



**Northern Ireland  
Assembly**

**COMMITTEE FOR THE OFFICE OF THE FIRST MINISTER AND DEPUTY  
FIRST MINISTER  
MINUTES OF PROCEEDINGS  
WEDNESDAY 18 NOVEMBER 2015  
ROOM 30, PARLIAMENT BUILDINGS**

Present: Mr Mike Nesbitt (Chairperson)  
Mr Chris Lyttle (Deputy Chairperson)  
Mr Andy Allen  
Mr Paul Frew  
Mr Chris Hazzard  
Mr Gordon Lyons  
Mr Stephen Moutray

Apologies: None

In Attendance: Mrs Kathy O'Hanlon (Assembly Clerk)  
Ms Karen Jardine (Assistant Assembly Clerk)  
Mr Stephen Magee (Clerical Supervisor)  
Mr Innis Mennie (Clerical Officer)  
Mr Alyn Hicks (Bill Team - Item 1 only)

*The meeting began in closed session at 2.02 pm.*

**1. NIPSO Bill**

*Mr Alyn Hicks, Bill Team, joined the meeting at 2.02 pm.*

Amendments

The Committee considered a number of amendments for tabling at Further Consideration Stage of the Public Services Ombudsperson Bill. The Committee noted that the rest of the changes arising from the Ad Hoc Committee proposal to amend the term 'Ombudsperson' to 'Ombudsman' are due to be made at Further Consideration Stage.

*Agreed:* The Committee agreed that any amendments agreed at the meeting would be updated to refer to 'Ombudsman' before being tabled in the Bill Office for Further Consideration Stage.

*Mr Paul Frew MLA joined the meeting at 2.03pm.*

- Agreed:* The Committee agreed amendments j1 - j3 which removed three surviving references to ‘clinical’ in the Bill with regard to professional judgement.
- Agreed:* The Committee agreed amendments j4 and j5 which give effect to the Committee’s decision regarding powers to amend Schedule 3 (listed authorities) and Schedule 4 (tribunals); and amendment j6 which gives effect to the Committee’s decision regarding powers to amend Schedule 5 (other excluded matters).
- Agreed:* The Committee agreed amendment j7 to ensure that only statements made by a person aggrieved in the course of communication with the NIPSO, in connection with an investigation, would enjoy absolute privilege.
- Agreed:* The Committee agreed amendment j8 to ensure that the remit of the Commissioner for Public Appointments was not affected.
- Agreed:* The Committee agreed amendments j10 and j11 which are necessary editorial changes consequential to amendment j8.
- Agreed:* The Committee agreed amendments j12 and j13 which give effect to the Committee’s decision to remove the provisions in the Justice (Northern Ireland) Act 2002 that provided for a direction to the NIJAO to deal with specified matters in his or her annual report.
- Agreed:* The Committee agreed amendment j14 which makes an editorial change to reflect other changes made at Consideration Stage.
- Agreed:* The Committee agreed amendment j15 which removes a reference to a provision in Schedule 9 that has been repealed by other legislation.
- Agreed:* The Committee agreed j16 which makes a change consequential on all NI Executive departments now automatically being listed authorities.
- Agreed:* The Committee agreed amendments j17 and j18 which reflect a change in the way GP services are referred to in Health legislation, subject to confirmation from Department of Health, Social Services and Public Safety officials regarding this change.
- Agreed:* The Committee agreed amendment j19 relating to the ability of students to bring a complaint to the NIPSO; and amendment j20 which gives effect to a technical change to the naming of University of Ulster within the Bill.

- Agreed:* The Committee agreed amendments j21 and j22 in relation to Clause 34, amending the definition of “*complaints handling procedure*”.
- Agreed:* The Committee agreed amendments j23 and j24 which are technical amendments to Clause 37.
- Agreed:* The Committee agreed amendments j25 - j27 which make technical improvements to clauses 38 and 49 without affecting policy.
- Agreed:* The Committee agreed amendments j28 - j30 which provide for the commencement of certain provisions on the day after Royal Assent, rather than one month after Royal Assent.
- Agreed:* The Committee agreed amendments j31 - j37 which are consequential on similar changes made at Consideration Stage to reference “*the board of governors of a grant aided school*”.
- Agreed:* The Committee agreed amendments j38 and j39 to reflect the fact that the NIJAO takes up the position by virtue of the appointment as NIPSO.
- Agreed:* The Committee agreed amendment j40 which ensures that where the NIPSO delegates authority, to someone other than a member of staff, then obstruction of that person would also be treated as contempt of court.
- Agreed:* The Committee agreed amendment j41 which provides clarity on the term “*relevant existing office*”.
- Agreed:* The Committee agreed amendment j42 which was a technical amendment.
- Agreed:* The Committee agreed amendment j43 which protects the rights of complainants during the transition from the current time limits to that under the Bill.
- Agreed:* The Committee agreed amendments j44 and j45 which remove references to committees of certain listed authorities.
- Agreed:* The Committee agreed amendment j46 which reflects changes to health legislation, subject to confirmation from Department of Health, Social Services and Public Safety officials regarding this change.
- Agreed:* The Committee agreed amendment j47 which makes a technical amendment consequential on removal of the power to direct the NIJAO regarding the annual report.

- Agreed:* The Committee agreed amendments j48 and j49 dealing with the application of the Bill to investigations under the Local Government Act (Northern Ireland) 2014.
- Agreed:* The Committee agreed amendment j50 which makes a technical amendment consequential on removal of the power to direct the NIJAO regarding the annual report.
- Agreed:* The Committee agreed amendments j51 and j52 which make a technical amendment to Schedule 5, paragraph 40 of the Bill.
- Agreed:* The Committee agreed to table these amendments to Further Consideration Stage of the Public Services Ombudsman Bill.

#### Draft Order in Council

The Committee noted a draft Order in Council relating to the updating of Westminster legislation to refer to the NIPSO rather than the Commissioner for Complaints and Assembly Ombudsman.

- Agreed:* The Committee agreed that it was content with the draft Order in Council.

*Mr Gordon Lyons MLA joined the meeting at 2.23pm.*

#### Memorandum of Understanding

Members noted a response from the Minister of Finance and Personnel regarding a request for an early agreement on a Memorandum of Understanding between the Assembly and the Executive, including protocols in respect of the Office of the Ombudsman on the budget process.

- Agreed:* The Committee agreed to forward the correspondence to the Audit Committee and the Committee for Finance and Personnel for information.

#### Scheduling of Further Consideration Stage

Members noted that Further Consideration Stage was provisionally scheduled for plenary business on Monday 30 November, and that amendments to Further Consideration Stage should be tabled by 9.30am on Wednesday 25 November. Members noted that the next meeting of the Committee is scheduled for Thursday 26 November, to facilitate engagement with Lord Boswell, and that the Committee could agree a position on any amendments submitted by other Assembly Members at that meeting.

#### Attorney General

The Committee noted tabled correspondence from the Office of the Attorney General regarding an issue of competence.

*Agreed:* The Committee agreed to ask Assembly Legal Services to explore this issue with the Attorney General.

*Mr Hicks left the meeting at 2.29pm.*

*The meeting moved into public session at 2.30 pm.*

## **2. Apologies**

There were no apologies.

## **3. Chair's Business**

### Playboard NI Annual Conference

The Committee noted an invitation from Playboard NI to their annual conference which is to be held on Thursday 26 November 2015 in the Ramada Plaza, Shaw's Bridge, Belfast.

### RADAR

The Committee noted an invitation from RADAR to the launch of the research from its Aiming Higher Project which is to be held on Thursday 3 December 2015 in Sydenham Business Park Belfast.

### National Children's Bureau

The Committee noted an invitation from the National Children's Bureau to a seminar on the Greater Manchester Early Years Delivery Model which is to be held on Thursday 10 December 2015 in the Duncairn Centre, Belfast.

### Interface Community partners & Interagency Group.

The Committee noted an invitation from the Interface Community Partners & Interagency Group to their Annual Conference which is to be held on Wednesday 16 December 2015 in the Ulster Hall, Belfast, and at which the draft Terms of Reference for the establishment of the *Together: Building a United Community Engagement Forum* will be discussed.

*Agreed:* The Committee agreed to ask the Department for the draft terms of reference for the Forum.

The Committee noted the list of current invitations.

## **4. Draft Minutes**

*Agreed:* The draft minutes of the proceedings of 11 November 2015 were agreed by the Committee.

## **5. Matters Arising**

### EU Reform

The Chairperson referred Members to the previous discussion regarding the possibility undertaking a piece of fact finding work with regard to EU Reform; and advised the Committee that the Prime Minister has since outlined the four key areas where the UK is seeking reform including: economic governance; competitiveness; sovereignty; and immigration.

*Agreed:* The Committee agreed to write to relevant Executive departments to find out what work has been done on EU Reform; how they are now engaging with their counterparts in Whitehall; the priorities identified and issues of concern specific to Northern Ireland; and how they are reporting on their involvement in the process to their Executive colleagues and Assembly Committees.

### Outstanding Correspondence

The Committee noted the list of outstanding correspondence.

## **6. Correspondence**

### Vulnerable Persons Re-location Scheme

The Committee noted a response from OFMDFM regarding the Vulnerable Persons Re-location Scheme which provided information on the Strategic Planning and Operational Groups.

### EU Matters

The Committee noted the latest issue of EU Matters newsletter which has been prepared by the Northern Ireland Assembly's EU Affairs Manager.

### Social Investment Fund

The Committee noted a response from OFMDFM regarding the Freedom of Information grounds used by the Department when refusing the Committee's request for Gateway Reviews.

### Savings Delivery Plans

The Committee noted correspondence from the Committee for Finance and Personnel regarding the Monitoring of Departmental Savings Delivery Plans for 2014-15.

Joint Ministerial Committee (Europe)

The Committee noted correspondence from junior Ministers regarding the Joint Ministerial Committee (Europe) meeting held on 15 June 2015.

Commissioner for Older People

The Committee noted correspondence from OFMDFM relating to the recruitment of the next Commissioner for Older People.

**7. Draft Forward Work Programme**

*Agreed:* The Committee agreed to make arrangements to hear evidence from departmental officials in Brussels via video link at the meeting on 9 December.

*Agreed:* The Committee agreed to ask the Department for clarity around the timescales for consideration of both the expected Departments Bill and the associated Transfer of Functions Order; including details of any consultation that has been, or will be, undertaken in respect of the Transfer of Functions Order; and to invite briefings on both as a matter of urgency.

The Committee noted the draft Forward Work Programme up to December 2015.

**8. Any Other Business**

There was no other business.

**9. Date, Time and Location of next meeting**

The next scheduled meeting of the Committee is at 2pm in Room 29 on Thursday 26 November 2015.

*The Chairperson adjourned the meeting at 2.37 pm.*

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