

Review of the Governance and Accountability Arrangements for the NIAO and NIPSO

Written evidence submitted to the Audit Committee of the Northern Ireland Assembly

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Introduction

1. Thank-you for the invitation to contribute evidence to your inquiry. My expertise includes the ombudsman institution, however, in comparative research with colleagues which focused on public services ombudsman institutions in the UK, Ireland, Australia and New Zealand,² we also interviewed senior leadership teams in a sample of audit offices in those jurisdictions. I drew on this and other research of my own for a book chapter which analysed provisions in the draft Public Service Ombudsman Bill (2016) on independence, accountability and governance for an ombudsman, which were modelled on the arrangements for the Comptroller and Auditor General and the National Audit Office.³ Therefore I think I can also make some comments about the arrangements for the Comptroller and Auditor General for Northern Ireland (C&AGNI) and the Northern Ireland Audit Office (NIAO).
2. I will begin by outlining the Officers of Parliament model which applies to the two officers and their institutions and then draw on it in analysing the current arrangements and possible improvements.

The Officers of Parliament Model

3. At Westminster after the separate Exchequer and Audit departments were merged a new position was created, the C&AG,⁴ and over time the postholder was informally

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² Buck, T., Kirkham, R., and Thompson B. (2011) *Administrative Justice and the Ombudsman Enterprise*, (Farnham: Ashgate Publishing).

³ Thompson, B. (2020, p.143) 'The Challenges of Independence, Accountability and Governance in the Ombudsman Sector' in Kirkham, R., and Gill, C., eds 'A Manifesto for Ombudsman Reform (palgrave macmillan).

⁴⁴ Exchequer and Audit Departments Act 1866.

called an Officer of Parliament. It was not until the National Audit Act 1983 that this term was applied to the C&AG in legislation. The ombudsman has never been given this title in legislation but was known as an Officer of Parliament. The fact that the very first Parliamentary Commissioner for Administration, Sir Edmund Compton had been the C&AG may have played a part in this. By contrast in New Zealand, the first common law country to establish the ombudsman simultaneously conferred Officer of Parliament status in the Parliamentary Commissioner (Ombudsman) Act 1962. It was not until the passing of the Public Audit Act 2001 that the New Zealand Controller and Auditor General was given Officer of Parliament status and it is the last post to be so designated in that country.⁵

4. What is this status? It signifies that the person is carrying out a role which serves as a method of accountability and which requires independence from the executive and for which Parliament can provide an appropriate relationship. Given the longstanding role of Parliament in authorising the raising of taxes and public expenditure, and in redressing the problems people encounter in the delivery of public services, it is not surprising that the C&AG and the Audit Office conducting audits, and the ombudsman resolving complaints should have a particular relationship with Parliament, whether or not they are formally acknowledged as Officers of Parliament. It has been suggested that the C&AGNZ's relatively late designation was because the relationship with Parliament was not entirely suitable,⁶ which takes us to a consideration of that relationship.
5. The relationship with Parliament or the Assembly involves those bodies and some of their committees dealing with these aspects

Sponsorship including appointment, dismissal, budget setting, remuneration;
Scrutiny holding to account; and

⁵ The Deputy Controller and Auditor General is also an Officer of Parliament. The Parliamentary Commissioner for the Environment is the other New Zealand Officer of Parliament established on 1 January 1987. From 1986 until 1993 the Whanganui Computer Centre Privacy Commissioner was designated an Officer of Parliament, whereas the Privacy Commissioner has not been so designated under the Privacy Acts 1993 and 2020.

⁶ Previously Parliament had not played a significant role in appointing the C&AGNZ.

Support partnership where the officers can do work which assists the Parliament/Assembly eg conducting the audits which the Public Accounts Committee uses in scrutinising public expenditure; and the support of the parliamentarians for the Ombudsman in seeking to persuade a reluctant public body to comply with the recommended remedy for the injustice which the Ombudsman has found the public body's maladministration to have caused.

6. The sponsorship function maps onto protecting the Officer of Parliament's independence by focusing in particular on the provisions for appointment, removal budget setting and remuneration. It has happened that governments can seek to undermine accountability institutions by seeking to reduce their funding, or to appoint persons who are neither appropriately qualified and or possessed of the required integrity for the discharge of the role and its duties. Both auditors and ombudsmen have internationally agreed principles on independence. In the case of the ombudsman the Council of Europe produced in 2019 the *Venice Principles on the Ombudsman*.⁷ The only aspect of the principles relating to independence which is not met is that the Assembly vote to nominate the ombudsman does not require a specified majority.⁸
7. The scrutiny function deals with the accountability of these institutions of accountability. They are required to produce annual reports on their performance and this allows for checking their progress against their strategic planning which also links into the preparation and approval of budgets. The NIAO conducts audits of the accounts of public bodies including the ombudsman, and in turn the NIAO is audited by an external auditor who conducts financial audits and performance audits or Value for Money audits as they are informally termed, which are examinations of the economy, efficiency and effectiveness of the body. The body's policy is not questioned but what is evaluated is the progress towards the implementation of the policy.

⁷ Council of Europe, (2019) European Commission for Democracy Through Law (Venice Commission), *Principles on the Protection and Promotion of the Ombudsman Institution* (CDL-AD(2019)005).

⁸ The Venice Principles, Art 6; Public Services Ombudsman Act (Northern Ireland) 2016, s 3(1).

8. There tends to be more attention paid to sponsorship and scrutiny aspects of the Officers of Parliament model than to support, in part perhaps because support can be framed as part of the other two. Thus the C&AGNI and the NIAO may be thought of as being part of the financial scrutiny of public bodies by conducting the audits and examinations on which Public Accounts Committee inquiries follow-up.
9. In relation to the ombudsman, when the institution was first introduced at Westminster, complaints had to be referred by MPs- the so-called ‘MP filter’.⁹ This was in part due to (a) not wanting to overload the new institution initially, (b) out of constitutional principle, MPs not wanting to lose touch with developments in their constituency which casework alerts them to, and possibly (c) political pragmatism that a reputation as being a ‘good constituency MP’ can assist re-election chances. When the ombudsman was introduced at Stormont the ‘MP filter’ was retained,¹⁰ and in the replacement legislation which renamed the office as the Assembly Ombudsman, referral had to be made by Assembly Members¹¹ but it was not attached to the other Ombudsman office legislated for later in the Commissioner for Complaints Act (Northern Ireland) 1969, whose jurisdiction included local government and the health service. The statute did provide for a fee, but also set out circumstances in which a fee would not be prescribed, as well as conferring discretion for the fee to be waived, or returned.¹² As I understand it the fee was not charged.
10. In England and Wales, and Scotland when ombudsman institutions were established to deal with local government complaints, there was a requirement that the complainant should seek referral through a councillor, but if that was refused, then the ombudsman had the discretion to accept an unrefereed complainant.¹³ This was removed in 1989 as it was accepted that the filter was operating as a barrier, some complainants having contacted the ombudsman without a referral and on being advised that referral should be sought, did not pursue the complaint. In Northern Ireland the referral required for complaints against departments and bodies within the jurisdiction of Assembly

⁹ Parliamentary Commissioner Act 1967, s 5(1).

¹⁰ Parliamentary Commissioner Act (Northern Ireland) 1969, s 5(1).

¹¹ The Ombudsman (Northern Ireland) Order 1996 No 1298 (N.I. 8), Arts 2(1), 9(2).

¹² Commissioner for Complaints Act (Northern Ireland) 1969, s 5(1)(b), (2).

¹³ Local Government Act 1974, s 26(2), (3); Local Government (Scotland) Act 1975, s 24(2), (3).

Ombudsman remained until the 2016 statute unified its jurisdiction with that of the Commissioner for Complaints to create the NIPSO. The original UK Parliamentary Ombudsman still has the ‘MP filter’ but the argument for removing it has been successful and is reflected in the draft Public Service Ombudsman Bill 2016 which would unify the three separate jurisdictions of local government and health service in England, and the English and Westminster reserved (non-devolved) functions.

11. The ombudsman institution can and may need to receive support from parliamentarians due to the design feature that where the ombudsman upholds a complaint, the remedy proposed is not binding, but is a recommendation and so there could be partial or non-compliance by the relevant minister or public body. Such an outcome is rare, the ombudsman has a mandate of persuasion rather than coercion. The original Westminster Parliamentary Ombudsman statute conferred the power to make a special report to Parliament where the ombudsman was satisfied that the injustice found in an upheld complaint was unlikely to be remedied.¹⁴ This power has been exercised on seven occasions and in each case the follow-up action by the select committee which oversees the ombudsman has led to an outcome which satisfied the ombudsman. The Scottish and Welsh Public Services Ombudsmen have broadly similar power which they have not used and it is likely that in some cases the publicity which the making of such a report and the possible parliamentary repercussions lead to compliance with the recommended remedy. Currently the English Local Government Ombudsman has a variation on this special report. Here if a further report does not lead to the full council reconsidering their non-compliance, the Ombudsman can require the council to publish a notice in local newspapers which outlines the ombudsman’s finding and recommended remedy.¹⁵ This generally leads to compliance but not always. It is the case that a council in England does resist providing the recommended remedy. The last time the stage of requiring a council to publish the notice in newspapers was in 2016.

12. The position in Northern Ireland offers more for the dissatisfied person aggrieved whose complaint has been upheld and has suffered injustice. The NIPSO may make a special report to the Assembly where the injustice has not been or will not be

¹⁴ Parliamentary Commissioner Act 1967, s 10(3).

¹⁵ Local Government Act 1974, s 31 (2D)-(2H)

remedied, but not where the investigation is an own initiative one into systemic maladministration.¹⁶ The person aggrieved whose complaint has been upheld by the NIPSO may seek to have their injustice remedied in the county court by seeking an award of damages or a court order but again this is not open where the investigation was an own initiative one into possible systemic maladministration.¹⁷ This possibility of using a court to, as it were, ‘enforce’ an ombudsman investigation report is very unusual. The 2016 statute makes it available against all listed authorities within the NIPSO’s jurisdiction whereas in the previous Commissioner for Complaints legislation, it was only available against a local council.

Mapping Roles Onto Bodies

13. The Audit Committee is the only parliamentary committee in the UK which plays a sponsorship role for both of the key Officers of Parliament, auditor and ombudsman. It appears to be intended that at Westminster the Public Accounts Commission (TPAC) will have the proposed unified Public Service Ombudsman added to the C&AG over which it exercises appointment, budget setting, forward planning and remuneration powers.¹⁸ TPAC was originally set up to be the sponsorship body for the C&AG and NAO by the National Audit Act 1983 and then the Budget Responsibility and National Audit Act 2011 made the NAO a corporate body and provided for the corporate governance and the relationship between the NAO Board and the C&AG who retained corporate sole status but had the term of office changed from an age limit to a single non-renewable term of 10 years. This relationship is governed by a Code of Conduct which must be observed by the Board. Arrangements in Scotland and Wales broadly conform to the same pattern with TPAC’s equivalents in the respective devolved legislatures, the Scottish Commission on Public Audit (SCPA) and the Finance Committee in Wales. While both of their audit offices are corporate bodies with boards, only the Auditor General for Wales is a corporation sole, however, both Auditor Generals have a single non-renewable term of eight years and dismissal requires a two thirds majority vote of the relevant parliament. Both are the accounting officers for their audit offices (accountable officer in the Scottish legislation). The Scottish

¹⁶ Public Services Ombudsman Act (Northern Ireland) 2016, s 46(1)-(2)

¹⁷ Public Services Ombudsman Act (Northern Ireland) 2016, ss 52-53.

¹⁸ See the Cabinet Office, (2016) *Draft Public Service Ombudsman Bill*, London, Cm 9734.

Parliament Corporate Body (the equivalent of the NI Assembly Commission) rather than the SCPA plays the major role in appointing, and the remuneration of, the Auditor General for Scotland.

14. The roles and corporate governance arrangements for the ombudsmen in England Scotland and Wales are that neither the Local Government Ombudsman in England nor the Scottish Public Services Ombudsman are corporations sole, whereas the Parliamentary and Welsh Public Service Ombudsmen are. None of them have statutory boards but have non-statutory non-executive advisers. The Parliamentary Ombudsman operates a non-statutory unitary board but as a corporation sole could ignore the views of the non-executive members who are a majority. Both the Parliamentary and Local Government Ombudsmen are no longer accounting officers, it having been agreed that their chief executives carry out that role. Under the provisions in the Draft Public Ombudsman Bill 2016 there would be a statutory board for the unified Public Service Ombudsman, who would be expected to be chief executive and thus accounting officer but those provisions would permit TPAC to appoint another executive member to that position. Just as this can be done in relation to the C&AG and the NAO under the Budget Responsibility and National Audit Act 2011, which is the model for the draft Public Service Ombudsman Bill 2016.
15. The Audit Committee of the Northern Ireland Assembly has the opportunity to consider a framework for both (a) the C&AGNI and NIAO, and (b) the NIPSO to determine if a common template or one which is adjusted to the circumstances of the two institutions.
16. It may be helpful to look at the New Zealand arrangements first for the factors identified as those which mark out an institution as one whose leader is deserving of officer of parliament status and the bodies which carry out the sponsorship, scrutiny and support functions in relation to those officers.
17. There are no statutory criteria but these recommendations from the 1989 committee report operate as strong conventions:
 - An officer of parliament should only be created to provide a check on the arbitrary use of power by the executive.

- An officer of parliament should only discharge functions which the House itself, if it so wished, might carry out.
- Parliament should consider creating an officer of parliament only rarely and in separate legislation principally devoted to the office, and should from time to time review the appropriateness of each officer's status as an officer of parliament.¹⁹

18. The New Zealand arrangements have one committee conducting the sponsorship role appointment, budget, forward planning and remuneration called the Officers of Parliament committee chaired by the Speaker and comprised of members representing the parties elected to the House of Representatives. Scrutiny is conducted by a separate committee for the C&AGNZ it is the Finance and Expenditure Committee which is like the Public Accounts Committees in the UK legislatures but has a wider financial scrutiny role in the Annual Review of ministries, and various public bodies. This committee and other committees can be assisted by receiving briefings from the C&AGNZ. The ombudsman is scrutinized by the Governance and Administration Committee which is like the Public Administration and Constitutional Affairs Committee at Westminster but the committee also uses reports and briefings by the ombudsman and so may other committees. The Parliamentary Commissioner for the Environment reports to the Environment Committee.

19. The logic here seems to be that independence is fostered by the single Officers of Parliament Committee and the fact that the Speaker chairs it is very important. It can be detached from the executive and while it can receive observations on the draft budget and strategic plans from the Treasury it is relatively light touch. The scrutiny is done by the nominated committees who have the C&AGNZ audits for the ombudsman and Commissioner for the Environment and the audit from the independent auditors of the C&AGNZ.

20. While the Westminster TPAC does have all of the sponsorship functions, appointment as well as budget setting, forward planning and remuneration, plus appointment of external auditors for the C&AG and also potentially for the unified Public Service Ombudsman when (if?) established, this is not so in the devolved legislatures. They tend to have appointment separated from the approval of budget and forward planning. The Westminster TPAC is more of the inspiration for the Scottish SCPA and the Northern Ireland Audit Committee but the Welsh Finance Committee includes this role within a much wider remit.

¹⁹ Finance and Expenditure Committee, (1989), *Inquiry into Officers of Parliament* [1987–1990]

21. In terms of scrutiny the Public Accounts Committees are not scrutinising their Auditor Generals but working with them in their co-ordinated scrutiny of departments and other public bodies. As regards public administration, only Westminster has a cross-cutting select committee, the Public Administration and Constitutional Affairs Committee, which conducts an scrutiny inquiry following the publication of the annual report of the Parliamentary and Health Service Ombudsman. It also, in the manner of the Public Accounts Committee will follow up some of the significant investigation reports which contained wider themes.²⁰ Constitutional Affairs was added in the 2017 Parliament and in the report on the work of the committee for the following two years, the committee stated the remit was too large for its current resources and urged either for more resources or that the Constitutional Affairs be returned to a separate committee.²¹ The scrutiny of the Local Government Ombudsman by the Housing, Communities and Local Government Committee is intermittent. In Scotland and Wales there are nominated select committees which undertake this annual report scrutiny role of their ombudsmen, the Local Government and Communities Committee (Scotland) and the Equality, Local Government and Communities Committee (Wales). In Scotland the Public Audit and Post-legislative Scrutiny Committee has recently suggested

‘...that consideration should be given to establishing a Public Administration Committee with responsibility for oversight and scrutiny of the way in which Government exercises its overall functions.’²²

22. Under each Memorandum of Understanding which the Audit Committee has entered into with the NIAO and the NIPSO it would appear that the Audit Committee is to conduct the budget setting and forward planning aspects of sponsorship as well as scrutiny roles. It is also clear that this is built upon the internal governance applying to the two organisations involving non-statutory

²⁰ See the last two such reports: Public Administration and Constitutional Affairs Committee (2019) *Ignoring the Alarms follow-up: Too many avoidable deaths from eating disorders*, HC 855 of 2017-19; and (2019) *Follow up on PHSO report: Missed opportunities: What lessons can be learned from failings at the North Essex Partnership University NHS Foundation Trust*, HC 31 of 2019.

²¹ Public Administration and Constitutional Affairs Committee (2019), *Work of the Committee since the 2017 General Election*, HC 2658 of 2017-19, para 8.

²² Public Audit and Post-legislative Scrutiny Committee 2nd Report, 2021, Session 5 Legacy Paper, (SSP 982) para 66.

advisory non-executives and here the arrangements for the NIAO are out of step with the other audit offices, but the NIPSO is clearly in line with Scotland and Wales, minor differences with the Parliamentary and Health Service Ombudsman (England & UK reserved) and the Local Government and Social Care Ombudsman for England but the draft Public Service Ombudsman Bill 2016 which would unify those ombudsman jurisdictions, would create a statutory board and not make the new ombudsman a corporation sole.

Corporate governance

23. I think that even though various other Westminster model governments have not adopted a statutory board and corporatised status for their audit offices, it will be regarded as an anomaly for the C&AGNI and the NIAO not to follow the example in England, Scotland and Wales. In my view the Tiner Review of the NAO²³ did not fully understand the constitutional context of this C&AG this officer of Parliament, even though protecting the independence of the C&AG was a primary objective. The operational independence of the C&AGNI is important and so oversight of strategic planning does raise concerns, indeed, this was the case in New Zealand and in Scotland. Possibly a key factor in the legislation for the Westminster and Welsh officers and offices is that the auditor should continue to be a corporation sole²⁴ and the auditor and board must agree their budgets²⁵ and strategic plans.²⁶ It is possible that it would be useful to replicate the provision that the C&AG and the Board agree a Code of Conduct to regulate their relationship,²⁷ although I have some scepticism but perhaps the drafting of it will help create the culture of support and constructive challenge which is required when watching the watchdog. Northern Ireland legislation should adopt those provisions from the Budget Responsibility and National Audit Act 2011 as well as a change to a single term of office of 8-10 years but we should not adopt making the

²³ The Public Accounts Commission, (2008) *Review of the National Audit Office's Corporate Governance*, HC 328 of 2007-08

²⁴ Budget Responsibility and National Audit Act 2011, s 12(1), Public Audit (Wales) Act 2013, s 6(1).

²⁵ Budget Responsibility and National Audit Act 2011, s 23(3), Public Audit (Wales) Act 2013, s 20(1).

²⁶ Budget Responsibility and National Audit Act 2011, Sched 3, para 1 (1), Public Audit (Wales) Act 2013, s 25(1).

²⁷ Budget Responsibility and National Audit Act 2011, Sched 3, para 10, Public Audit (Wales) Act 2013, Sched 2, para 1.

appointment of the non-executive chair of the Board a royal appointment²⁸ but by the Assembly. It will be for the Assembly to determine which body will make the nomination. The 2011 statute I think went too far in trying to buttress the non-executive chair in having the authority to challenge the C&AG. It does happen that when seeking to reform the treatment of some perceived flaws may cause unintended, if not entirely unforeseen, consequences.

24. The corporate governance of the NIPSO is perhaps a little trickier. In my analysis of the Draft Public Service Ombudsman Bill 2016,²⁹ I was concerned that this topic had not been discussed in the consultation process which preceded the draft Bill. Westminster model governments have not created statutory boards for their ombudsmen. Scotland and Wales have not and the Public Service Ombudsman (Wales) Act 2019 could have taken the draft Bill's provisions into account. I was also concerned because while the draft Bill did not include two reforms in the 2016 NIPSO statute and the Welsh 2019 statute, the power to conduct own initiative investigations, and the role of Complaints Standards Authority. The own initiative investigation is a bit like the performance audit or value for money audit which the NIAO can conduct and independence in deciding which topics to choose and the exercise of judgment and making recommendations is very important for both of these tools. The non-executive majority on a statutory board should not when setting strategy or budgets infringe the ombudsman's operational freedom.

25. The Complaints Standard Authority role was pioneered in these islands by Scotland. It is more of a kind of regulatory role in that the aim is to have model complaint handling procedures and where possible standardization for different sectors of public services, for example health and social care, housing, local government, higher education. The aims of the ombudsman enterprise include not only putting things right, but assisting bodies to learn in order to get things right first time. As listed bodies are expected to have tried to resolve a complaint before the complainant can go to the NIPSO, if they can a better insight into how things go wrong when they are investigating complaints themselves, then they can stop the dispute escalating put it right more quickly and if they learn and apply the insight gained then it is hoped that future performance will improve. There is some indication that in its Complaints Standards Authority role the Scottish Ombudsman has facilitated the networks of complaints handlers in the different sectors to collect and share learning and to improve.

²⁸ Budget Responsibility and National Audit Act 2011, Sched 2, para 2.

²⁹ See fn 3,

26. The NIPSO as I understand it is expecting to make some progress in this role if the necessary funding has come through.
27. Given that the current advisory arrangements on governance are close to a statutory board, then perhaps so long as the Board jointly with the NIPSO exercise the powers to formulate strategic plans, prepare budgets, draw up the estimates, the necessary independence will not be impaired by the establishment of a statutory board with a non-executive majority.
28. I like New Zealand idea of scrutiny within the organization and also as lighter more strategic part of sponsorship and accountability to another committee. I also favour a cross-cutting committee on public administration. One former chair of the Westminster committee felt it was bit of a conflict of interest to conduct an inquiry into the annual report and performance as well as working with the ombudsman to consider issues arising out of some investigation reports. I feel that the overlap between the scrutiny and support functions is less problematic than mixing sponsorship and scrutiny. There has to be some consideration of performance as that will be important in strategic planning and then the estimates allow for in plan modifications as well as the major themes for a particular three year strategy.
29. Currently under the Memorandum of Understanding the Audit Committee could request the C&AGNI to conduct a value for money audit of the ombudsman. In the analysis of the Draft Public Ombudsman Bill 2016 which I did, I discussed the possibility of using Independent Peer Review which the Communities and Local Government Committee and the Public Administration and Constitutional Affairs invited the Local Government Ombudsman and the Parliament and Health Service Ombudsman to carry out.³⁰ The Public Administration and Constitutional Affairs Committee, notes that the use of other ombudsman may cause some to fear a lack of independence but they were satisfied that the reviewers were independent and impartial. Although they wonder if the composition might be more mixed.³¹ They later suggested that a auditor experienced in conducting performance audits of complaint handling organisations might be a good reviewer.³²

³⁰ See fn 3, pp. 155-6.

³¹ Public Administration and Constitutional Affairs Committee (2019) *Parliamentary and Health Service Ombudsman Annual Scrutiny 2017/18 Towards a Modern and Effective Ombudsman Service* HC 1855 of 2017-19.

³² Public Administration and Constitutional Affairs Committee (2021) *Parliamentary and Health Service Ombudsman 2019-20*, HC 843 of 2019-21.

30. Another aspect of having a specific scrutiny committee for the NIPSO is that it can assist the sponsorship committee develop its knowledge over all of the officers, rather than struggling to catch up with the new one or bringing in new members with expertise. The New Zealand Officers of Parliament Committee is not too large, represents the parties elected to the House and acts to secure the Officers' independence from the executive. Another role it can discharge is to protect the Officers from other committees. Clearly both the C&AG and the NIPSO can be of service and support to the departmental select committees and the New Zealand Officers of Parliament Committee has drawn up a Code of Conduct on the relationship C&AGNZ to committees, as their system of annual review means that as well as the Finance and Expenditure Committee other committees can draw on the Officer and staff for briefings. I don't think the New Zealand Ombudsman has such a Code but support is given to a variety of committees. It is possible that the Assembly might welcome the C&AGNI and NIPSO doing some work on the Executive's reaction to COVID-19, both are interested in learning lessons.

Conclusions

31. I welcome the Committee's inquiry into the governance and accountability arrangements of the C&AG, NIAO and the NIPSO. These are special constitutional watchdogs and I hope if you are minded to accept this to encourage you to regard them together and see the context as well as the particularities of each of their roles. The Audit Committee started off with just the C&AGNI and the NIAO and I think that its widened remit to not only the NIPSO, but also the Assembly Commission might prompt consideration of a change of name. One suggestion is the Assembly Officers & Institutions Committee which I think accommodates the three you are currently dealing with and avoids possible confusion by not including Commission in the title.

32. If you are minded to accept that more should be made of the Officer of Parliament status then legislation could be passed to confer the title and status of Officer of the Assembly formally. Legislation would be required to deal with the independence issues of the C&AGNI retirement condition which must be changed to a single non-renewable term of 8-10 years for Mr Donnelly's successors. Legislative time would also have to be found for corporatisation and statutory authority will be especially important for the mixing of the officers' corporation sole status with that of their Boards so that certain functions will have to be exercised jointly in order to protect the officers' operational independence. You may also wish to take from the Budget Responsibility and National Audit Act 2011 its provision on a Code of Conduct to regulate the relationship between the C&AGNI and the NIAO Board and also the NIPSO

and a statutory Board. In a sense aspects of the Memoranda of Understanding that the Audit Committee is a party to, could be considered as a Code. Another Code worth considering would address the relationship of the Officers to Assembly Committees. If Committees are minded to make more use of the Officers this would have to be regulated to allow the Officers to plan and lead and reflect on the work which they can report to committees and support their related work.

33. I appreciate that the Assembly will have competing claims for topics to be put on Committees' remits. I do urge consideration be given to establishing a Public Administration Committee.

34. Finally if I can be of any further assistance to you on this inquiry please contact me.