

## End of session report 2014-15

### OFMDFM Committee

#### Remit and Powers

The Committee for the Office of the First Minister and deputy First Minister is a Statutory Committee established in accordance with paragraphs 8 and 9 of the Belfast Agreement, Section 29 of the Northern Ireland Act 1998 and under Assembly Standing Order 48. The Committee has a scrutiny, policy development and consultation role with respect to the Office of the First Minister and deputy First Minister and has a role in the initiation of legislation.

The Committee has power to:

- Consider and advise on Departmental Budgets and Annual Plans in the context of the overall budget allocation;
- Approve relevant secondary legislation and take the Committee stage of relevant primary legislation;
- Call for persons and papers;
- Initiate inquiries and make reports; and
- Consider and advise on matters brought to the Committee by the First Minister and deputy First Minister.

#### Membership

<b>Chairperson</b>	Mr Mike Nesbitt
<b>Deputy Chairperson</b>	Mr Chris Lyttle
	Mr Alex Attwood
	Mr Michael Copeland <sup>1</sup>
	Miss Megan Fearon
	Mrs Brenda Hale
	Mr Alex Maskey
	Ms Bronwyn McGahan
	Mr David McIlveen <sup>2</sup>
	Mr Stephen Moutray
	Mr Jimmy Spratt

#### Meetings Held

The Committee met informally in Dungannon on Wednesday 3 September 2014 to discuss its strategic priorities for the year ahead. In the period from September 2014 to August 2015, the Committee held a total of 34 Committee meetings, 10 of which were fully public. 24 meetings were held in partially closed session, the majority of which related to the Committee's development of the Northern Ireland Public Service Ombudsperson Bill. Two of these meetings were held externally as part of

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<sup>1</sup> With effect from 6 October 2014 Mr Roy Beggs replaced Mr Leslie Cree; With effect from 13 October 2014 Mr Michael Copeland replaced Mr Roy Beggs

<sup>2</sup> With effect from 6 October 2014 Mr David McIlveen replaced Mr George Robinson

the Committee's Inquiry into Building a United Community, at the premises of InterAction Belfast in West Belfast and at Ballmoney Community Resource Centre.

## **Primary Legislation**

### **The Northern Ireland Public Service Ombudsperson Bill**

Throughout the session the Committee continued to finalise its legislative proposals to update and reform the Office of the Northern Ireland Ombudsman. The [Public Services Ombudsperson Bill \(Bill 47/11-16\)](#) was introduced to the Assembly on 20 April 2015 and was referred to the Ad Hoc Committee on the Public Service Ombudsperson Bill for scrutiny following the Second Stage debate on 11 May. The Committee responded to queries raised by the Ad Hoc Committee, refining the Bill as necessary. The Ad Hoc Committee is due to report by 30 September and the Committee looks forward to progressing the Bill through its amending stages during the 2015-16 session.

### **Ombudsman and Commissioner for Complaints (Amendment) Bill**

The requirement for measures to be taken to avoid a vacancy in the current Ombudsman's offices emerged through the course of the session. To manage the risk and to provide the Assembly with the time needed to consider and progress the NIPSO Bill, the Committee brought forward a short [Ombudsman and Commissioner for Complaints \(Amendment\) Bill \(Bill 48/11-16\)](#). This Amendment Bill was progressed via the accelerated passage procedure and completed its final stage on 9 June. Royal Assent was received on 20 July 2015.

### **Children's Services Co-operation Bill**

The [Children's Services Co-operation Bill \(Bill 44/11-16\)](#), a Private Members' Bill sponsored by Mr Steven Agnew MLA, was referred to the Committee for scrutiny following the Second Stage debate on 26 January. The Bill's principle purpose is to introduce a statutory duty to co-operate towards the achievement of six specified high level outcomes relating to the well-being of children and young people.

The Committee received 25 substantive responses to its public call for views on the Bill and invited a range of stakeholders to give oral evidence.

From the outset the Committee was aware that OFMDFM had indicated it was supportive of the Bill in principle, but believed that significant amendments would be required to ensure that the legislation met its objectives. The Committee was conscious that discussions between OFMDFM, the Bill sponsor and key stakeholders were ongoing throughout the Committee Stage. Two briefings were received from OFMDFM on potential amendments under consideration, including a revised draft Bill. Regrettably, the final version of the amendments was not available by the date that the clause by clause scrutiny of the Bill was undertaken. The Committee therefore took account of a revised draft Bill that had been provided by the Department. The Committee was also mindful that the Bill sponsor had indicated he

was content with the direction of travel proposed by OFMDFM as set out in the revised draft Bill, subject to the sight of the final amendments.

While pointing out that it had always been broadly supportive of the principles of the Bill, the Committee concluded that it was not content with the substantive clauses of the Bill as drafted, but was broadly content with the direction of travel proposed by OFMDFM as set out in the revised draft Bill, again subject to the sight of the final amendments. The [Report on the Children's Services Co-operation Bill](#) was agreed on 1 July.

## **Subordinate Legislation**

During the 2014-15 session the Committee considered a number of Statutory Rules subject to negative resolution, relating to technical adjustments to the Fair Employment and Treatment Order regulations; the Retention and Disposal Schedule for Employee Records for the Office of the First Minister and deputy First Minister; the Sex Discrimination Order (NI) 1976; the salary of the NI Ombudsman; fees relating to the Planning Appeals Commission, and other technical adjustments to take account of new planning legislation.

The Committee also considered the proposal for a one-year extension to the Historical Institutional Abuse Inquiry. Whilst agreeing to support the extension and respecting the remit and integrity of the HIA Inquiry, the Committee Chairperson raised concerns during the [plenary debate](#) about the impact of this additional time on those victims of alleged abuse who fall outside the scope of the current Inquiry, for example in the Magdalene Laundries or Mother-and-baby homes like that in Tuam. The Committee continued to press officials and Ministers on these matters throughout the session and was advised that these matters remain under consideration within the Department. The Committee intends to continue to raise its concerns during the 2015-16 session.

## **Legislative Consent Motion**

A Legislative Consent Memorandum with regard to the Childcare Payments Bill was referred to the Committee towards the end of the 2013-14 Assembly session. The Bill introduces a new tax-free childcare scheme to support eligible parents with childcare costs. The proposed new scheme will be operated by HMRC, financed centrally by the UK Government, and its operation will be made an excepted matter.

As well as briefings by Departmental officials, the Committee also heard from Employers for Childcare. The primary concern of Employers for Childcare was that the new regime would prove to be less cost-effective for working parents. The Committee subsequently met informally with junior Minister Bell and junior Minister McCann to discuss how the needs of those parents who might be disadvantaged under the new scheme could be addressed.

While agreeing to support the Legislative Consent Motion to extend the provision of the Childcare Payments Bill to NI, in its [report](#) the Committee strongly recommended that the Department undertake a scoping exercise to identify the categories of people who will be disadvantaged under the new scheme, and where appropriate, ensures that their needs are addressed within the wider childcare strategy. The Official Report of the plenary debate on the LCM is available [here](#).

Correspondence from OFMDFM indicating the outcome of this scoping exercise was received in July and will be considered early in the next session. The Committee has also been advised that the introduction of tax-free childcare has been postponed until early 2017 following delays to the implementation of the legislation.

## **Inquiries**

### (i) Inquiry into the Barroso Taskforce

This Inquiry sought to examine the work of the Northern Ireland Taskforce which was established by President Barroso in 2007 to support Northern Ireland in its efforts to improve its economic competitiveness and to create sustainable employment. The [Committee's Report](#), agreed on 2 July 2014, contains 11 recommendations for the support and enhancement of future engagement in EU affairs. The Report was [debated in plenary](#) on 9 September 2014. The Committee continued to follow up the implementation of its recommendations through its ongoing scrutiny of the Executive's European priorities throughout the session.

### (ii) Inquiry into Building a United Community

The Committee agreed the terms of reference for its Inquiry into Building a United Community at its meeting on 2 July 2014. The purpose of the inquiry is to inform the Executive's approach in the actions it takes to tackle sectarianism, racism and other forms of intolerance; and to make recommendations in order to support and enhance policy in uniting communities and community integration, including how communities are involved in decision making. Members were pleased to receive over 70 written submissions and, after considering the themes emerging from the submissions, invited a number of organisations to appear before the Committee.

The Committee held two external meetings including one which focused on issues of contested space in rural areas, and another which focused on the challenges faced at urban interface areas. The Committee also hosted a stakeholder event to which all those organisations that had provided written evidence were invited; and an informal event with young people jointly facilitated with the Bytes Project.



**Committee Members meet young people from the Bytes Project, February 2015**

The Committee agreed its report on the Inquiry at its meeting on 1 July 2015 which contains over 30 key conclusions and recommendations for OFMDFM and other Executive departments covering a wide range of areas including the role of local government, funding, shared space, involving communities in decision making and approaches to addressing sectarianism and division. The report is embargoed until the plenary debate which is expected to take place in week commencing 28 September, and will be available on the Committee's webpage thereafter.

## **Scrutiny**

### (i) Victims and Survivors

The Committee maintained its scrutiny of the Victims & Survivors Service (VSS) in this session. Briefings were received from VSS and Departmental officials on 8 October 2014 and 4 March 2015, and on the implementation of recommendations arising from the reviews of the Service. The Committee was also briefed by Assembly Research on funding for victims and survivors groups. The budget allocation for VSS remained a focus during monitoring rounds and in the Committee's consideration of the 2015-16 draft Budget. The Committee was pleased to note that the final Budget settlement for VSS for 2015-16 is higher than ever before.

### (ii) Budget Scrutiny

Briefings were received from OFMDFM officials on the Departmental position for the October, January and June monitoring rounds. The Committee was also briefed on the Department's proposals in respect of the 2015-16 Budget on 26 November. Having heard from the Department and consulted with its arm's-length bodies the Committee agreed a response to the draft Budget on 3 December which was submitted to the Committee for Finance and Personnel for inclusion in its report. The Chairperson subsequently contributed to the [Take Note debate](#) on behalf of the Committee.

### (iii) Programme for Government

The Committee received regular updates on progress against the Department's PfG commitments. The Committee noted that the reporting mechanism for progress against PfG targets was changed during the course of 2014-15 and expressed concern that this could negatively impact the ability of Members' to effectively scrutinise PfG commitments.

In addition to regular PfG briefings, the Committee has received separate briefings on key PfG commitments including the Social Investment Fund. Members raised concerns that the funding allocated to the Social Investment Fund had not been spent within the original timeframe, and welcomed steps taken by the Department to fully implement this programme. The Committee received briefings on the Brightstart Childcare programme and continued to press for the publication of the full draft childcare strategy. The consultation on the draft childcare strategy was launched by FM and dFM on 28 July.

Members were also able to scrutinise the Together: Building a United Community strategy during the course of the Committee's Inquiry.

### (iv) Departmental Policy/Strategy

#### (a) Racial Equality Strategy

The consultation on the revised strategy ended on 10 October 2014. The Committee received a briefing from OFMDFM on the initial findings on 18 March 2015, and also heard from Common Platform on that date. The final strategy is currently under development. The Committee is awaiting a copy of the evidence base paper that had been commissioned by the Department.

#### (b) Children and Young People

The Committee has received a number of briefings from Departmental officials on matters relating to children and young people throughout the session. This has included the following: Delivering Social Change for Children and Young People on 10 September; Child Poverty Strategy 15 October 2014 and 21 January 2015; Childcare Strategy 5 November 2014 and 20 May 2015. The Committee also received a briefing from the new Commissioner for Children and Young People.

#### (c) Sexual Orientation

The Committee was briefed on the analysis of the responses to the Phase 1 consultation on the sexual orientation strategy on 24 September. Members expect to receive further information on the next phase of the development of the sexual orientation strategy during the 2015-16 session.

#### (d) Age Discrimination

The Committee was briefed by junior Ministers on 15 April on the proposals to prohibit age discrimination against persons aged 16 or over in the provision of goods, facilities and services. Members also took the opportunity to seek the views of the Commissioner for Children and Young People on the draft proposals in a subsequent briefing. The consultation finally launched on 3 July 2015 and will run through to October 2015. Scrutiny of the consultation outcome will form an important strand of the Committee's work for 2015-16.

On 27 August the Chairperson participated in the Equality Commission NI event “Strengthening Protection for all Ages: Proposals for reform of Age Discrimination in the Provision of Goods, Facilities and Services.” The Chairperson provided an overview of the OFMDFM’s scrutiny role and how stakeholders can assist the Committee in its subsequent scrutiny of the Age GFS proposals.



**Committee Chair addresses the Equality Commission NI event “Strengthening Protection for all Ages”**



**Mike Nesbitt, Chair OFMDFM Committee with Seamus Lynch, Age Sector Platform; Dee Masters BL; Roisin Mallon, ECNI; Eddie Lynch, Age Sector Platform**

## Europe

Throughout the 2014-15 session the Committee engaged on a wide range of European issues with stakeholders at all levels. It scrutinised the Department's and Executive's work in Europe and also examined in detail the Department's Programme for Government commitment to increase the uptake of competitive EU funding across all Departments by 20%. Given the success in meeting this target Members pressed officials to set more ambitious targets in the final year of the Programme for Government. The Executive's draft European priorities for 2015-16 were noted by the Committee on 1 July and include a target of 50% increase in drawdown of competitive EU funding against the PfG 2011-15 baseline.

The Committee has also received briefings from OFMDFM officials on the Executive's EU priorities on 24 September 2014 and 4 February 2015, with the latter session also addressing the Committee's Inquiry into the Barroso Taskforce. The Committee will examine the Executive's draft EU priorities for 2015-16 in detail during the next session.

The Committee agreed its [Report on Assembly Committee Priorities for European Scrutiny 2015](#) on 11 March, and led the [debate](#) on the report on 13 April. As well as highlighting Committees' priorities for 2015, the report allowed reflection on performance in relation to their 2014 priorities. In terms of its own priorities, the Committee agreed to keep a watching brief on the implication for NI of developments in respect of the Labour Mobility Package, the European Agenda on Migration and the accession of the EU to the European Convention on Human Rights.

During the year the Chairperson met with the Italian Ambassador to the UK and the Latvian Ambassador to the UK to discuss matters relating to the their countries' respective presidencies of the European Union

## Engagement

The Committee undertook a number of events, visits and meetings during the 2014-15 session including:

- October 2014 - the Chairperson met with HE Pasquale Terracciano, Italian Ambassador to the UK to discuss matters relating to the Italian presidency of the EU
- October 2014 - the Chairperson participated in a roundtable stakeholder event hosted by the Assembly and Executive Review Committee on "Women in Politics and the Northern Ireland Assembly"
- December 2014 - the Chairperson and other Members met with HE Mr Andris Teikmanis, Latvian Ambassador to the UK to discuss matters relating to the Latvian presidency of the EU
- January 2015 - the Chairperson addressed a group from Corrymeela who were participating in an event co-ordinated by Assembly Community Connect
- January 2015 - The Committee hosted a stakeholder event for over 50 representatives from the statutory, voluntary and community sectors on its Inquiry into Building a United Community



- February 2015 - The Committee sponsored an event in the Long Gallery organised by the Landscape Institute entitled “Building a United Community - Shared Space Design and Delivery”, and the Chairperson addressed participants
- February 2015 - the Committee hosted an informal event in conjunction with the Bytes Project to consult with young people as part of its Inquiry into Building a United Community
- March 2015 - The Chairperson attended a number of engagements in Washington DC
- April 2015 - the Chairperson took part in a panel discussion at a media and youth conference which looked at how young people, youth organisations, media and elected representatives can work together to challenge and change current media representation in NI
- August 2015 - the Chairperson participated in the Equality Commission NI event on proposals to reform age discrimination legislation in NI

## **Forthcoming Priorities**

The Committee will consider its strategic priorities for the final session of the mandate in September 2015. These are likely to include:

### **Indicative Committee Priorities for 2015-16**

- Amending stages of the Public Services Ombudsperson Bill
- Debate on the Inquiry into Building a United Community, followed by scrutiny of the implementation of the recommendations
- Budget Scrutiny
- Programme for Government priorities, with a focus on the extension to March 2016
- Age Discrimination - goods, facilities and services: legislative proposals
- Victims and Survivors
- European Issues
- Departmental Policy/Strategy including:
  - Racial Equality
  - Gender Equality
  - Sexual Orientation
  - Childcare Strategy
  - Children and Young People

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

## Expenditure for the period 1 September 2014 – 31 August 2015

Budget area	Details	Expenditure
Committee Travel - committee members and staff travel and subsistence in relation to visits and meetings outside Parliament Buildings	Includes the cost of committee visits to: <ul style="list-style-type: none"> <li>Washington (1 Member &amp; 1 staff)</li> <li>EC-UK Edinburgh (1 Member &amp; 1 staff)</li> </ul>	£4270
Printing of committee reports	Includes the cost of committee reports on: <ul style="list-style-type: none"> <li>Inquiry into the Barroso Task Force</li> <li>Assembly Committee Priorities for European Scrutiny 2015</li> <li>Children's Services Co-operation Bill</li> <li>Inquiry into Building a United Community</li> </ul>	£3377.05
Advertising – the cost of public notices relating to committee inquiries, the committee stage of Bills and meetings held outside Parliament Buildings	Includes the cost of public notices in relation to: <ul style="list-style-type: none"> <li>Children's Services Co-operation Bill - Committee Stage</li> </ul>	£633.06 (excl. VAT)
Consultancy support - the cost of specialist advisers appointed by the committee and commissioned research, also the cost of drafting Standing Orders	Specialist adviser to the Committee on [issue/inquiry to which the advice related]	£0
General expenses	Cost of refreshments for committee meetings, working lunches, seminars, room hire, witness expenses, gifts provided by the committee during visits and conference fees for members.	£1719
<b>Total Expenditure</b>		<b>£9999.11</b>