

**COMMITTEE FOR HEALTH, SOCIAL SERVICES
AND PUBLIC SAFETY**

MINUTES OF PROCEEDINGS

**Wednesday 11 November 2015
Room 29, Parliament Buildings**

Present: Ms Maeve McLaughlin MLA (Chairperson)
Mr Alex Easton MLA (Deputy Chairperson)
Mrs Pam Cameron MLA
Mrs Jo-Anne Dobson MLA
Mr Kieran McCarthy MLA
Ms Rosie McCorley MLA
Mr Michael McGimpsey MLA
Mr Daithí McKay MLA
Mr Fearghal McKinney MLA
Mr Gary Middleton MLA

Apologies: None

In Attendance: Dr. Kathryn Aiken (Clerk)
Ms Marie Austin (Senior Assistant Clerk)
Ms Deirdre Farry (Assistant Assembly Clerk)
Ms Sharon McGurk (Clerical Supervisor)
Mr Craig Mealey (Clerical Officer)

The meeting commenced at 2.01p.m. in public session.

1. Apologies
None.

2.02pm Mrs Jo-Anne Dobson joined the meeting.

2.04pm Ms Rosie McCorley joined the meeting.

2.04pm Mr Fearghal McKinney joined the meeting.

2. **Chairperson's Business**

i. The Chairperson referred to a meeting with the Honourable Lord Justice Gillen in relation to the Review of Civil and Family Justice and advised that information in relation to the Review would be referred to the Committee where relevant.

ii. The Chairperson referred to the Zero Suicide Strategy.

Agreed: The Committee agreed to write to the Department seeking its views on the Zero Suicide Strategy as a model to tackle suicide.

iii. The Committee referred to the recent inspection report on Maghaberry Prison.

Agreed: The Committee agreed to write to the Department for its response to the health elements of the recent report on Maghaberry Prison.

3. **Draft minutes of the meeting on Wednesday 4 November 2015**

The minutes of the Committee meeting on Wednesday 4 November 2015 were agreed.

4. **Reform of Health and Social Care – Ministerial Briefing**

The Committee heard evidence from:

Mr Simon Hamilton	Minister for Health, Social Services and Public Safety, DHSSPS
Mr Richard Pengelly	Permanent Secretary, DHSSPS

A question and answer session ensued.

The Minister agreed to provide the Committee with further information on Health and Social Care Board staffing levels.

The Chairperson thanked the Minister and the Permanent Secretary for attending.

2.19pm Mr Gary Middleton joined the meeting.

2.24pm Mr Daithí McKay joined the meeting.

4.07pm Mrs Jo-Anne Dobson left the meeting.

4.34pm Mr Fearghal McKinney left the meeting.

5. **Health and Social Care (Control of Data Processing) Bill – Formal Clause by Clause Scrutiny**

The Committee commenced its formal clause-by-clause consideration of the Control of Data Processing Bill.

16.42pm Mr Michael McGimpsey left the meeting.

16.43pm Mr Gary Middleton left the meeting.

Clause 1 – Control of information of a relevant person

The Committee noted a response from the Minister in relation to Clause 1(15), providing an assurance that regulations under this legislation would not make provision for authorising the selling of information processed.

The Committee considered an amendment proposed by the Department to Clause 1(1) which would: impose a mandatory duty on the Department to make the regulations; replace ‘medical or social care purposes’ with ‘health or social care purposes’; and allow the sharing of information in the public interest only if it is connected to a health or social care purpose

The Committee considered an amendment proposed by the Department to Clause 1(3) which would provide that information would only be processed if authorisation is granted by the committee.

The Committee considered an amendment proposed by the Department to Clause 1(11) which would remove the terms ‘social well-being’ and ‘any other similar circumstances’.

The Committee considered an amendment to Clause 1(14) which would remove the word ‘services’.

Agreed: The Committee is content with the following amendments proposed by the Department:

1.-(1) The Department must by regulations make such provision for and in connection with requiring or regulating the processing of prescribed information of a relevant person for health or social care purposes as it considers necessary or expedient in the public interest.

1.- (3) Regulations under subsection (1) which make provision in relation to the authorisation of the processing of confidential information of a relevant person must provide that such information may only be processed if authorisation is granted by the committee established under section 2(1).

1.-(11) For the purposes of this Act, “a relevant person” means an individual who is a recipient of—

(a) health care; or

(b) social care.

1.- (14) In this section “social care purposes” means the purpose of any of—

(a) assessment of social care needs, research into social care or social wellbeing, and the provision and management of social care, and

(b) informing individuals about their social care needs or the provision of social care in relation to them.

The Committee considered a proposed Committee amendment to Clause 1(2) which would place an ‘opt-out’ provision on the face of the Bill.

Agreed: The Committee is content with the following amendment:

Clause 1, Page 2, line 17

At end insert -

'(5A) Regulations under subsection (1) may not make provision requiring the processing of information of a relevant person who has notified the Department to cease, or not to begin, processing information in respect of which that person is the subject.'

Question: "That the Committee is content with Clause 1 subject to the proposed departmental and Committee amendments put to and agreed".

4.47pm Mr Gary Middleton joined the meeting.

Clause 2 – Establishment of Committee to authorise processing of confidential information

The Committee considered an amendment proposed by the Department which provides that the Department must by regulations establish a committee to authorise processing of confidential information.

Agreed: The Committee is content with the following amendment proposed by the Department:

2. - (1) For the purposes of subsection (2), the Department must by regulations establish a committee.

Question: "That the Committee is content with Clause 2 subject to the proposed departmental amendment put to and agreed".

Clause 3 – Code of Practice

The Committee considered an amendment proposed by the Department to Clause 3(4) and Clause 3(5) which replaces 'have regard' with 'have due regard'.

Agreed: "That the Committee is content with the following amendment proposed by the Department:

3-- (4) Health and social care bodies must have due regard to the Code of Practice in exercising their functions in relation to the provision of health and social care.

3-- (5) Any other person who provides health and social care under arrangements made with a public body who exercises functions in relation to the provision of health and social care, must, in providing such care, have due regard to the Code of Practice.

The Committee considered a proposed Committee amendment to Clause 3, which provides that a code of practice may be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.

Agreed: The Committee is content with the following amendment:

Clause 3, Page 4, line 27

At end insert-

‘(5A) Failure to observe any provision of the code of practice does not of itself make a person liable to any criminal or civil proceedings.

(5B) A code of practice–

(a) is admissible in evidence in criminal and civil proceedings; and

(b) may be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.

Question: “That the Committee is content with Clause 3 subject to the proposed departmental and Committee amendments”.

Clause 4 – Regulations

The Committee considered Clause 4 as drafted.

Question: “That the Committee is content with Clause 4 put and agreed to?”

Clause 5 – Interpretation

The Committee considered Clause 5 as drafted.

Question: “That the Committee is content with Clause 5 put and agreed to”

Clause 6 – Short title and Commencement

The Committee considered Clause 6 as drafted.

Question: “That the Committee is content with Clause 6 put and agreed to”

Long Title

The Committee considered the Long Title as drafted.

Question: “That the Committee is content with the Long Title put and agreed to”.

6. Human Transplantation Bill (PMB) - handling arrangements

The Committee considered its approach to the Second Stage debate on the Human Transplantation Bill.

Agreed: The Committee agreed that the Chairperson, on behalf of the Committee, should note the introduction of the Bill, and reflect the issues/questions raised by the Committee during the briefing with the Bill Sponsor on 4 November.

The Committee considered handling arrangements for the Committee Stage of the Human Transplantation Bill, subject to the Bill passing Second Stage.

7. Forward Work Programme

The Committee noted the Forward Work Programme.

8. Matters Arising

- (i) The Committee noted a response from the Minister regarding issues raised at the evidence session with the Permanent Secretary on 7 October.

Agreed: The Committee agreed to seek further information on Children's Heart Services.

- (ii) The Committee noted a response from the Minister regarding the HSC Marshall Implementation plan progress report.
- (iii) The Committee noted a response from the Regulation and Quality Improvement Authority regarding changing the culture of care provision in Northern Ireland.

9. Correspondence

- (i) The Committee noted correspondence from the Committee for Finance and Personnel regarding a Legislative Consent Motion on a proposed cap on Public Sector Exit Payments.
- (ii) The Committee noted correspondence from the Committee for Enterprise, Trade and Investment regarding Post Special Educational Need Provision in Education, Employment and Training for those with learning disabilities.
- (iii) The Committee noted an invitation from the British Heart Foundation and Multiple Sclerosis Society to a panel debate on Tuesday 24 November 2015.
- (iv) The Committee noted correspondence from a student regarding student finances.

10. Any Other Business

None.

11. Date, Time and Place of Next Meeting

The next Committee meeting will be on Wednesday 18 November 2015, at 2.00 pm in the Senate Chamber, Parliament Buildings.

The Chairperson adjourned the meeting at 5.02 pm.

Signed: _____
Chairperson

Date: _____