



**Northern Ireland
Assembly**

**AD-HOC COMMITTEE FOR THE NORTHERN IRELAND PUBLIC SERVICES
OMBUDSPERSON BILL**

**TUESDAY 9 JUNE 2015, 10.30 AM ROOM 21, PARLIAMENT BUILDINGS,
BALLYMISCAW, STORMONT**

Present: Lord Morrow (Chairperson)
Pat Sheehan (Deputy Chairperson)
Mr Cathal Boylan
Mr Leslie Cree
Mr Colum Eastwood
Mr David Hilditch
Mr Trevor Lunn
Ms Maeve McLaughlin
Mr Alban Maginness
Mr Gary Middleton
Mr Jim Wells

In Attendance:	Ms Claire McCanny	(Senior Assistant Assembly Clerk)
	Ms Kate McCullough	(Assistant Assembly Clerk)
	Mr Jim Nulty	(Clerical Supervisor)

The meeting opened at 10.30am in public session.

1. Apologies

There were no apologies

2. Minutes of the last meeting

The Committee agreed the minutes of the meeting held on Tuesday 2 June 2015.

3. Matters Arising

The Committee noted a copy of a submission received from the Regional Health and Social Care Board which represents the Health and Social Care Trusts in Northern Ireland.

4. NIPSO Bill – consideration of Committee Motion to extend Committee Stage of the Bill

Mr Alban Maginness joined the meeting at 10.32am
The Committee moved into closed session at 10.33am

The Committee considered a draft Committee Motion seeking an extension to the Committee stage of the Bill.

Agreed: The Committee agreed the Motion seeking an extension until 30 September 2015 should be laid in the Business Office.

5. NIPSO Bill – Committee deliberations on Bill and evidence received

The Committee moved into open session at 10.38am

Mr Pat Sheehan joined the meeting at 10.46am
Ms Maeve McLaughlin joined the meeting at 10.46am
Mr David Hilditch joined the meeting at 10.47am

The Chairperson welcomed Mr Alyn Hicks from the Ombudsperson Bill Team.

The Committee had received clarification on a number of issues raised in the submissions from the Committee for the Office of the First Minister and deputy First Minister. The Committee was provided with a narrative on the clarifications by Mr. Alyn Hicks from the Bills Team. Mr Hicks remained at the meeting to discuss these issues in relation to the NI Public Services Ombudspersons Bill.

The Committee considered the submissions received in respect of Parts 1 and two of the Bill of the Bill. The Committee agreed that it was undertaking Committee deliberations on clauses 1-33 and was not undertaking formal clause by clause scrutiny at this stage. The Committee agreed that in respect of each clause it would consider whether it was content with the clause, whether further information would be required or whether amendments to the clause would be sought.

Clause 1: The NI Public Services Ombudsperson

The Committee considered the evidence received which recommended amending the title from Public Services Ombudsperson to Public Services Ombudsman. The Committee also considered the response from the Committee for OFMdFM which detailed the rationale for adopting the title ‘Ombudsperson. The Committee considered two proposals in respect of the title.

The Committee first considered the proposal to adopt the title ‘Ombudsman’.

AYES

Lord Morrow
Trevor Lunn
Leslie Cree
Jim Wells
David Hilditch

NOES

Pat Sheehan
Cathal Boylan
Alban Maginness
Maeve McLaughlin
Colum Eastwood

ABSTAINED

NIL

Gary Middleton

The Committee then considered the proposal to seek further clarification on the origin and translation of the word ‘Ombudsman’.

AYES

Pat Sheehan
Cathal Boylan
Alban Maginness
Maeve McLaughlin
Colum Eastwood

NOES

Lord Morrow
Trevor Lunn
Leslie Cree
Jim Wells
David Hilditch
Gary Middleton

ABSTAINED

Agreed: The Committee agreed, on a majority basis, to adopt the title ‘Ombudsman’.

The Committee moved on to consider the issue of ‘maladministration’ as provided for in Clause 1(3) of the Bill. The Committee considered the clarification provided by Committee for OFMdFM in respect of this.

Agreed: The Committee agreed it was content with the remainder of Clause 1.

Schedule 1: The NI Public Services Ombudsperson

Agreed: The Committee agreed it was content with Schedule 1.

Agreed: The Committee agreed to forward the submission received from the NI Assembly Audit Committee to the Committee for the First Minister and deputy First Minister for consideration.

Clause 2: The Independence of the Ombudsperson

Agreed: The Committee was content with Clause 2.

Clause 3: Appointment of the Ombudsperson

Agreed: The Committee was content with Clause 3.

Clause 4: Abolition of Existing Offices

Agreed: The Committee was content with this clause.

Schedule 2: Transfer of assets, liabilities, staff and other transitional arrangements

Agreed: The Committee was content with Schedule 2.

Part 2: Investigations

The Committee considered the proposals to investigate complaints against councillors as governed by the Local Government Act (NI) 2014. The Committee also considered correspondence from the current Ombudsman seeking the Committee's agreement to an amendment under Schedule 7 of the Local Government (NI) Act 2014 to establish the title of Local Government Standards Commissioner.

Agreed: The Committee agreed to write to the Committee for the First Minister and deputy First Minister with the recommendation that it considers making the proposed amendments.

Agreed: The Committee agreed to return to consider the establishment of a Complaints Standards Authority.

Clause 5: Power to investigate complaints made by a person aggrieved

Agreed: The Committee was content with this clause.

Clause 6: Power to investigate complaints referred by a listed authority

Agreed: The Committee was content with this clause.

Clause 7: Acting on behalf of a person aggrieved

Agreed: The Committee was content with this clause.

Clause 8: Power to investigate own initiative

Colum Eastwood left the meeting at 11.00am

Colum Eastwood joined the meeting at 11.04am

Cathal Boylan left the meeting at 11.09am

Agreed: The Committee agreed that it would seek further information on the power of own initiative investigation and the real potential of duplication in status raised by the Commissioner for Older People NI.

Clause 9: Criteria for own initiative investigations

Agreed: The Committee agreed to defer consideration of this clause until clarification has been received on clause 8.

Clause 10: Alternative resolution of complaints

Agreed: The Committee agreed to defer consideration until after consideration of clause 11.

Clause 11: Purpose of investigation

Agreed: The Committee agreed to defer consideration of this clause until after it has considered the requested legal advice.

Clause 12: Listed authorities

Cathal Boylan joined the meeting at 11.26am

Agreed: The Committee was content with this clause.

Schedule 3: Listed authorities

Agreed: The Committee agreed to defer consideration of this schedule.

Clause 13: Meaning of action taken by a listed authority

Agreed: The Committee was content with this clause.

Clause 14: Matters which may be investigated: general

Agreed: The Committee was content with this clause.

Clauses 15:-17: Matters which may be investigated clinical and professional judgement

Agreed: The Committee was content with this clause.

Clause 18: Matters which may be investigated: Universities

Agreed: The Committee agreed to defer consideration of this clause until after it receives and considers the requested legal advice and it receives clarification from the Committee for OFMdfM in respect of theological colleges.

Clause 19: Administrative functions of staff of tribunals

Agreed: The Committee was content with this clause.

Clause 20: Exclusions: Public Sector Employment

Agreed: The Committee was content with this clause.

Clause 21: Exclusion: Other remedies available

Agreed: The Committee was content with this clause.

Clause 22: Other excluded matters

Agreed: The Committee was content with this clause.

Schedule 5: Other excluded matters

Agreed: The Committee was content with this schedule.

Clause 23: Decisions taken without maladministration

Agreed: The Committee agreed to defer consideration of this clause until it after it concludes its consideration on clause 18.

Clause 24: Complaint procedures to be invoked and exhausted

Agreed: The Committee was content with this clause.

Clause 25: Duty to inform person aggrieved about the Ombudsman

Agreed: The Committee was content with this clause.

Clause 26: Form and timing limited for making complaint.

The Committee considered correspondence from the Committee for the First Minister and Deputy First Minister.

Agreed: The Committee agreed to defer consideration of this clause until it received details from the Ombudsman on the number of complaints received after the 6 months over the last 3 years.

Clause 27: Meaning of exhausting the complaints procedures

Agreed: The Committee was content with this clause.

Clause 28: Procedure for complaint referred to the Ombudsperson

Agreed: The Committee was content with this clause.

Clause 29: Procedure for own initiative investigations

Agreed: The Committee was content with this clause.

Clause 30: Investigation Procedure

Agreed: The Committee agreed to defer consideration of this clause until after it has considered the requested legal advice.

Clause 31: Information, documents, evidence, facilities

Agreed: The Committee agreed to defer consideration of this clause until after it has considered the requested legal advice

Clause 32: Privilege and confidential information

Agreed: The Committee agreed to defer consideration of this clause until after it has considered the requested legal advice.

Clause 33: Obstruction and contempt

Agreed: The Committee was content with this clause.

Pat Sheehan left the meeting at 11.44am
Pat Sheehan joined the meeting at 11.45am

6. Correspondence

The Committee noted one item of correspondence from the Ombudsman for Northern Ireland which was considered as part of the Committee's deliberations on the Bill.

7. Forward Work Programme

Agreed: The Committee agreed the updated Forward Work Programme

8. Any Other Business

Trevor Lunn left the meeting at 12.00pm
Pat Sheehan left the meeting at 12.01 pm
Trevor Lunn joined the meeting at 12.03pm
Pat Sheehan joined the meeting at 12.03pm

There was no other business.

9. Date, Time and Place of Next Meeting

The next meeting will be 16 June 2015 at 10.30am in Room 21.

The Chairperson adjourned the meeting at 12.07pm

LORD MORROW

Chairperson to the Ad Hoc Committee for the NIPSO Bill