



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

**TUESDAY 15 SEPTEMBER 2015, 10.30 AM ROOM 21, PARLIAMENT  
BUILDINGS, BALLYMISCAW, STORMONT**

**Present:** Lord Morrow (Chairperson)  
Mr Pat Sheehan (Deputy Chairperson)  
Mr Leslie Cree  
Mr Colum Eastwood  
Mr Trevor Lunn  
Mr Alban Maginness  
Mr Gary Middleton  
Mr Jim Wells

**In Attendance:** Ms Shauna Mageean (Senior Assistant Assembly Clerk)  
Ms Kate McCullough (Assistant Assembly Clerk)  
Mr Jim Nulty (Clerical Supervisor)

*The meeting opened at 10.32am in public session.*

**1. Apologies**

Apologies received from Mr Cathal Boylan.

**2. Minutes of the last meeting**

*Leslie Cree joined the meeting at 10.39am*

The Committee agreed the minutes of the meeting held on Tuesday 8 September 2015.

The Committee agreed the minutes of the meeting held on Monday 14 September 2015.

**3. Matters Arising**

There were no matters arising

#### **4. Northern Ireland Public Services Ombudsperson Bill – Formal Clause-by-Clause Scrutiny**

The Chairperson welcomed the Bill Clerk.

The Committee considered the consolidated list of amendments and formally scrutinised, clause-by-clause, the Public Services Ombudsperson Bill and agreed the following:

##### **Part 1            The Northern Ireland Public Services Ombudsperson – Clauses 1-4**

- Clause 1:     *Question put and agreed:* that the Committee was content with clause 1, as amended and is content with the wording of the proposed amendments
- Clause 2:     *Question put and agreed:* that the Committee was content with clause 2 as amended and is content with the wording of the proposed amendments
- Clause 3:     *Question put and agreed:* that the Committee was content with clause 3 as amended and is content with the wording of the proposed amendments
- Clause 4:     *Question put and agreed:* that the Committee was content with clause 4 as amended and is content with the wording of the proposed amendment

##### **Part 2            Investigations – Powers of Investigation – Clauses 5-11**

- Clause 5:     *Question put and agreed:* that the Committee was content with clause 5 as amended and is content with the wording of the proposed amendment
- Clause 6:     *Question put and agreed:* that the Committee was content with clause 6 as amended and is content with the wording of the proposed amendment  
The Committee noted the concerns of Mr Alban Maginness in respect of the inclusion of ‘general health care provider’ in the listed authorities.
- Clause 7:     *Question put and agreed:* that the Committee was content with clause 7 as amended and is content with the wording of the proposed amendment
- Clause 8:     *Question put and agreed:* that the Committee was content with clause 8 as amended and is content with the wording of the proposed amendments
- Clause 9:     *Question put and agreed:* that the Committee was content with clause 9 as amended and is content with the wording of the proposed amendments
- Clause 10:    *Question put and agreed:* that the Committee was content with clause 10 as amended and is content with the wording of the proposed amendments
- Clause 11:    *Question put and agreed:* that the Committee was content with clause 11 as amended and is content with the wording of the proposed amendment

##### **Listed authorities – Clauses 12-13**

- Clause 12:    *Question put and agreed:* that the Committee was content with clause 12 as amended and is content with the wording of the proposed amendments
- Clause 13:    *Questions put and agreed:* The Committee was content with clause 13 as drafted

## **Matters which may be investigated – Clauses 14-23**

- Clause 14: *Question put and agreed:* that the Committee was content with clause 14 as amended and is content with the wording of the proposed amendments
- Clause 15: *Question put and agreed:* that the Committee was content with clause 15 as amended and is content with the wording of the proposed amendments
- Clause 16: *Question put and agreed:* that the Committee was content with clause 16 as amended and is content with the wording of the proposed amendments  
The Committee noted the concerns of Mr Alban Maginness and Mr Colum Eastwood in respect of the inclusion of ‘general health care provider’ in the listed authorities.
- Clause 17: *Question put and agreed:* that the Committee was content with clause 17 as amended and is content with the wording of the proposed amendments
- Clause 18: *Question put and agreed:* that the Committee was content with clause 18 as amended and is content with the wording of the proposed amendments  
The Committee noted the concerns of Mr Alban Maginness in respect of the inclusion of universities in the remit of the Public Services Ombudsperson
- Clause 19: *Question put and agreed:* that the Committee was content with clause 19 as amended and is content with the wording of the proposed amendment
- Clause 20: *Question put and agreed:* that the Committee was content with clause 20 as amended and is content with the wording of the proposed amendment
- Clause 21: *Question put and agreed:* that the Committee was content with clause 21 as amended and is content with the wording of the proposed amendments
- Clause 22: *Question put and agreed:* that the Committee was content with clause 22 as amended and is content with the wording of the proposed amendments
- Clause 23: *Question put and agreed:* that the Committee was content with clause 23 as amended and is content with the wording of the proposed amendment

### **Procedure for making complaint to the Ombudsperson**

- Clause 24: *Question put and agreed:* that the Committee was content with clause 24 as amended and is content with the wording of the proposed amendments
- Clause 25: *Question put and agreed:* that the Committee was content with clause 25 as amended and is content with the wording of the proposed amendments
- Clause 26: *Question put and agreed:* that the Committee was content with clause 26 as amended and is content with the wording of the proposed amendments
- Clause 27: *Question put and agreed:* that the Committee was content with clause 27 as drafted.

### **Procedure for complaint referred to the Ombudsperson**

- Clause 28: *Question put and agreed:* that the Committee was content with clause 28 as amended and is content with the wording of the proposed amendments

### **Procedure for own initiative investigations**

- Clause 29: *Question put and agreed:* that the Committee was content with clause 29 as amended and is content with the wording of the proposed amendment

## Conduct of investigations

- Clause 30: *Question put and agreed:* that the Committee was content with clause 30 as amended and is content with the wording of the proposed amendments
- Clause 31: *Question put and agreed:* that the Committee was content with clause 31 as amended and is content with the wording of the proposed amendments
- Clause 32: *Question put:* that the Committee was content with clause 32 as amended and is content with the wording of the proposed amendments

Following discussion on clause 32 the Committee divided: Ayes 4; Noes 3; Abstentions 1

### AYES

Leslie Cree  
Gary Middleton  
Lord Morrow  
Jim Wells

### NOES

Colum Eastwood  
Trevor Lunn  
Alban Maginness

### ABSTAIN

Pat Sheehan

*Agreed:* that the Committee was content with clause 32 as amended and is content with the wording of the proposed amendments.

The Committee noted the concerns of Mr Alban Maginness, Mr Colum Eastwood and Mr Trevor Lunn in respect of clause 32 and the provisions in the Bill on privileged and confidential information.

- Clause 33: *Question put and agreed:* that the Committee was content with clause 33 as amended and is content with the wording of the proposed amendments

## Part 3 Miscellaneous and General – Clauses 34-48

### Reports

- Clause 34: *Question put and agreed:* that the Committee was content with clause 34 as amended and is content with the wording of the proposed amendments
- Clause 35: *Question put and agreed:* that the Committee was content with clause 35 as amended and is content with the wording of the proposed amendments
- Clause 36: *Question put and agreed:* that the Committee was content with clause 36 as amended and is content with the wording of the proposed amendments
- Clause 37: *Question put and agreed:* that the Committee was content with clause 37 as amended and is content with the wording of the proposed amendments  
The Committee noted the concerns of Mr Alban Maginness in respect of the provisions in the Bill for the Public Services Ombudsperson to lay a special report before the Assembly and the potential reputational impact on a medical practitioner.
- Clause 38: *Question put and agreed:* that the Committee was content with clause 38 as amended and is content with the wording of - the proposed amendments  
The Committee noted the concerns of Mr Colum Eastwood in respect of the provisions in the Bill on reports and privileged information

## **Protection from defamation**

Clause 39: *Question put and agreed:* that the Committee was content with clause 39 as amended and is content with the wording of the proposed amendments

## **Disclosure**

Clause 40: *Question put and agreed:* that the Committee was content with clause 40 as amended and is content with the wording of the proposed amendments

Clause 41: *Question put and agreed:* that the Committee was content with clause 41 as amended and is content with the wording of the proposed amendments

## **Consultation and co-operation with other ombudspersons**

Clause 42: *Question put and agreed:* that the Committee was content with clause 42 as amended and is content with the wording of the proposed amendments

## **Court Proceedings**

Clause 43: *Question put and agreed:* that the Committee was content with clause 43 as amended and is content with the wording of the proposed amendment

Clause 44: *Question put and agreed:* that the Committee was content with clause 44 as drafted

Clause 45: *Question put and agreed:* that the Committee was content with clause 45 as amended and is content with the wording of the proposed amendments

Clause 46: *Question put and agreed:* that the Committee was content with clause 46 as amended and is content with the wording of the proposed amendment

Clause 47: *Question put and agreed:* that the Committee was content with clause 47 as amended and is content with the wording of the proposed amendments

Clause 48: *Question put and agreed:* that the Committee was content with clause 48 as amended and is content with the wording of the proposed amendments

## **Part 4 The Northern Ireland Judicial Appointments Ombudsman**

Clause 49: *Question put and agreed:* that the Committee was content with clause 49 as amended and is content with the wording of the proposed amendments

## **Part 5 Supplementary Provisions Clauses 50-57**

Clause 50: *Question put and agreed:* that the Committee was content with clause 50 as amended and is content with the wording of proposed amendments

Clause 51: *Question put and agreed:* that the Committee was content with clause 51 as drafted

New clause: *Question put and agreed:* that the Committee agrees the insertion of a new clause as drafted

Clause 52: *Question put and agreed:* that the Committee was not content to agree clause 52

Clause 53: *Question put and agreed:* that the Committee was content with clause 53 as drafted

Clause 54: *Question put and agreed:* that the Committee was content with clause 54 as drafted

- Clause 55: *Question put and agreed:* that the Committee was content with clause 55 as amended and is content with the wording of the proposed amendments
- Clause 56: *Question put and agreed:* that the Committee was content with clause 56 as amended and is content with the wording of the proposed amendment
- Clause 57: *Question put and agreed:* that the Committee was content with clause 57 as drafted

### **Schedules 1-9 and Long Title**

- Schedule 1: *Question put and agreed:* that the Committee was content with schedule 1 as amended and is content with the wording of the proposed amendments
- Schedule 2: *Question put and agreed:* that the Committee was content with schedule 2 as amended and is content with the wording of the proposed amendments
- Schedule 3: *Question put and agreed:* that the Committee was content with schedule 3 as amended and is content with the wording of the proposed amendments  
The Committee noted the concerns of Mr Colum Eastwood in respect of the inclusion of ‘general health care provider’ in the listed authorities.
- Schedule 4: *Question put and agreed:* that the Committee was content with schedule 4 as amended and is content with the wording of the proposed amendment
- Schedule 5: *Question put and agreed:* that the Committee was content with schedule 5 as amended and is content with the wording of the proposed amendments
- Schedule 6: *Question put and agreed:* that the Committee was content with schedule 6 as amended and is content with the wording of the proposed amendments
- Schedule 7: *Question put and agreed:* that the Committee was content with schedule 7 as amended and is content with the wording of the proposed amendments
- Schedule 8: *Question put and agreed:* that the Committee was content with schedule 8 as amended and is content with the wording of the proposed amendments
- Schedule 9: *Question put and agreed:* that the Committee was content with schedule 9 as amended and is content with the wording of the proposed amendment
- Long Title: *Question put and agreed:* that the Committee was content with the long title as amended and is content with the wording of the proposed amendments

*Agreed:* The 3 amendments in respect of changing the instances of ‘Ombudsperson’ to ‘Ombudsman’ in the short title, long title and Clause 1 to be tabled in the Bill Office in the name of the Chairperson in advance of consideration stage.

### **5. Forward Work Programme**

*Agreed:* The Committee agreed the updated Forward Work Programme.

### **6. Any Other Business**

There was no other business.

## **7. Date, Time and Place of Next Meeting**

The next meeting will be 22 September 2015 at 10.30m in Room 21.

*The Chairperson adjourned the meeting at 11.21am*

**LORD MORROW**

**Chairperson to the Ad Hoc Committee for the NIPSO Bill**