



Northern Ireland
Assembly

Committee for The Executive Office

OFFICIAL REPORT (Hansard)

The Executive Office: Overview Briefing

29 January 2020

have a strong mutual interest in working together to make people's lives better. So, I hope this is the beginning of a good relationship.

To give you a broad overview of the Department, it might be easiest just to look at the organisation chart, if members have that. I am sorry. I do not know the page numbering of your packs, but I think there is a chart there.

The Chairperson (Mr McGrath): It is on page 95.

Mr Sterling: I realise the print is slightly small, but I will give a headline overview, and then it might be more productive just to take questions from there on.

I start on the left of the chart. We look after but, if you like, do not manage the Office of the Legislative Counsel. It is simply to acknowledge that they need somewhere within the departmental structure for, sort of, pay-and-rations purposes. Brenda King, as first legislative counsel, will be well known to you all.

I mention in passing that we obviously have a commitment within the 'New Decade, New Approach' document to bring a legislative programme to the Assembly by 11 February. It is likely that there will be around 11 Bills to be brought to the Assembly before the summer. They will comprise a number of things that are urgently needed or are ready. Some of the Bills will address issues in the 'NDNA' document. Certainly, the desire is to ensure that the Assembly has a full legislative programme throughout the mandate, and, given that there is a bit of a backlog, that will certainly be the case.

If we move across, then, we have the international relations group, which is led by Andrew McCormick, director general of international relations. Director general is equivalent to permanent secretary in terms of grade. His director is Karen Pearson. They obviously have a major interest in the Brexit agenda. Their role is to coordinate policy development across all Departments and to coordinate the response of the Northern Ireland Executive to Brexit and Brexit issues. That will be a major endeavour for us over the next while. We may want to get into exploring that during this session.

The international relations group also looks after our three overseas offices, in Brussels, Washington and Beijing. The UK leaves the EU on Friday. Our office in Brussels will no longer have the status that it had previously, but our view is that it will still be very important that Northern Ireland has a presence in Brussels. Again, given the nature of the Ireland/Northern Ireland protocol, we will still have a keen interest in regulations that come from Brussels, certainly for the next four years.

The Washington office has recently been taken over by Andrew Elliott, who has moved from Brussels. Andrew has replaced Norman Houston, whom you will all know and who has been a great servant in Washington for many years. Tim Losty is out in Beijing. We were in touch with Tim today just to check how he is, given the issue of the coronavirus. He is fine. It is a big job just being out in Beijing. Tim will be coming back here, and we are in the process of identifying a successor for him out there.

The international relations group also looks after the North/South Ministerial Council (NSMC). Again, there will clearly be a desire to get a NSMC meeting up and running, and British-Irish Council meetings as well.

If we move across further, then, we have Chris Stewart heading up the Programme for Government and Executive support directorate. Chris has a variety of responsibilities. He obviously heads up the Programme for Government team. Again, a lot of work will need to be done to translate the various commitments in the 'NDNA' document into the next Programme for Government. We have proposed a process for creating the Programme for Government for the next period. That is with Ministers. Again, there will be a big piece of work to be done to create a longer-term Programme for Government, with an accompanying multi-year budget, to take us through the next few years in way that is designed to promote well-being for everybody. That is a big piece of work.

Obviously, Chris oversees the operation of various support units which provide support to the First Minister and deputy First Minister, coordinate work in the Department and provide a bridge between the Executive and the Assembly. A lot is done between staff in that area and Assembly staff just to ensure that that relationship works well.

If we move across, then, the strategic policy, equality and good relations directorate is headed up by Mark Browne. Mark has a variety of responsibilities: equality, victims, human rights and delivering social change — there is quite a big agenda on delivering social change. That directorate, which is

headed up by Gareth Johnston, also looks after the outworkings of the Historical Institutional Abuse Inquiry report. Again, we are pleased that that legislation is now in place and that redress arrangements are being established. Hopefully, the redress arrangements should be such that redress payments can begin from April/May onwards. You may want to pick up on that. Alongside that, there is a commitment to put in place payments for victims — the victims' pension issue — and, again, there is a very demanding timetable that would require that those payments can begin from May this year.

The urban villages, race equality and communities in transition directorate is, again, a busy directorate, and there is quite a broad agenda there. Similarly, there is good relations and Together: Building a United Community, which, again, has quite a broad range of responsibilities, and the detail is set out in the first-day brief. The infrastructure directorate, which looks after, for example, our interests in Ebrington and Maze/Long Kesh, again, has quite a significant set of responsibilities. The last directorate is the finance and corporate services directorate.

That is a brief overview of the structure of the Department. I realise that I have covered a lot of ground. I also recognise that, over the next number of weeks, the Committee will be getting presentations from all the people I have mentioned and the intention is to make sure that you have as full an understanding as possible, and as quickly as possible, about the work of the Department.

The Chairperson (Mr McGrath): David, thank you very much for giving us that overview. The Executive Office is maybe a slightly more difficult Department to explain. With Health and Education, it is fairly obvious what work they do, but with the Executive Office, there are many different elements that are on completely different lines from each other.

I have a couple of questions, and then we will branch out and get members' questions. I want to pick up on what you said about the payments for historical institutional abuse. You said that you hope to get the payments by April/May. In the January monitoring round, some funding was given by the Finance Minister, and it was referring more to scoping exercises. When you hear "scoping exercise", it sounds very much like the beginning of a process rather than very near the conclusion. We have probably let these victims down by not getting a very swift conclusion and by not moving to payments on this issue. Could you provide us with a bit more concrete information on that, so that we can provide the assurance that individuals need?

Mr Sterling: Yes, of course. Going back three years or so, we recognised very early on that one of the areas where the absence of the Assembly and the Executive was going to be most keenly felt was in this area. Without going over all the history, I nonetheless concluded that dealing with the issues affecting the victims and survivors had to be a top priority for the Department, and so, in a rather unusual way, we agreed that we would construct draft legislation, consult on that, involve the groups and, if there was no Assembly in place, we would press the Secretary of State to put that legislation in place through Westminster. Again, without going through all the history, that was achieved and that legislation completed its passage through Westminster on, I think, 7 November. Since then, we have been working very hard with the victims and survivors to put all the various arrangements, processes and structures in place to allow redress payments to flow as quickly as possible. That has included the appointment of a president of the redress board and two supporting members, who are non-judicial figures. The first redress board is essentially in place. There are rules that the redress board will need to adopt, and those are reaching conclusion. An application process will need to be constructed, and we gave a very strong commitment to the victims and survivors that they will be fully involved in the design of that process. That is ongoing.

The intention is that the application process will be open by the end of March at the latest and that the first redress panel will be in place in April to begin to consider that. That is important. Alongside that, we need to put in place a Commissioner for Survivors of Institutional Child Abuse. That process begins shortly, but, in the meantime, we have an interim advocate for victims and survivors in Brendan McAllister, whose role will continue until the commissioner is appointed.

We also recognise that victims and survivors may be located all around the world, so we will be developing a very comprehensive communication campaign. It will be a global campaign, designed to make sure that everybody who may have been affected knows about that and knows about how to apply for redress. That will kick off alongside the opening of applications.

This is a major challenge, a major task. There will need to be more than one redress panel, and, again, it will be for the president to determine exactly how many will need to be put in place. Again, we are putting in place procedures to allow those to be constructed as quickly as possible. Obviously, we

are grateful to the Lord Chief Justice for having appointed the president; he will also be appointing further judicial figures to work on each of the further redress panels.

A considerable amount of work has been needed, and it is being done. I have said that we need to do this at the fastest pace possible that avoids any risk of things not being done properly, and I think that is where we are at the moment.

The Chairperson (Mr McGrath): OK. Certainly, that imperative and that speed would be welcome. It is likely that the Committee will track this issue to make sure that we can hold you to the timescales that you have mentioned. We will revisit that as we go on. Thank you for the answer to that.

I will move on to the Brexit side of things, which is, obviously, something that sits within the Department's remit. There is the suggestion of the establishment of a Brexit subcommittee. Today, I met some members of various headquarter organisations, such as Manufacturing NI and the Ulster Farmers' Union and others, which have really taken a step forward in the last couple of years and have been carrying out a lot of the advocacy work.

If we are going to establish a Brexit subcommittee, can you give us a timescale as to when that might happen? Could that committee, in some way, be open to some of those individuals who have set up excellent networks and have had good working relations with various parts of government here and in London, Dublin and Brussels, so that we do not just suddenly cut off some supply and move forward? Is that something in which they could be involved?

Mr Sterling: I am expecting the Brexit subcommittee to meet quite soon. I cannot give you a precise date, but there is a clear desire by all Ministers to get that up and running quickly. They recognise the significance of the issue. I cannot pre-empt what way the subcommittee will want to operate, but there is no doubt that the business community has been quite active in this area, and I am pretty sure that Ministers will want to take the views of all stakeholders with a keen interest in Brexit. As I say, I would be surprised if there were not opportunities for stakeholders to present to Ministers and to the subcommittee.

The Chairperson (Mr McGrath): Finally, I want to make some comments about the creation of the bill of rights. It is referenced that it will be within 30 days of the restoration of devolution. I think we are at day 17 or 18 at this stage, so have plans been put in place for that committee and for the terms of reference for that committee to be developed?

Mr Sterling: We are looking at a whole range of commitments. There are some very challenging timescales and deadlines set out on that. I would not want to give a guarantee that everything will be met exactly in line with the timetables set out in the 'NDNA' document, but people are working hard to progress everything.

The Chairperson (Mr McGrath): It sounds like it is not going to be done within the 30 days.

Mr Sterling: I am not saying whether it will or will not, but there are some incredibly demanding things in there, there is no doubt about that.

Mr Nesbitt: You are very welcome, David. The fact that you are here for our first meeting and the First Minister and the deputy First Minister are scheduled for next week is very encouraging. I am also encouraged by the fact that you are saying that you will be looking to this Committee for advice. Some members of the legacy Committee felt that the relationship was not perhaps as good as it could have been, particularly in terms of the flow of information. I would like to think that this Committee will be sympathetic to the fact that, because it is a joint office, decisions will sometimes take longer than those from a single Ministry and that this can lead to a backlog in the flow of information. In return, I hope to trade that for you not leaving us feeling that that is being used as an excuse to withhold information. Overall, though, I am positive.

I have two questions, if I may, on two appointments. The first is the Commissioner for Survivors of Institutional Childhood Abuse. What is the process? What is the timeline?

Mr Sterling: The advert should go out very shortly. I expect it to be within a matter of days. It will be run in accordance with public appointments procedures.

Mr Nesbitt: Will it be a competence-based process?

Mr Sterling: Yes, I believe so. We will move that on as quickly as we can, but it will take some weeks to complete.

Mr Nesbitt: On its completion, will there be a list of persons deemed suitable for appointment and then a final decision by First Minister and deputy First Minister, or will there be an appointee?

Mr Sterling: I cannot recall exactly the detail of how the final appointment will be made, but I can check that and get back to you.

Mr Nesbitt: The second appointment that I want to ask about, if you do not mind, is the head of the Civil Service. You have indicated that you will open a new chapter this year, so can you tell us about the process and the timeline for your successor?

Mr Sterling: I cannot give you a timeline. What I can tell you is that the process will, obviously, need to be agreed by the First Minister and deputy First Minister. Discussions are to begin shortly. We do not have an agreed timeline yet.

Mr Nesbitt: You are stepping down in August.

Mr Sterling: I indicated that I plan to go at the end of August, yes.

Mr Nesbitt: I suggest that there is some urgency to getting a process under way.

Mr Sterling: Absolutely.

Mr Nesbitt: At the end of the day, with that process, it will be for the First Minister and deputy First Minister to confirm the appointment of your successor.

Mr Sterling: Indeed. It will be run in accordance with the Civil Service Commissioners' guidelines, but the First Minister and deputy First Minister will have a role, as they did in the process that led to my appointment.

Mr Nesbitt: Will they be given a name to endorse or will they be given a list of people who are deemed suitable for appointment?

Mr Sterling: The process has not been agreed as yet, so I do not want to comment on exactly how that will happen.

Mr Nesbitt: Am I right in thinking that, for the head of the Civil Service, UK-wide, the Prime Minister has a list of people deemed suitable for appointment?

Mr Sterling: I am not privy to the exact detail. I know that the appointments of permanent secretaries and the Cabinet Secretary are made on a different basis from that which applies here. The Prime Minister's role in those appointments might be different from the role that the First Minister and deputy First Minister have here. As I said, I do not want to be too definitive about those differences, not least because the process for agreeing the appointment of my successor has not been settled as yet.

Mr Nesbitt: Will you have an input to that, or do you have an opinion that you will share on how we do that?

Mr Sterling: It will be led by the Department of Finance's HR department. I will probably have an input to that.

Mr Stalford: Some questions that I had intended to ask have been asked. One of the things contained in 'New Decade, New Approach' — it was very close to my heart during the talks — is the commitment to a review arm's-length bodies (ALBs) and the words, which are very important, are:

"with a view to their rationalisation."

In the long years that you have been involved, David, almost every agreement has contained a commitment to a review of arm's-length bodies, and, in that time, the number of arm's-length bodies, I have no doubt, has grown. How do you envisage that review impacting on the Executive Office? Do you see scope for slimming down government through mergers of existing arm's-length bodies that fall under the remit of the Executive Office, or the abolition of arm's-length bodies altogether?

Mr Sterling: You are right: it is a clear commitment. I was there when the commitment was suggested, and you are right to say that I have been involved before on occasions when there have been reviews of arm's-length bodies. The starting point, this time, will be to look at what was done before. Quite a comprehensive exercise was carried out. I cannot remember exactly when, but it was probably five, six or seven years ago, and it did not lead to the abolition of many ALBs. We will need to look again at this, and we need to do so with some very clear objectives in mind. Is it to streamline government? Is it to reduce costs? Is it to improve the delivery of outcomes? Those things might not necessarily be in conflict, but they could be. This is being looked at, but precise objectives have not been agreed.

Mr Stalford: I have tabled a question to the Finance Minister about the time frames within which any review will be published. Do you have a time frame in mind?

Mr Sterling: Not at the moment, no. The previous piece of work was quite substantial. It will require quite a substantial piece of work again, and, in fairness to colleagues in the Department of Finance, they have quite a large set of commitments, not least in developing a Budget for next year and, indeed, beyond. I am not sure exactly where we will be with a timetable for the arm's-length body review, but that is being looked at.

Mr Stalford: OK. On international relations, you mentioned that we have offices in Washington DC, China and Brussels. How is the effectiveness of those offices scored? By what matrices do we judge whether they are doing well or try to identify potential new places where we might want to go?

Mr Sterling: That is a good question. We do not have a set of key performance indicators for the offices to measure whether they have hit or missed a target and whether they are doing well or not. That needs to be looked at. There is a draft international relations strategy. If you were to start to make judgements about the effectiveness of the overseas offices, you would need to do that on the basis of an agreed international strategy — in other words, where you have a clear understanding of what it is that you want from your offices overseas. This is simply my personal view, but, given global developments over the last three years, including Brexit, it would be timely to review the international relations strategy and to look at the disposition of not just the three Executive offices but the Invest NI offices overseas to make sure that they are delivering maximum benefit.

Mr Stalford: Yes. I am not suggesting for a second that the three offices operating at present should cease to exist. I am suggesting that, in the context of an international relations strategy with a global outlook, potential emerging markets in places such as India are where we need to be.

Mr Sterling: Indeed. Those are entirely legitimate questions. I should say that the three offices overseas, given their relatively small size, punch well above their weight. We get great service and great access from them in all three areas. Indeed, there may be an argument that post-Brexit —

Mr Stalford: They will need more resources?

Mr Sterling: — they might need more resources. Yes.

Mr Sheehan: Thanks for your overview, David. Most of the issues that I wanted to deal with have already been touched on in one way or another. I just want to drill into them a little.

My understanding is that all parties represented in the Executive have agreed to go on to the Brexit subcommittee. That is right, is it not?

Mr Sterling: Yes.

Mr Sheehan: That is fair enough. On the legislation itself, never mind the timescales, and the various strategies committed to in the new deal, have you decided yet where all those issues will sit in the various Departments?

Mr Sterling: No. That work is still to be done. Work will need to be done between officials, Ministers and advisers across all Departments. Work is being done to identify all the various commitments, and the next stage will be to sit down and work together to identify who will do what. That will need to be done in conjunction with the planning for the next Programme for Government and the development of the Budget so that we have an understanding of what will be deliverable. Some commitments have specific time frames set beside them, but others do not, so there will need to be quite a lot of programming to identify what will be achievable given the resources available etc.

Mr Sheehan: When do you expect that work to be finalised?

Mr Sterling: Ministers will want it to be done as quickly as possible. There is ongoing engagement with Ministers in the Executive to look at this. We met last Wednesday, and further sessions involving all Ministers are being planned.

Mr Sheehan: Can you give me a ball-park figure?

Mr Sterling: I cannot give you a date by which it will all be concluded, but certain things will drive it. Departments, for example, will need a budget for the next financial year beginning in April. The work done thereafter to develop a longer-term Programme for Government will need to kick off in earnest as well. That is the sort of time frame we are talking about. Ministers will be keen to agree the highest priority items that need to move ahead quickly. Some of those are identified in the 'NDNA' document. The more difficult thing will be to identify commitments that do not have a time frame attached to them and will need more consideration given those resource constraints.

Mr Sheehan: Are you saying that, where there are timescales, particularly for legislation, it has been decided where those will sit?

Mr Sterling: My expectation is that, where there are clear time frames for the delivery of legislation, every effort will be made to make sure that those are met.

Mr Sheehan: Is there agreement on which Department those will go into?

Mr Sterling: No, not yet.

Mr Sheehan: If there is no agreement yet, we can expect those time frames to slip.

Mr Sterling: No, I would not necessarily say that. It might be quite easy to agree where certain things sit. I am just saying that we have not sat down and determined that, but I do not want anything I have said to suggest that the time frames that are set out here will not be met. I am just saying that there are a lot of them. We just need to make sure that we have a programme that will allow everything to be delivered in line with the time frames set out.

Mr Sheehan: OK. Drilling down specifically into the Irish language legislation, there is a commitment in the NDNA that draft legislation will be before the Assembly within three months. What is your view on that? Is that a runner?

Mr Sterling: I have no reason to believe that that timetable will not be met.

Mr Sheehan: Right. What is the process for the appointment of an Irish language commissioner and an Ulster-Scots commissioner?

Mr Sterling: Officials in the Department are looking at that now. There is quite a big programme of work to be done. We will have to create a new unit to look after that. We are trying to pull together staff from various places to create that unit.

Mr Sheehan: What is the time frame for that?

Mr Sterling: The time frame for the completion of the unit that will manage that work is days. We are trying to pull together a team as we speak. After that, the aim will be to make sure that those time targets that you mentioned are met. I have a very clear understanding that we will have to do all that we can to make sure that they are met, and I have no reason to believe that they will not be.

Mr Sheehan: OK. Thanks.

Mr Robinson: I welcome David to the Committee. My question is about the Ebrington project. Where are we with that? It is in my neck of the woods, and I pass by it quite often. There is quite a lot of work still going on there. What role does the Department still have in that project?

Mr Sterling: There has been quite a lot of progress in recent times. I am sorry; it is one of the issues that I meant to check to see exactly where we are on that.

Mr Robinson: I sprung it on you.

Mr Stalford: You have stumped him, George.

Mr Sterling: I will make sure that you get the up-to-date position, but, certainly, good progress has been made. I cannot remember exactly what stage we are at, so apologies for that.

Mr Robinson: No problem, David, that is fine. Thank you.

Mr McCann: I want to go back to what Christopher spoke about earlier: the arm's-length bodies. You said that substantial work has taken place but that it will require substantially more. To me, usually, that suggests that it has been kicked down the road a bit. There are two years left in this mandate. Will we be in a position to be able to tackle and deal with some of the concerns that people have about arm's-length bodies, given that they have been a feature in the Assembly for many, many years?

Mr Sterling: There is a clear desire for the review to take place, and it will be done. I am just saying that it will need to be prioritised along with all the other things. There was a very, very strong desire the last time to reduce the number of ALBs. For a variety of reasons, that did not happen. I do not want that to suggest that we are going into this with the mindset that we cannot effect major change, but we need to be realistic and accept that this proved difficult before and might prove difficult again.

Mr Clarke: Thank you, David. I notice how you have chosen your words very carefully today. It is, I suppose, our first day and your first day. You said that, given the position we are in, you are prioritising. For some people, certain things are more important; for others, less important. Obviously, health and education will be up there for most people. Given what we heard about the British Government and the financial package, how confident are you that everything will be delivered? How confident are you that the British Government will cough up more money to deliver some of these things?

Mr Sterling: It is time to choose my words carefully. The Finance Minister made it clear that he does not believe that the financial resources provided will be sufficient to deliver all the commitments in the 'NDNA' document, and that is now widely recognised. That is why, as I say, I have been careful with my choice of words. Is there likely to be any more money? You will know that the Finance Minister had meetings in London last week, and he was, I think, quite positive about how they went. It is matter of record that the Department of Finance is doing further work to identify the cost of the various commitments and the challenges facing us, and it will go back to Treasury with a strong case for additional resources. I do not want to make a judgement on the likelihood of that leading to significantly more money. We hope that it will.

Mr Clarke: That leads me to this question: given that we have a list of very strong commitments, some of which will affect many in the community, whether that be through health or education, how will your Department draw up which of those are the biggest priorities, given the limited resources we have?

Mr Sterling: This is one of the really good reasons why I am —

Mr Clarke: You are retiring. *[Laughter.]*

Mr Sterling: — delighted to see Ministers back. Yes, that as well. There will need to be political discussions about priorities. I have no doubt about that.

Mr Clarke: Fair enough.

The Chairperson (Mr McGrath): David, you will be pleased to know that that is the end of the questions from members. The reduced number of members on Committees probably makes meetings go a bit more quickly. I hope that your sense of nervousness outside the door was worth it. I thank you for coming along. At this stage, it is probably far too late to point out that this session was being recorded by Hansard, but I want to update you that that was happening. I should have mentioned that at the beginning.

Mr Sterling: I had a conversation with a Hansard person outside.

The Chairperson (Mr McGrath): Good. Thank you very much for coming along; we appreciate that. I am sure that we will see you again, and, hopefully, we can get updates on some of the matters that we mentioned today. Wherever our forward work plan fits in with members of staff from your Department, if you would encourage them all to make themselves available to come up to see us, that would help to maintain the good relations that we hope to have going forward. Thank you very much indeed.

Mr Sterling: Absolutely. Thank you very much.