



Northern Ireland  
Assembly

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

# **OFFICIAL REPORT (Hansard)**

**Programme for Government:  
Consideration of Committee Report**

**15 February 2012**

# NORTHERN IRELAND ASSEMBLY

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

### Programme for Government: Consideration of Committee Report

**15 February 2012**

**Members present for all or part of the proceedings:**

Mr Tom Elliott (Chairperson)  
Mr Alex Maskey  
Mr Mike Nesbitt  
Mr George Robinson  
Mr Jimmy Spratt

**The Chairperson:** The next item is the Committee's response to the draft Programme for Government (PFG), which members will find in their papers. Included are the amendments that were agreed last week, as well as the response of the Committee for Social Development to the draft PFG.

I do not anticipate that we will go through this paragraph by paragraph. I will ask members whether they have any comments. The Committee Clerk has recommended an addition, which was tabled today and is listed as possible paragraph 5.9. It is just to get a reference to Europe into the PFG. I had a look at that just before the meeting, and it appears to be OK to me.

**Mr A Maskey:** I take it, Chairman, that increasing the uptake of European funding by 20% is what Paul Geddis was explaining previously? I was going to ask why we are going for 20%, but he explained that. I read the proposed amendment. I was going to suggest the word "maximising", but if this fits with what they are already doing, I am happy enough to go along with it.

**The Chairperson:** I think that that figure has been rationalised. Where did that figure come from?

**The Assistant Committee Clerk:** It is in the priorities document.

**The Chairperson:** Yes. I had heard it before.

**Mr A Maskey:** I am happy enough to go with that.

**The Chairperson:** It was actually an Executive announcement.

**The Assistant Committee Clerk:** It is in the Budget.

**The Chairperson:** Yes.

**Mr A Maskey:** Chairman, can I raise a point about paragraph 5.4? It is about the race and disability. Obviously, as you know, Caitríona Ruane has raised this issue a couple of times with the Equality

Commission. Even within our own party, we have been discussing this. There are arguments for and against some of the stuff that is in legislation. We are not always sure which bit of legislation is most appropriate so I am looking to amend that slightly. It mentions legislation that:

*"would at least bring parity with the rest of the UK."*

I have talked to Evelyn Collins since the previous meeting. Even within our own party there is a wee bit of uncertainty around some of this. I was hoping to suggest that we would say that the Committee was briefed by the Equality Commission on the gaps in legislation and asks the Department to consider "bringing forward legislation". I would hope to put in there:

*"to bring us in line with the appropriate international standards."*

That does not commit us to anything. What is in England and the UK might be best, but something else might be more suitable for our needs. My amendment only asks the Department to consider that. What is in the UK, or, as some would say, the rest of the UK, may be best, but, a lot of the time, legislation is a moveable feast. I just want to ask OFMDFM to consider it. It may consider it and say that what is there is great and is the best, or it might say that it has looked at good practice elsewhere and that it is better. It is a minor amendment.

**The Chairperson:** Are there any comments, members?

**Mr Spratt:** Just remind us where that came from originally?

**The Chairperson:** From memory, that came from the Equality Commission's briefing. It indicated that it was concerned that there was not legislation specific to race and disability in the PFG. I do not have the Hansard report in front of me but, from my recollection, the witnesses did mention the UK.

**Mr A Maskey:** If you remember, they said that, even if we bring it to that standard, it is not necessarily the best. It is a moveable feast. I put in a call to Evelyn Collins to clarify that. They are asking us to just bring it to that point. They are not entirely sure, because some people argue that what we have here is more appropriate and suits us better. I am just suggesting that the Department is asked to look at what is considered to be the best international standard. If it determines that the standard that is applied in the UK is the best, that is fine by me. We are asking the Department to consider what is best.

**Mr Spratt:** We could put in, "or international", but I do not see it as a die-in-a-ditch issue.

**Mr A Maskey:** It is partly to do with sensitivity of language for everybody concerned.

**The Chairperson:** Perhaps we could insert:

*"to consider bringing forward legislation in relation to disability and race which would significantly improve the current legislation."*

**Mr Spratt:** I am a wee bit concerned about "international". Use of "the legislation" might, perhaps, be a way round it.

**Mr A Maskey:** Perhaps, "the highest standard of legislation."

**The Chairperson:** Or, "bringing forward improved legislation."

**Mr A Maskey:** The difficulty is that people might argue that what we have is best and can be interpreted in a certain way, but the legislation can change. You might be more advanced than someone today, and, six months later, discover that you are not. In some cases, it is determined by a case law, when someone goes to court and another precedent is set. At that stage, we work out that we are lagging behind again.

**The Chairperson:** I am concerned about the international standards, because you do not know what you might get into.

**Mr A Maskey:** That is why I say "appropriate". We are asking OFMDFM to consider this; we are not dictating or determining. OFMDFM might do a read-across and say that what we have is the best; it might say that what is happening in England is the best; it might say that what is coming down the track from Europe is the best. It will consider the issue and make a judgement. It will not be done overnight, because it requires consensus and the agreement of parties. This is not dictating anything to anyone.

**The Chairperson:** Are you making that proposal, Alex?

**Mr A Maskey:** Yes.

**The Chairperson:** Are there any other proposals?

**Mr Spratt:** How will it read?

**Mr A Maskey:** Paragraph 5.4 of the draft report states:

*"The Committee was briefed by the Equality Commission on the gaps in legislation and would ask the Department to consider bringing forward legislation in relation to disability and race".*

I am suggesting that, at that point, we insert:

*"to bring us in line with the appropriate international standards."*

Or, insert:

*"to bring us in line with the highest standard of legislation."*

It is a simple amendment.

**Mr Spratt:** Is that not changing what the Equality Commission said?

**Mr A Maskey:** Yes, but this is our submission.

**Mr Spratt:** We took that from the Hansard report, did we not?

**Mr Nesbitt:** What if it was something along the lines of:

*"ask the Department to consider bringing forward a flexible framework capable of reflecting changes in best practice."?*

Or, perhaps, "changing best practice." It leaves you with some wriggle room.

**Mr Spratt:** I am still concerned about the word "international"; I think it would open a minefield. That might be a way around it.

**The Chairperson:** Would we take out "legislation"?

**Mr Nesbitt:** Yes.

**The Chairperson:** But would we not have to retain the part referring to disability and race?

**Mr Nesbitt:** Sorry; yes. We would have to include:

*"in relation to disability and race."*

**The Committee Clerk:** Mike, will you read that back to the Committee?

**Mr Nesbitt:** *"The Committee was briefed by the Equality Commission on the gaps in legislation and would ask the Department to consider bringing forward a flexible framework capable of reflecting changing best practice in relation to disability and race."*

**The Chairperson:** Alex, are you happy with that?

**Mr A Maskey:** Yes, that is fine.

**Mr Spratt:** Before I finally make up my mind, can you remind us what was said in the Hansard report?

**The Chairperson:** On 11 January, Bob Collins said:

*"That was corrected in Great Britain, but not in Northern Ireland, in the Equality Act 2010. That is why, in this respect, the rest of the UK is absolutely the correct comparator to look at. It would be relatively simple to make a similar enactment in Northern Ireland, and that would overcome the disadvantage that those with disabilities in Northern Ireland have been put at, relative to those with disabilities in Great Britain. That is a simple issue."*

He continued:

*"There are issues with the definition and coverage of race, and there are inconsistencies in the legislation in Northern Ireland and between Northern Ireland and Great Britain."*

So he was specifically referring to GB legislation.

**Mr A Maskey:** The problem is that the current text just adopts what was said. We are not just passing on what the Equality Commission is saying; we are adopting a position. If I had my way, the text would include the phrase "highest international standards", but I am happy to go with Mike's amendment.

**The Chairperson:** Yes. In our current text, we are taking the Equality Commission's suggestion and making it our proposal.

**Mr A Maskey:** I do not necessarily agree with the Equality Commission's suggestion. That is why I put in a call to them. My ideal amendment would include the phrase, "highest international standards". However, if people are a bit unsure about where that might bring us, I am more than happy to accept the proposal that Mike is making.

**Mr Spratt:** Will you read out again what Mike said?

**The Committee Clerk:** *"The Committee was briefed by the Equality Commission on the gaps in legislation and would ask the Department to consider bringing forward a flexible framework capable of reflecting changing best practice in relation to disability and race."*

I am not sure whether we can have a flexible piece of legislation. Legislation may state x or y.

**Mr A Maskey:** Let the Department consider that and come back and say, "You are talking nonsense".

**Mr Spratt:** Bob Collins was very clear. He said:

*"It would be relatively simple to make a similar enactment in Northern Ireland, and that would overcome the disadvantage that those with disabilities in Northern Ireland have been put at, relative to those with disabilities in Great Britain. That is a simple issue."*

In other words, he was talking about a very simple enactment or a regulation.

**The Chairperson:** What we are saying in our current draft is what the Equality Commission has asked for. So we are adopting its position and making it our position. Alex does not feel that that goes far

enough and would like to include provision to allow for the adoption of better practice outside the UK if it exists. Mike's suggestion is that we need to adopt a more flexible framework.

**The Committee Clerk:** His suggestion is:

*"a more flexible framework capable of reflecting changing best practice in relation to disability and race."*

**The Chairperson:** However, it does not mention the legislation.

**Mr Spratt:** I am happy enough to allow others to argue about it in another place.

**The Chairperson:** Are we all agreed on Mike's proposal?

*Members indicated assent.*

**The Chairperson:** Are there any other points, members? I note that, in paragraph 6.2, which relates to the UK City of Culture, the "UK" part is missing.

I do not want to open a huge debate about this, but we mention benefit entitlement, and I think we have covered part of that in paragraph 5.7. It may be complicating it a bit, but I think that social workers and home helps often offer a good opportunity to provide advice and assistance to people who need benefits. It may be too complicated to write in, but it is something that we need to look at in the future. It is something for your Committee, Alex. I know that, in some cases, they do that on a voluntary basis and they are quite up to speed, whereas others are not. It would be useful if there were something between the Health Department and the Department for Social Development that allowed them to do that in a proper capacity.

**Mr A Maskey:** Funnily, enough, we had the Macmillan Cancer Support people at the Committee for Social Development last week. They were arguing that there is a need for cancer patients to get some quick advice. I think that there was a pilot scheme somewhere around Altnagelvin between the Health Department and the Social Security Agency. We are saying to the Department that it should look at that, because it is obvious. It is almost a no-brainer that people should have some type of process on site. I am quite satisfied that, when we are dealing with the Welfare Reform Bill, we will be looking for some structured response from the Department, and for it to have an automatic trigger mechanism so that there will be an automatic benefit check for people engaged with the Department. That does not happen at the moment. There are a number of interfaces for people, whether they are a pensioner, or whatever the case may be. We will be arguing that the Department needs to find a way of doing a quick check for that person's benefit entitlement. We are hoping that that will become the done thing right across the board.

**The Chairperson:** OK. So there is no need to pursue that today.

**Mr A Maskey:** I will take a note of that, because that is another one of the trigger points that needs to be mentioned.

**Mr Spratt:** As well as benefits, the number of older people who are not getting the 20% rate relief never ceases to amaze me. Pensioners, once they reach a certain age, are entitled to 20% rate relief, in rural areas and what have you.

**The Chairperson:** OK. Members, if you are broadly agreed on the discussion that we have had, we need to formally agree the Committee report. I propose that we agree the introduction, paragraphs 1.1 to 1.3.

*Members indicated assent.*

**The Chairperson:** Do Members agree paragraphs 2.1 to 2.4, dealing with the approach?

*Members indicated assent.*

**The Chairperson:** Do Members agree paragraphs 3.1 and 3.2, outlining the responses from the Statutory Committees?

*Members indicated assent.*

**The Chairperson:** Do Members agree paragraphs 4.1 to 4.3, outlining the strategic priorities?

*Members indicated assent.*

**The Chairperson:** Do Members agree paragraph 5, including 5.1 to 5.8, as amended, dealing with the gaps in the PFG?

*Members indicated assent.*

**Mr Nesbitt:** Is paragraph 5.9 going in?

**The Chairperson:** Yes, and new paragraph 5.9; sorry.

*Members indicated assent.*

**The Chairperson:** Do Members agree to paragraph 6, including 6.1 to 6.10, outlining comments on milestones and outcomes?

*Members indicated assent.*

**The Chairperson:** Do Members agree to paragraph 7.1 to 7.4, on monitoring progress?

*Members indicated assent.*

**The Chairperson:** Are members agreed that we include the following appendices: appendix 1, which comprises minutes of proceedings; appendix 2, which comprises minutes of evidence; appendix 3, which is the Statutory Committees' written submissions; appendix 4, which is a list of witnesses; and appendix 5, which comprises any other papers?

*Members indicated assent.*

**The Chairperson:** Thank you very much for that.

Do you agree that an extract from today's minutes of proceedings should be included at Appendix 1?

*Members indicated assent.*

**The Chairperson:** Do you agree that I agree those minutes on the Committee's behalf?

*Members indicated assent.*