEE FOR FINANCE AND PERSONNEL

Lord Maurice Morrow of Clogher Valley
Ad Hoc Committee on the Northern Ireland Public Service Ombudsperson (NIPSO) Bill
nipsoadhoccommittee@niassembly.gov.uk

22 May 2015

Dear Lord Morrow,

NIPSO Bill

At its meeting on 20 May 2015, the Committee for Finance and Personnel considered the Call for Evidence for the above Bill. Members agreed that I should write to the Ad Hoc Committee outlining the Committee for Finance and Personnel's deliberations in this regard. As you will be aware from my contribution to the Second Stage debate on the Bill, the Committee examined the issues giving rise to the proposed provisions in the Bill in relation to public procurement, when it took evidence from Dr Tom Frawley in 2012.

Arising from Dr Frawley's evidence, members noted the dual office function and role, meaning that the commissioner role is one which is free to consider complaints about procurement carried out by public bodies other than Executive departments, whereas the power of the ombudsman to investigate procurement by Executive departments is limited to the process leading up to the decision to award a contract, not the award itself.

The Committee was concerned that this anomaly in powers could lead to departments, which spend substantial amounts of public money, being dealt with in a different manner from other public bodies. As such, the Committee for Finance and Personnel welcomed the legislative proposals put forward by the Committee for the Office of the First and deputy First Minister that both offices should enjoy the same remit in this regard, thereby closing the identified gap in powers.

The Committee notes that the Minister of Finance and Personnel subsequently raised concerns around any change in the position of the ombudsman's role in respect of public procurement. The Committee for the Office of the First and deputy First Minister considered these concerns and received follow up evidence in this regard. While the Committee for Finance and Personnel has not been involved in the further deliberations around the public

procurement provisions in the Bill, perhaps this is something which will be covered in as part of the work of the Ad-hoc Committee.

I look forward to considering the outcome of the Committee Stage of the Bill.

Yours sincerely,

A handwritten signature in black ink, reading "Daithí McKay". The signature is written in a cursive, flowing style.

Daithí McKay
Chairperson