



**Northern Ireland
Assembly**

**COMMITTEE FOR THE OFFICE OF THE FIRST MINISTER AND DEPUTY
FIRST MINISTER
MINUTES OF PROCEEDINGS
WEDNESDAY 10 DECEMBER 2014
ROOM 30, PARLIAMENT BUILDINGS**

Present: Mr Mike Nesbitt (Chairperson)
Mrs Brenda Hale
Ms Bronwyn McGahan
Mr David McIlveen
Mr Stephen Moutray
Mr Jimmy Spratt

Apologies: Mr Alex Attwood
Mr Michael Copeland
Ms Megan Fearon
Mr Chris Lyttle (Deputy Chairperson)
Mr Alex Maskey

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)
Miss Karen Jardine (Assistant Assembly Clerk)
Mr Stephen Magee (Clerical Supervisor)
Miss Zuzana Polackova (Clerical Officer)
Ms Roisin Kelly (Assembly Clerk) Item 1 only
Mr Alyn Hicks (Assistant Assembly Clerk) Item 1 only
Mr Jonathan McMillen (Legal Adviser) Item 1 only

The meeting began in closed session at 1.36 pm.

1. Northern Ireland Public Service Ombudsperson Bill

Ms Kelly, Mr Hicks and Mr McMillen joined the meeting at 1.37pm.

Ms Kelly, Mr Hicks and Mr McMillen joined the meeting at 1.37pm.

The Committee considered the draft Northern Ireland Public Service Ombudsperson (NIPSO) Bill and the draft Explanatory and Financial Memorandum.

Members considered policy proposals with regard to the term of office of the Acting Ombudsman/Commissioner which will expire on 31 August 2015.

Agreed: Members agreed to amend the relevant provisions of the 1996 Orders to extend the permitted period of office from 12 months to 24 months by way of the following drafting instructions:

- (a) Prepare an amendment for insertion in the NIPSO Bill; and
- (b) Prepare a short bill to amend the 1996 Orders in the event of the NIPSO Bill not making sufficient progress to address the problem.

Members considered the draft NIPSO Bill including minor drafting amendments reflecting previous Committee decisions.

Agreed: The Committee agreed the Long Title.

The Committee considered Part 1: The Northern Ireland Public Services Ombudsperson.

Agreed: The Committee agreed j1 (Clause 1 - The Northern Ireland Public Services Ombudsperson) and j2 (Clause 2 - Independence).

Ms McGahan advised that Sinn Féin remained opposed to the policy proposals contained within j3 (Clause 3 - Appointment).

Agreed: The Committee agreed j3.

Agreed: The Committee agreed j65 (Clause 4 - Abolition of existing offices).

The Committee considered Part 2: Investigations.

Agreed: The Committee agreed the following provisions relating to the power of investigation: j11, j12, j20, j13, j14, j15 and j16. (Clauses 5 -11)

Agreed: The Committee agreed the following provisions relating to listed authorities: j18 and j19. (Clauses 12 -13)

Agreed: The Committee agreed the following provisions relating to matters which can be investigated: j21, j25, j23, j24, j24A, j22, j34, j35, j36 and j40. (Clauses 14-23)

- Agreed:* The Committee agreed the following provisions relating to the procedure for making complaint to the Ombudsperson: j28A, j29A, j31A, and j31B. (Clauses 24-27)
- Agreed:* The Committee agreed j37 relating to the procedure for own initiative investigation. (Clause 29)
- Agreed:* The Committee agreed the following provisions relating to the conduct of investigations: j50, j51, j54 and j52. (Clauses 30-33)
- Agreed:* The Committee agreed j33 relating to the procedure for complaint referred to the Ombudsperson. (Clause 28)

The Committee considered Part 3: Miscellaneous and General

- Agreed:* The Committee agreed the following provisions relating to reports: j60, j61, j63, j62 and j64. (Clauses 34-38)
- Agreed:* The Committee agreed j70 relating to protection from defamation. (Clause 39)

Ms McGahan advised that Sinn Féin remained opposed to the policy proposals contained in provisions j80 and j81 (clauses 40 and 41), relating to the disclosure of information.

- Agreed:* The Committee agreed j80 and j81 whist noting objections from Sinn Féin.
- Agreed:* The Committee agreed j85 relating to consultation and co-operation with other Ombudspersons. (Clause 42)
- Agreed:* The Committee agreed the following provisions with regard to court proceedings: j55, j56, j57, j58, j58A and j59. (Clauses 43-48)

The Committee considered Part 4: Northern Ireland Judicial Appointments Ombudsman

- Agreed:* The Committee agreed j75 with regard to the Ombudsperson also being the Judicial Appointments Ombudsman. (Clause 49)

The Committee considered Part 5: Supplementary Provisions

- Agreed:* The Committee agreed the following provisions relating to supplementary provisions: j90, j87, j88, j71, j99, j92, j94 and j97. (Clauses 50-57)

The Committee considered Schedule S1: The Northern Ireland Public Services Ombudsperson. (Schedule 1)

Ms McGahan advised that Sinn Féin remained opposed the following provisions in S1 (schedule 1):

Paragraph 1(3) which provides that the Ombudsperson is a Crown Servant for the purposes of the Official Secrets Act 1989;
Paragraph 9(1) which provides for Her Majesty to remove the Ombudsperson on resolution of the Assembly;
Paragraph 10 which provides for Her Majesty to remove the Ombudsperson on the Ombudsperson's request;
Paragraph 12 which provides for Her Majesty to appoint an Acting Ombudsperson; and
Paragraph 14(4) which provides for each member of staff to be a Crown Servant for the purposes of the Officials Secrets Act 1989.

Agreed: The Committee agreed paragraph 1 whilst noting objections from Sinn Féin.

Agreed: The Committee agreed paragraphs 2 - 8.

Agreed: The Committee agreed paragraph 9 whilst noting objections from Sinn Féin.

Agreed: The Committee agreed paragraph 10 whilst noting objections from Sinn Féin.

Agreed: The Committee agreed paragraph 12 whilst noting objections from Sinn Féin.

Agreed: The Committee agreed paragraph 14 whilst noting objections from Sinn Féin.

Agreed: The Committee agreed paragraphs 15 - 19.

The Committee considered Schedule S6: Transfer of assets, liability, staff and other transitional arrangements.

Agreed: The Committee agreed S6. (Schedule 2)

The Committee considered Schedule S3: Listed authorities

Agreed: The Committee agreed S3. (Schedule 3)

The Committee considered Schedule S2: Tribunals referred to in section j22.

Agreed: The Committee agreed S2. (Schedule 4)

The Committee considered Schedule S4: Other Excluded Matters

Agreed: The Committee agreed S4. (Schedule 5)

The Committee considered Schedule S9: Amendments consequent upon Ombudsperson being Northern Ireland Judicial Appointments Ombudsman

Agreed: The Committee agreed S9. (Schedule 6)

The Committee considered Schedule S8: Amendments to Part 9 of the Local Government Act (Northern Ireland) 2014.

Agreed: The Committee agreed S8. (Schedule 7)

The Committee considered Schedule S5: Other Minor and Consequential Amendments.

Agreed: The Committee agreed S5. (Schedule 8)

The Committee considered Schedule S7: Repeals.

Agreed: The Committee agreed S7.

The Committee considered the draft Explanatory and Financial Memorandum.

Agreed: The Committee agreed minor technical amendments regarding abbreviations and consistency of terminology throughout the EFM.

Agreed: The Committee agreed paragraphs 1 and 2 under the heading 'Introduction'.

Agreed: The Committee agreed paragraphs 3 - 6 as amended under the heading 'Background and policy objectives'.

Agreed: The Committee agreed paragraphs 7 - 14 as amended under the heading 'Consultation'.

Agreed: The Committee agreed paragraphs 15 - 23 as amended regarding general approach, relationship with the NI Assembly, independence, financial accountability and recruitment.

Ms McGahan advised that Sinn Féin remained opposed to the policy proposals contained in paragraphs 24 - 27 relating to formal appointment.

Agreed: The Committee agreed paragraphs 24 - 27 as amended whilst noting objections from Sinn Fein.

Agreed: The Committee agreed paragraphs 28 - 38 as amended regarding term of office, salary and conflicts of interest.

Agreed: The Committee agreed paragraphs 39 - 54 as amended regarding name of the office, bodies within the remit of NISPO, matters which may be investigated, public procurement, and public sector employment.

Agreed: The Committee agreed paragraphs 55 - 68 as amended regarding professional judgement in social care and making a complaint.

Agreed: The Committee agreed paragraphs 69 as amended relating to privileged information.

Ms McGahan advised that Sinn Féin remained opposed to the policy proposals contained in paragraph 70 and paragraph 72 relating to evidence gathering powers and notices prohibiting disclosure of information.

Agreed: The Committee agreed paragraphs 70 and 72 as amended whilst noting objections from Sinn Féin.

Agreed: The Committee agreed paragraphs 71, 73 and 74 as amended relating to investigation procedure, requirement for public bodies to provide facilities to the NIPSO and defamation.

Agreed: The Committee agreed paragraphs 75 - 86 as amended regarding securing redress for the aggrieved.

Agreed: The Committee agreed paragraphs 87 -102 as amended regarding the NI Judicial Appointments Ombudsman (NIJAO).

The Committee moved to consideration of the Commentary on Clauses as part of the Explanatory and Financial Memorandum.

Agreed: The Committee agreed paragraphs 103 - 105 relating to Part 1 of the Bill - The Northern Ireland Public Services Ombudsperson and Independence.

Ms McGahan advised that Sinn Féin remained opposed to the policy proposals contained in clause j3 "Appointment".

Agreed: The Committee agreed paragraph 106 whilst noting objections from Sinn Féin.

Agreed: The Committee agreed paragraph 107 relating to the abolition of existing offices.

Agreed: The Committee agreed paragraphs 108 - 137 relating to Part 2: Investigations.

Agreed: The Committee agreed paragraphs 138 - 144 relating to Part 3: Miscellaneous and General.

Ms McGahan advised that Sinn Féin remained opposed to the policy proposals contained in clauses j80 and j81 relating to the disclosure of information.

Agreed: The Committee agreed paragraphs 145 - 146 whilst noting objections from Sinn Féin.

Agreed: The Committee agreed paragraphs 147 - 151 relating to Part 3: Miscellaneous and General.

Agreed: The Committee agreed paragraphs 152 - 156 relating to Part 4: NIJAO and Part 5: Supplementary Provisions.

Paragraph 157 comments on Schedule 1. Ms McGahan advised that Sinn Féin remained opposed to those provisions of Schedule 1 she had previously highlighted (see opposition minuted to Schedule 1 above)

Agreed: The Committee agreed paragraph 157 relating to Schedule 1 whilst noting objections from Sinn Féin.

Agreed: The Committee agreed paragraphs 158 - 166 relating to the remaining Schedules.

Agreed: The Committee agreed paragraphs 167 - 174 relating to Financial Effects.

Agreed: The Committee agreed paragraphs 175 - 184 relating to Human Rights and Equality.

Agreed: The Committee agreed paragraphs 185 - 208 relating to Legislative competence.

Ms McGahan advised that Sinn Féin opposed paragraph 209 which referred to consent from the Secretary of State.

Agreed: The Committee agreed paragraph 209 whilst noting objections from Sinn Féin.

Agreed: The Committee agreed paragraph 210 relating to the role of the Minister of Finance and Personnel with regard to responsibilities contained within section 63 of the Northern Ireland Act 1998.

Agreed: The Committee agreed that it was content for the Bill Team to make any necessary drafting amendments relating to numbering and typographical errors which do not affect the substance of the Bill.

Agreed: Members agreed that, pending the receipt of a response on, or before Wednesday 17 December, from the Secretary of State's officials on any issues which may affect consent, a copy of the

agreed Bill and Explanatory and Financial Memorandum should be sent to the Secretary of State after that date with a request for formal consent. Ms McGahan advised that Sinn Féin remained opposed to policy proposals referring to appointment of the NIPSO by the Crown; and references to disclosure of information with regard to the Secretary of State.

Agreed: The Committee agreed to share the draft Bill, or extracts of the draft Bill, with relevant Ministers in confidence.

Ms Kelly, Mr Hicks and Mr McMillen left the meeting at 1.54pm.

Mrs Hale left the meeting at 1.54pm.

The meeting moved into public session at 1.55 pm.

2. Apologies

Apologies were noted as above.

3. Chairperson's Business

Agenda

The Chairperson advised the Committee that due to other pressures it may not be possible to retain quorum to deal with all the items on the meeting agenda.

Agreed: The Committee agreed to postpone the evidence sessions scheduled with the Northern Ireland Local Government Association in relation to the Committee's Inquiry into Building a United Community.

Landscape Futures NI

The Committee noted correspondence from the Landscape Institute Northern Ireland (LINI) requesting that the Committee sponsor its seminar, to be held in the Long Gallery in February 2015, on the Landscape / Urban Design and Planning response to Contested Space.

Mr Spratt left the meeting at 1.58pm. The Committee lost its decision-making quorum. In the absence of a decision-making quorum proceedings continued in line with Standing Order 49(5).

Mr Spratt returned to the meeting at 1.59pm.

Agreed: The Committee agreed to sponsor the event.

Royal National Institute of Blind People

The Committee noted correspondence from the Chairperson of the All Party Group on Visual Impairment requesting that the Committee consider inviting RNIB to brief the Committee on the ongoing work of the Visual Impairment sector's work.

Agreed: The Committee agreed that the Chairperson would discuss this matter with Mr Ramsey MLA, Chairperson of the All Party Group on Visual Impairment.

Creative Europe Desk UK

The Committee noted an invitation from the Arts Council to the launch of the Creative Europe Programme at the Queens Film Theatre on Friday 12 December 2014.

Chartered Institute of Public Finance and Accountancy

The Committee noted an invitation to CIPFA's Performance Seminar – Dealing with the cuts, making the best use of public spending to improve performance on 16 December 2014.

EC-UK

The Chairperson advised Members that he had attended the EC-UK meeting held in Scotland on 8 December, and that the next meeting, scheduled for mid-2015 would be hosted in Parliament Buildings.

Christmas Cards

The Committee agreed to issue Christmas cards in e-card format as had been the case in previous years.

Committee Invitations

The Committee noted the list of current invitations.

4. Draft Minutes of the meetings held on 26 November and 3 December 2014

Agreed: The draft minutes of the proceedings of 26 November 2014 and 3 December 2014 were agreed by the Committee.

5. Matters Arising

Draft Budget 2015-16

The Committee noted an additional submission from Ilex on the draft Budget 2015-16.

Agreed: The Committee agreed to forward the submission to the Committee for Finance and Personnel.

List of Outstanding Correspondence

The Committee noted the list of outstanding correspondence.

6. Correspondence

Belfast Islamic Centre

The Committee noted responses from OFMDFM and the Minister for Social Development regarding support for the Belfast Islamic Centre.

Agreed: The Committee agreed to forward a copy of the responses to the Belfast Islamic Centre.

Sign language Partnership Group

The Committee noted correspondence from the Chairperson of the Committee for Culture Arts and Leisure regarding the Department for Culture Arts and Leisure's Review of the Sign Language Partnership Group's 2010 Road Map.

Agreed: The Committee agreed to await the publication of the Review.

Consumer Council

The Committee noted correspondence from the Consumer Council seeking the views of consumers and stakeholders on its Forward Work Programme.

Attorney General for Northern Ireland

The Committee noted the Attorney General for Northern Ireland's Annual Report 2013/14.

Northern Ireland Human Rights Commission

The Committee noted correspondence from the Northern Ireland Human Rights Commission regarding the launch of its Report on The Human Rights of Carers.

European Commission proposal to promote the free movement of citizens and businesses

The Committee noted a response from the Chairman of the House of Lords European Union Select Committee regarding a European Commission proposal to promote the free movement of citizens and businesses by simplifying the acceptance of certain public documents.

Delivering Social Change

The Committee noted the Delivering Social Change Stakeholder update for November 2014

Historical Institutional Abuse

The Committee noted a response from the Department to two separate letters relating to the Magdalene Laundries and alleged clerical abuse.

Agreed: The Committee agreed to request a copy of the scoping paper when finalised.

EU Matters

The Committee noted the EU Matters newsletter for December 2014

Northern Ireland Commissioner for Children and Young People

The Committee noted the Northern Ireland Commissioner for Children and Young People's Annual Report and Accounts for 2013-14.

The Committee also noted a news release from the Department announcing the appointment of a new Northern Ireland Commissioner for Children and Young People, Ms Koulla Yiasouma.

Agreed: The Committee agreed to invite the new Commissioner for Children and Young People to brief the Committee at a convenient time in the work programme.

Drawdown of EU Competitive Funding

The Committee noted correspondence from the Department proving year 3 (2013/14) figures on the Programme for Government Target on the Drawdown of Competitive European Funding.

Equality Commission for Northern Ireland

The Committee noted correspondence from the Equality Commission for Northern Ireland providing a response to issues raised by the Committee at its meeting of 19 November 2014.

NI Executive European Priorities

The Committee noted correspondence from the First Minister and deputy First Minister which included the 2013/14 European Priorities and Implementation Report, and the 2014/15 Statement of European Priorities. Members also noted correspondence from junior Minister Bell and junior Minister McCann which included the European Priorities 2014/15 Mid-Year Progress Report; and that a departmental briefing on European issues was scheduled for after Christmas recess.

Draft Child Poverty Strategy 2014-17 & Annual Report 2013/14

The Committee noted the draft Child Poverty Strategy 2014-17, including the Equality Screening and Rural Proofing document, and the Child Poverty Strategy

2011-14: Annual Report 2013/14; and noted that a departmental briefing was scheduled for after Christmas recess.

Correspondence from a member of the public

The Committee noted correspondence from a member of the public on a personal matter. Members noted that the same correspondence was received by the Committee for Justice, to whom it may be more applicable.

7. SL1 - The Salaries (Assembly Ombudsman and Commissioner for Complaints) Order (NI) (No 2) 2014

Agreed: The Committee agreed to request clarification on the proposed Statutory Rule.

The Committee agreed to take agenda item 11 next.

8. Draft Forward Work Programme

The Committee considered the Forward Work Programme up to March 2015.

Agreed: The Committee agreed to request a briefing from Mr Steven Agnew MLA, sponsor of the Children's Services Co-operation Bill, prior to second stage which is expected at the end of January.

Agreed: The Committee agreed to request a briefing from the relevant departmental officials on the implications of the Bill for OFMDFM, prior to second stage.

Agreed: Members agreed to ask Assembly Research for an update on the Committee's European priorities for for 2014.

Agreed: Following a request from the Committee for Health, Social Services and Public Safety the Committee agreed to meet in the Senate Chamber for its meeting on 14 January 2015.

Mr Spratt left the meeting at 2.08pm. The Committee lost its decision-making quorum. In the absence of a decision-making quorum proceedings continued in line with Standing Order 49(5).

9. January Monitoring

Departmental officials joined the meeting at 2.09.

Departmental officials Dr Mark Browne and Mr Stephen Boyd appeared before the Committee for questions and discussion on the January Monitoring position.

Departmental officials left the meeting at 2.28 pm.

10. Any Other Business

There was no other business.

11. Date, Time and Location of next meeting

The next meeting will be held at 2.00pm on Wednesday 14 January 2015, in the Senate Chamber, Parliament Buildings.

The Chairperson adjourned the meeting at 2.29 pm.

Committee for the Office of the First Minister and deputy First Minister